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Executive Orders

EXECUTIVE ORDER MJF 00-6

Louisiana Women's Policy and Research Commission

WHEREAS, the Louisiana Constitution of 1974, as amended, is designed to afford every person the opportunity for fullest development and to guarantee them the right to individual dignity "without regard to birth, age, sex, culture, physical condition, or political ideas or affiliations";

WHEREAS, notwithstanding these constitutional tenets, statistical data that compares the status of females in the state of Louisiana to males in this state and to females throughout the United States, suggests that gender-based disparities and gender-related hardships may persist in this state to a greater degree than in the nation as a whole and negatively impact on the quality of life of Louisiana's female population, especially in areas of access to health care and earnings potential;

WHEREAS, to improve the quality of life of Louisiana women, the causes of gender related disparities need to be identified and analyzed and public policies may need to be changed in order to mitigate those disparities; and

WHEREAS, the interests of the citizens of the state of Louisiana are well served by creating a commission charged with the duty of focusing on the quality of life of Louisiana's women and advising the governor on the means to help them achieve their fullest development and potential;

NOW THEREFORE I, M.J. "MIKE" FOSTER, JR., Governor of the state of Louisiana, by virtue of the authority vested in me by the constitution and laws of this state, do hereby order and direct as follows:

SECTION 1: The Louisiana Women's Policy and Research Commission (hereafter "Commission") is established in the executive department, Office of the Governor, Office of Women's Services.

SECTION 2: The duties of the Commission shall include, but are not limited to, the following:

A. Advising the governor, through the Office of Women's Services, on the particular hardships, concerns, and needs that challenge Louisiana women and their possible solutions;

B. Identifying and analyzing trends that negatively impact on the health and prosperity of Louisiana women; and

C. Monitoring the status of Louisiana women for the purpose of evaluating their economic, educational, and health concerns, needs and/or hardships.

SECTION 3: Commencing January 1, 2001, the Commission shall submit detailed annual reports to the governor, through the Office of Women's Service, which address the issues set forth in Section 2 of this Order.

SECTION 4: The Commission shall consist of a maximum of twenty-one (21) members who shall be appointed by the governor and serve at his pleasure. The Commission shall consist of the following members:

A. The governor, or the governor's designee;

B. The commissioner of administration, or the commissioner's designee;

C. The secretary of the Department of Social Services, or the secretary's designee;

D. The secretary of the Department of Health and Hospitals, or the secretary's designee;

E. The superintendent of the Department of Education, or the superintendent's designee;

F. The secretary of the Department of Labor, or the secretary's designee;

G. The executive director of the Office of Women's Services, Office of the Governor, or the executive director's designee;

H. The executive director of the Children's Cabinet, Office of the Governor, or the executive director's designee;

I. Two (2) members of the Women's Legislative Caucus; and

J. Eleven (11) Louisiana women who have significant academic and/or professional expertise in one (1) or more of the following areas:

1. Business or industry,

2. Economics,

3. Education,

4. Demographics,

5. Public health,

6. Law, or

7. Social science and/or social work.

SECTION 5: The governor shall appoint the chair of the Commission from its membership. All other officers shall be elected by the membership of the Commission.

SECTION 6: The Commission shall meet at regularly scheduled intervals and at the call of the chair.

SECTION 7: Support staff for the Commission and facilities for its meetings shall be provided by the Office of the Governor, Office of Women's Services.

SECTION 8: Commission members shall not receive additional compensation, a per diem, or travel expenses from the Office of the Governor.

SECTION 9: All departments, commissions, boards, agencies, and officers of the state, or any political subdivision thereof, are authorized and directed to cooperate with the Commission in implementing the provisions of this Order.

SECTION 10: The provisions of this Order shall continue in effect until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the state of Louisiana, at the Capitol, in the city of Baton Rouge, on this 16th day of February, 2000.

M.J. "Mike" Foster, Jr.
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
0003#019

EXECUTIVE ORDER MJF 00-7

Louisiana Highway 1 Project Task Force

WHEREAS, Executive Order No. MJF 98-46, signed on October 8, 1998, established the Louisiana Highway 1 Project Task Force (hereafter "Task Force");

WHEREAS, Executive Order No. MJF 98-46 was amended by Executive Order No. MJF 99-2, signed on January 12, 1999, which added to the membership of the Task Force¹ and Executive Order No. MJF 99-10, issued on March 16, 1999, which extended its reporting period; and

WHEREAS, it is necessary to amend Executive Order No. MJF 98-46, as amended by Executive Order Nos. MJF 99-2 and MJF 99-10, in order to increase the meeting and reporting duties of the Task Force;

NOW THEREFORE I, M.J. "MIKE" FOSTER, JR., Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: Section 3 of Executive Order No. MJF 98-46, as amended by Executive Order Nos. MJF 99-2² and 99-10, is amended to provide the follow:

A. The Task Force shall submit a comprehensive written report (hereafter "plan") to the governor; the House Committee on Transportation, Highways and Public Works; and the Senate Committee on Transportation, Highways and Public Works by November 1, 1999.

B.1) After January 1, 2000, the Task Force shall meet two (2) to six (6) time per year, at the discretion of the chair, to review and evaluate the progress of the LA 1 Project and/or oversee the implementation of the plan.

2) Within thirty (30) days of each meeting, the Task Force shall report its findings and/or conclusions to the governor; the House Committee on Transportation Highways and Public Works; and the Senate Committee on Transportation, Highways and Public Works.

SECTION 2: All other sections and subsections of Executive Order No. MJF 98-46, as amended by Executive Order Nos. MJF 99-2³ and MJF 99-10, shall remain in full force and effect.

SECTION 3: The provisions of this Order are effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

¹ Executive Order No. MJF 98-62, signed on November 10, 1998, and Executive Order No. MJF 98-64, signed on December 2, 1998, also altered the composition of the Task Force membership. However, both Orders have been terminated and rescinded. See Section 3 of Executive Order No. MJF 99-2.

²See note 1.

³See note 1.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the state of Louisiana, at the Capitol, in the city of Baton Rouge, on this 1st day of March, 2000.

M.J. "Mike" Foster, Jr.
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
0003#020

Emergency Rules

DECLARATION OF EMERGENCY

Department of Agriculture and Forestry Office of Agriculture and Environmental Sciences Division of Pesticides and Environmental Programs

Effect of Icon as a Pesticide (LAC 7:XXIII.143)

In accordance with the Administrative Procedure Act R.S. 49:953(B) and R.S. 3:3203(A), the Commissioner of Agriculture and Forestry is exercising the emergency provisions of the Administrative Procedure Act in adopting the following rules for the implementation of regulations governing the use of the pesticide, Icon (fipronil).

Icon is an essential pesticide in the control of rice pests. Without its use the rice crop in Louisiana is in imminent danger of being damaged by pests, to the extent that a substantial reduction in rice yield will result. Failure to control rice pests, therefore, poses an imminent peril to the economy of the state of Louisiana and to the rice growing parishes of Louisiana. The cumulative effect of Icon as a pesticide, the current drought conditions, saltwater intrusion, anticipated high water temperatures, and other weather related factors pose an imminent peril to the environment and to the economy of the state of Louisiana and to the rice growing parishes of Louisiana. The application of Icon in accordance with its label and labeling, but inconsistent with the Department's rules and regulation and the potential misuse of this pesticide poses an imminent peril to the public health, safety and welfare and to the environment, especially if it gets into the waterways of this state.

The Department has, therefore, determined that these emergency rules implementing a monitoring and registration program and governing Icon applications, during the current crop year, are necessary in order to alleviate these perils. Information will be gathered to determine whether the effectiveness of this chemical outweighs any potential risk to the public or the environment.

The rule becomes effective upon signature and will remain in effect 120 days.

Title 7

AGRICULTURE AND ANIMALS

Part XXIII. Pesticide

Chapter 1. Advisory Commission on Pesticides

Subchapter I. Regulations Governing Application of Pesticides

§143. Restrictions on Application of Certain Pesticides

A. - M.2. ...

N. Persons applying Icon to rice seed and persons selling or planting Icon treated rice seed, intended to be planted in Acadia, Allen, Beauregard, Calcasieu, Cameron, Evangeline, Iberia, Jefferson Davis, Lafayette, St. Landry, St. Martin, St. Mary, and Vermillion parishes shall comply with the following.

1. Registration Requirements

a. The Commissioner hereby declares that prior to making any application of Icon to rice seed, the seed treatment owner/operator must first register such intent by notifying the Division of Pesticides and Environmental Programs (DPEP) in writing.

b. The Commissioner hereby declares that prior to selling Icon treated rice seed, the dealer must first register such intent by notifying the DPEP in writing.

c. The Commissioner hereby declares that prior to making aerial applications of Icon treated rice seed, the aerial owner-operator must first register such intent by notifying the DPEP in writing.

2. Growers of rice shall not force or coerce applicators to apply Icon treated rice, when the applicators, conforming to the Louisiana Pesticide Laws and Rules and Regulations or to the pesticide label and labeling, deem it unsafe to make such applications. Growers found to be in violation of this section shall forfeit their right to use Icon treated rice seed, subject to appeal to the Advisory Commission on Pesticides.

3. Icon Application Restriction

a. Do not apply Icon treated rice seed by ground within 25 feet, or by air within 100 feet of lakes, reservoirs, rivers, permanent streams, marshes or natural ponds, estuaries and commercial fish farm ponds.

b. Do not allow Icon treated rice seed to drift into neighboring fields, ponds, streams or estuaries with fish, shellfish, or crustaceans (including crawfish).

c. All Icon label and labeling use restrictions shall be strictly followed.

4. Monitoring of Icon

a. Rice seed treaters, registered to treat rice seed with Icon, shall report daily to the DPEP, on forms prescribed by the Commissioner, all treatments of Icon to rice seed. Information shall include but not be limited to:

- i. pounds treated;
- ii. treatment rate;
- iii. pounds sold or distributed;
- iv. purchaser and/or grower name, address, and phone number.

b. Dealers selling Icon treated rice seed shall report daily, to the DPEP, on forms prescribed by the Commissioner all sales of Icon treated rice seed. Information shall include but not be limited to:

- i. pounds sold;
- ii. treatment rate;
- iii. acres to be planted;
- iv. planting date;
- v. purchaser and/or grower name, address, parish and phone number;
- vi. location and parish of field to be planted;
- vii. planting applicator-owner/operator (aerial or ground).

c. Aerial owner/operators planting Icon treated rice seed shall provide and maintain records daily, on forms

prescribed by the Commissioner all applications of Icon treated rice seed. Information shall include but not be limited to:

- i. pounds per acre planted;
 - ii. acres planted;
 - iii. date planted;
 - iv. grower name, address, parish and phone number;
 - v. location and parish of field planted;
 - vi. pilot's name and certification number.
5. Upon determination by the Commissioner that a threat or reasonable expectation of a threat to human health or to the environment exists, he may consider:
- a. stop orders for use, sales, or application;
 - b. label changes;
 - c. remedial or protective orders;
 - d. any other relevant remedies.

Bob Odom
Commissioner

0003#054

DECLARATION OF EMERGENCY

Student Financial Assistance Commission Office of Student Financial Assistance

Student Tuition and Revenue Trust (START Saving)
Program (LAC 28:VI.307, 315)

The Louisiana Tuition Trust Authority (LATTA) is exercising the emergency provisions of the Administrative Procedure Act [R.S. 49:953(B)] to amend rules of the Student Tuition Assistance and Revenue Trust (START Saving) Program (R.S. 17:3091-3099.2).

The emergency rules are necessary to allow the Louisiana Office of Student Financial Assistance and educational institutions to effectively administer these programs. A delay in promulgating rules would have an adverse impact on the financial welfare of the eligible students and the financial condition of their families. The commission has, therefore, determined that these emergency rules are necessary in order to prevent imminent financial peril to the welfare of the affected students.

This declaration of emergency is effective February 8, 2000, and shall remain in effect for the maximum period allowed under the Administrative Procedure Act.

Title 28 EDUCATION

Part VI. Student Financial Assistance- Higher Education Savings

Subchapter A. Student Tuition Trust Authority Chapter 3. Education Savings Account

§307. Allocation of Tuition Assistance Grants

A. - E.4. ...

F. Frequency of Allocation of Tuition Assistance Grants to Education Assistance Accounts. Tuition assistance grants will be allocated annually and reported to account owners after July 1, following the account owners' required disclosure of their prior year's reported federal adjusted gross income.

G. - H.2. ...

3. Tuition assistance grants, although allocated to a beneficiary's account and reported on the account owner's annual statements, are assets of the state of Louisiana until expended to pay a beneficiary's tuition at an eligible Louisiana institution.

H.4. - 5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3091-3099.2.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:715 (June 1997), amended LR 24:1271 (July 1998), LR 25:1794 (October 1999), LR 26:

§315. Miscellaneous Provisions

A. Account Statements and Reports

1. The LATTA will forward to each account owner an annual statement of account which itemizes the:

- a. date and amount of deposits and interest earned during the prior year;
- b. total principal and interest accrued to the statement date; and
- c. total tuition assistance grants and interest allocated to the account as of the statement date.

2. Tuition assistance grants shall be allocated annually and reported after July 1, following the account owners' required disclosure of their prior year's reported federal adjusted gross income.

3. The account owner must report errors on the annual statement of account to the LATTA within 60 days from the date on the account statement or the statement will be deemed correct.

B. Tuition Assistance Grants. Tuition assistance grants shall be allocated annually and reported to account owners by a separate letter of notification after July 1st, following the account owners' compliance with Section 307B of these regulations.

C. Earned Interest

1. Interest earned on principal deposits during a calendar year will be credited to accounts and reported to account owners after the conclusion of the calendar year in which the interest was earned.

C.2. - R. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3091-3099.2.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:718 (June 1997), amended LR 24:1274 (July 1998), LR 26:

Mark S. Riley
Assistant Executive Director

0003#009

DECLARATION OF EMERGENCY

Student Financial Assistance Commission Office of Student Financial Assistance

Tuition Opportunity Program for Students (TOPS)
Eligible Student (LAC 28:IV.301, 701)

The Louisiana Student Financial Assistance Commission (LASFAC) is exercising the emergency provisions of the Administrative Procedure Act [R.S. 49:953(B)] to amend rules of the Tuition Opportunity Program for Students (R.S. 17:3042.1 and R.S. 17:3048.1).

The emergency rules are necessary to allow the Louisiana Office of Student Financial Assistance and state educational institutions to effectively administer these programs. A delay in promulgating rules would have an adverse impact on the financial welfare of the eligible students and the financial condition of their families. The commission has, therefore, determined that these emergency rules are necessary in order to prevent imminent financial peril to the welfare of the affected students.

This declaration of emergency is effective February 8, 2000, and shall remain in effect for the maximum period allowed under the Administrative Procedure Act.

**Title 28
EDUCATION**

**Part IV. Student Financial Assistance Higher
Education Scholarship and Grant Programs**

Chapter 3. Definitions

§301. Definitions

* * *

Full-Time Student

a. - d. ...

e. a student enrolled in two or more institutions of higher education when such multiple enrollment is necessary for the student to gain access to the courses required for completion of the degree in the chosen discipline and where the total number of hours earned at all institutions during the academic year is the equivalent of carrying a full-time academic workload as determined by the institution which will award the degree.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Adopted by the Student Financial Assistance Commission, Office of Student Financial Assistance LR 17: 959 (October 1991), amended LR 22:338 (May 1996), LR 23:1645, 1648 (December 1997), promulgated LR 24:632 (April 1998), amended LR 24:1898 (October 1998), LR 24:2237 (December 1998), LR 25:256 (February 1999), LR 25:654 (April 1999), LR 25:1458, 1460 (August 1999), LR 25:1794 (October 1999), LR 26:65 (January 2000), LR 26:

**Chapter 7. Tuition Opportunity Program for
Students (TOPS) Opportunity,
Performance, and Honors Awards**

§701. General Provisions

A. - D. ...

E. Award Amounts. The specific award amounts for each component of TOPS are as follows.

1. - 10. ...

11. Students enrolled and attending more than one college or university at the same time shall be awarded as follows:

a. Students attending two or more Louisiana public two or four-year colleges or universities shall receive a total amount not to exceed the amount that would be paid at the school with the highest tuition among those at which the student is simultaneously enrolled.

b. Students attending two or more regionally accredited independent colleges or universities which are members of the Louisiana Association of Independent Colleges and Universities (LAICU) shall receive a total amount not to exceed the Weighted Average Award Amount, as defined in §301.

c. Students attending a combination of Louisiana public two or four-year colleges or universities and regionally accredited independent colleges or universities which are members of the Louisiana Association of Independent Colleges and Universities (LAICU) shall receive a total amount not to exceed the amount that would be paid at the public school with the highest tuition among those at which the student is simultaneously enrolled or the Weighted Average Award Amount, whichever amount is greater.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Adopted by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 17:959 (October 1991), amended LR 22:338 (May 1996), LR 23:1645, 1648 (December 1997), repromulgated LR 24:635 (April 1998), amended LR 24:1901 (October 1998), LR 25: 256 (February 1999) LR 26:67 (January 2000), LR 26:

Melanie Amrhein
Assistant Executive Director

0003#012

DECLARATION OF EMERGENCY

**Student Financial Assistance Commission
Office of Student Financial Assistance**

Tuition Opportunity Program for Students (TOPS)
Establishing Eligibility (LAC 28:IV.703)

The Louisiana Student Financial Assistance Commission (LASFAC) is exercising the emergency provisions of the Administrative Procedure Act [R.S. 49:953(B)] to amend rules of the Tuition Opportunity Program for Students (TOPS) (R.S. 17:3042.1 and R.S. 17:3048.1).

The emergency rules are necessary to implement changes to the TOPS rules to allow the Louisiana Office of Student Financial Assistance and state educational institutions to effectively administer these programs. A delay in promulgating rules would have an adverse impact on the financial welfare of the eligible students and the financial condition of their families. The commission has, therefore, determined that these emergency rules are necessary in order to prevent imminent financial peril to the welfare of the affected students.

This declaration of emergency is effective February 8, 2000, and shall remain in effect for the maximum period allowed under the Administrative Procedure Act.

**Title 28
EDUCATION**

**Part IV. Student Financial Assistance Higher
Education Scholarship and Grant Programs**

**Chapter 7. Tuition Opportunity Program for
Students (TOPS) Opportunity;
Performance and Honors Awards**

§703. Establishing Eligibility

A. - A.5.a.i. ...

ii. for purposes of satisfying the requirements of §703.A.5.a.i., above, the following courses shall be considered equivalent to the identified core courses and may be substituted to satisfy corresponding core courses:

Core Curriculum Course	Equivalent (Substitute) Course
Physical Science	General Science
Algebra I	Algebra I, Parts 1 and 2
Applied Algebra IA and IB	Applied Mathematics I and II
Algebra I, Algebra II and Geometry	Integrated Mathematics I, II and III
Geometry, Trigonometry, Calculus, or Comparable Advanced Mathematics	Pre-Calculus, Algebra III, Probability and Statistics, Discrete Mathematics, Applied Mathematics III*
Chemistry	Chemistry Com
Fine Arts Survey	Speech Debate (2 units)
Western Civilization	European History

*Applied Mathematics III was formerly referred to as Applied Geometry or

A.5.b. - G2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Adopted by the Student Financial Assistance Commission, Office of Student Financial Assistance LR 17:959 (October 1991), amended LR 22:338 (May 1996), LR 23:1648, promulgated LR 24:632 (April 1998), amended LR 24:1898 (October 1998), LR 25:2237 (December 1998), LR 25:257 (February 1999), LR 25:655 (April 1999), LR 25:1794 (October 1999), LR 26:64, 67 (January 2000), LR 26:

Melanie Amrhein
Assistant Executive Director

0003#011

DECLARATION OF EMERGENCY

Student Financial Assistance Commission Office of Student Financial Assistance

Tuition Opportunity Program for Students (TOPS)
Agency Decisions Subject to Appeal (LAC 28:IV.2109)

The Louisiana Student Financial Assistance Commission (LASFAC) is exercising the emergency provisions of the Administrative Procedure Act [R.S. 49:953(B)] to amend rules of the Tuition Opportunity Program for Students (R.S. 17:3042.1 and R.S. 17:3048.1).

The emergency rules are necessary to allow the Louisiana Office of Student Financial Assistance and state educational institutions to effectively administer these programs. A delay in promulgating rules would have an adverse impact on the financial welfare of the eligible students and the financial condition of their families. The commission has, therefore, determined that these emergency rules are necessary in order to prevent imminent financial peril to the welfare of the affected students.

This declaration of emergency is effective February 8, 2000, and shall remain in effect for the maximum period allowed under the Administrative Procedure Act.

Title 28

EDUCATION

Part IV. Student Financial Assistance^c Higher Education Scholarship and Grant Programs

Chapter 21. Miscellaneous Provisions and Exceptions

§2109. Agency Decisions Subject to Appeal

A. Right of Appeal

1. A person aggrieved by an adverse decision of LOSFA under §2103 E11(2) may appeal the decision in accordance with the procedures provided in this section.

2. Appeals are made to the Louisiana Student Financial Assistance Commission (the commission).

3. Decisions of the commission are not subject to appeal and are final actions.

B. Notice of Adverse Decision

1. Notice of an adverse decision by LOSFA under §2103 E11(2) must be transmitted in writing to the applicant or participant. The notice must state with reasonable specificity the decision and the reason for the decision, state that the decision may be appealed, and set forth the procedure for submission of an appeal.

C. Petition of Appeal

1. A petition of appeal must be in writing and filed within 30 days of the date of the notice of the decision.

2. The petition of appeal must include:

a. a sworn affidavit from the petitioner setting forth the basis of the appeal, including the specific reasons that LOSFA's decision is incorrect, and all facts supporting the appeal;

b. copies of all documents, including written statements by others, if any, that support the appeal;

c. official transcripts from the school/colleges attended during the periods in question; and

d. if the petitioner desires to make an oral presentation and/or argument, the petitioner must include in the petition for appeal:

i. a request to make oral presentation and/or argument;

ii. the name of each person who will speak and a brief summary of what each person will say; and

iii. the reasons why presentation of the appeal in writing is not sufficient and that an oral presentation and/or argument is justified.

3. The petitioner is not required to include documents in the petition of appeal which were forwarded with previous correspondence regarding the appeal.

4. The petition of appeal must be addressed to the Louisiana Student Financial Assistance Commission, in care of the Executive Director, Office of Student Financial Assistance and sent to Box 91202, Baton Rouge, LA 70821-9202, or hand delivered to 1885 Wooddale Boulevard, Wooddale Tower, Room 335, Baton Rouge, Louisiana.

5. Oral Presentations and/or Arguments

a. the commission may allow presentations and/or arguments when the commission determines that such extraordinary procedures are justified based on information submitted by the petitioner;

b. LOSFA shall have the right to question the appellant and each person making an oral presentation on behalf of the appellant;

c. the commission's chairman may limit the time available to the appellant to make an oral presentation.

D. Appellate Procedure

1. After receipt of the Petition of Appeal, LOSFA will review the petition of appeal and determine whether the matters included in it are sufficient to change LOSFA's adverse decision. If, based upon new information submitted, LOSFA reverses its decision and approves the appeal, the

petitioner will be notified in writing and no further action will be taken on the petition.

2. If LOSFA's decision remains adverse, LOSFA will prepare and forward the appellate's file (including the petition of appeal, the original request for reinstatement, LOSFA records relating to the appeal, and a written statement of LOSFA's position regarding the appeal to the ad hoc rules committee of the commission.

3. If the petition of appeal contains the appellant's request to make an oral presentation or argument, LOSFA shall notify the appellant in sufficient time to permit the appellant to be present when the appeal is scheduled to be heard by the ad hoc rules committee and the commission.

4. Pending a final decision by the commission, no further action will be taken in the matter by LOSFA.

5. The ad hoc rules committee will review the appellate file and make one of the following recommendations to the commission:

- a. recommend that LOSFA's decision be upheld; or
- b. recommend that LOSFA's decision be reversed;

or

c. remand the appellate file to LOSFA for further specified action(s); or

d. remand the appellate file to the commission without recommendation.

6. The ad hoc rules committee will forward the appellate file and its recommendation to the commission. The commission will review the recommendations of the committee and the appellate file.

7. The commission may adopt the recommendations of the committee or make a contrary decision approving or reversing LOSFA's decision, or remanding the matter to LOSFA for further specified actions.

8. Remanded matters will be expeditiously processed by LOSFA and returned to the commission for a final decision.

9. A decision of the commission to approve or reverse LOSFA's decision is final and is not subject to further review.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Adopted by the Student Financial Assistance Commission, Office of Student Financial Assistance LR 17:959 (October 1991), amended LR 22:338 (May 1996), promulgated LR 24:647 (April 1998), amended LR 24:1916 (October 1998), LR 26:

Melanie Amrhein
Assistant Executive Director

0003#010

DECLARATION OF EMERGENCY

**Department of Environmental Quality
Office of Environmental Assessment
Environmental Planning Division**

Privately Owned Sewage Treatments
(LAC 33:IX.2331, 2381, 2383, 2385,
2769 and 2801-2809)(WP035E2)

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

authority of R.S. 30:2011, the Secretary of the Department of Environmental Quality declares that an emergency action is necessary as a result of Act 399 of the 1999 Legislative Session, which required all privately-owned sewage treatment facilities, regulated by the Public Service Commission, to obtain financial security prior to receiving discharge authorization. This Act applies to any issuance, renewal, modification, or transfer of such permits after July 1, 1999, and mandates that the Department establish by rule the acceptable forms of financial security and the amount of financial security required for the various types and sizes of facilities. Therefore, after July 1, 1999, and until the necessary rule is in effect, the Department would be required to withhold all new discharge permits, renewal of existing, modification of existing, and transfers of existing discharge permits to all privately-owned, for-profit community sewage treatment facilities.

This is a renewal of Emergency Rule WP035E2, effective, October 29, 1999, and published in the *Louisiana Register* on November 20, 1999. The text of the October 29, 1999 rule remains the same with the exception of a revision to §2805. The original emergency rule WPO35E was effective July 1, 1999.

The delays inherent in the normal rulemaking process would imperil public health, safety, and welfare by precluding the legal operation of some sewage treatment facilities subject to Act 399. The legal operation of those sewage treatment facilities is essential for the proper treatment of sewage, necessary to reduce disease-causing microorganisms and pollutants that are harmful to fish and other aquatic life. The cessation of operation of such a treatment facility, as would be required by law, would necessitate either bypassing the treatment facility (resulting in the discharge of untreated sewage) or blocking all flow of sewage through the collection system (rendering uninhabitable every building served by that system). The Department cannot ensure protection of public health, welfare, and the environment without the issuance of discharge permits with proper effluent limitations and monitoring requirements.

The immediate impact of this rule is to give effect to the terms and conditions of Act 399, thus allowing the Department to continue regulating treated sanitary discharges from private treatment facilities which serve large segments of Louisiana's population.

This emergency rule is effective February 26, 2000, and shall remain in effect for a maximum of 120 days or until a final rule is promulgated, whichever comes first. For more information concerning WP035E2, you may contact the Regulation Development Section at (225) 765-0399. Adopted this 25th day of February, 2000.

Title 33

ENVIRONMENTAL QUALITY

Part IX. Water Quality Regulations

**Chapter 23. The Louisiana Pollutant Discharge
Elimination System (LPDES) Program
Subchapter B. Permit Application and Special LPDES
Program Requirements**

§2331. Application for a Permit

[See Prior Text in A - O. Editorial Note]

P. Additional Requirements for Privately-Owned Sewage Treatment Facilities Regulated by the Public Service Commission. Privately-owned sewage treatment facilities regulated by the Public Service Commission must also comply with the financial security requirements in LAC 33:IX.Chapter 23.Subchapter W. Following receipt of the permit application the administrative authority shall calculate and subsequently notify the applicant of the "waste discharge capacity per day" for the facility. The applicant will use this figure to determine the amount of the financial security required by LAC 33:IX.Chapter 23.Subchapter W. The applicant shall subsequently obtain and supply the department with the financial security document in accordance with LAC 33:IX.Chapter 23.Subchapter W. No permit shall be issued after July 1, 1999, without the required financial security.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Sections 2074(B)(3) and(4) and 2075.2.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 23:723 (June 1997), amended by the Office of the Secretary, LR 25:661 (April 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

Subchapter D. Transfer, Modification, Revocation and Reissuance, and Termination

§2381. Transfer of Permits

* * *

[See Prior Text in A - B.1]

2. the notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them;

3. the state administrative authority does not notify the existing permittee and the proposed new permittee of his or her intent to modify or revoke and reissue the permit. A modification under this Subsection may also be a minor modification under LAC 33:IX.2385. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in LAC 33:IX.2381.B.2; and

4. additional requirements are met for privately-owned sewage treatment facilities regulated by the Public Service Commission when transferred after July 1, 1999. The new permittee shall comply with the financial security requirements in LAC 33:IX.Chapter 23.Subchapter W.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Sections 2074(B)(3) and(4) and 2075.2.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

§2383. Modification or Revocation and Reissuance of Permits

* * *

[See Prior Text in A - B.2]

C. Upon modification or revocation and reissuance of a permit for a privately-owned sewage treatment facility regulated by the Public Service Commission, the permittee shall comply with the financial security requirements in LAC 33:IX.Chapter 23.Subchapter W.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Sections 2074(B)(3) and(4) and 2075.2.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 23:724 (June 1997), LR 23:1524 (November 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

§2385. Minor Modifications of Permits

A. Upon the consent of the permittee, the state administrative authority may modify a permit to make the corrections or allowances for changes in the permitted activity listed in this Section, without following the procedures of LAC 33:IX.Chapter 23.Subchapters E-G. Any permit modification not processed as a minor modification under this Section must be made for cause and with LAC 33:IX.Chapter 23.Subchapters E-G draft permit and public notice as required in LAC 33:IX.2383. Minor modifications may only:

1. correct typographical errors;
2. require more frequent monitoring or reporting by the permittee;
3. change an interim compliance date in a schedule of compliance, provided the new date is not more than 120 days after the date specified in the existing permit and does not interfere with attainment of the final compliance date requirement; or
4. allow for a change in ownership or operational control of a facility where the state administrative authority determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittees has been submitted to the state administrative authority. The new permittee of a privately-owned sewage treatment facility regulated by the Public Service Commission must additionally comply with the financial security requirements in LAC 33:IX.Chapter 23.Subchapter W.

* * *

[See Prior Text in A. 5 - 7]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Sections 2074(B)(3) and(4) and 2075.2.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

Subchapter V. Additional Requirements Applicable to the LPDES Program

§2769. Additional Requirements for Permit Renewal and Termination

A. The following are causes, in addition to those found in LAC 33:IX.2387, for terminating a permit during its term or for denying a permit renewal:

* * *

[See Prior Text in A.1]

2. due consideration of the facility's history of violations and compliance;
3. change of ownership or operational control (see LAC 33:IX.2381); and/or
4. failure to provide or maintain financial security in accordance with LAC 33:IX.Chapter 23.Subchapter W.

* * *

[See Prior Text in B - D]

PERFORMANCE BOND

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Sections 2074(B)(3) and(4) and 2075.2.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 23:726 (June 1997), amended by the Office of the Secretary, LR 25:662 (April 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

Subchapter W. Financial Security

§2801. Applicability

A. This Subsection shall be applicable to the following actions, for privately-owned sewage treatment facilities regulated by the Public Service Commission, when taken after July 1, 1999:

1. issuance of a new discharge permit;
2. renewal of an existing discharge permit;
3. modification of an existing discharge permit; and
4. transfer of an existing discharge permit to a different permittee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Sections 2074(B)(3) and(4) and 2075.2.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 26:

§2803. Acceptable Form of Financial Security

A. Financial security required by R.S. 30:2075.2 may be established by any one or a combination of the following mechanisms.

1. Surety Bond. The requirements of this Section may be satisfied by obtaining a surety bond that conforms to the following requirements:

a. the bond must be submitted to the department at the following address: Department of Environmental Quality, Office of Management and Finance, Financial Services, Box 82231, Baton Rouge, LA 70884-2231;

b. the bond must be executed by the permittee and a corporate surety licensed to do business in Louisiana. The surety must, at a minimum, be among those listed as acceptable sureties on federal bonds in Circular 570 of the U.S. Department of the Treasury and be approved by the administrative authority;

c. under the terms of the bond, the surety will become liable on the bond obligation when the permit holder fails to perform as guaranteed by the bond;

d. under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the permit holder and to the administrative authority at the address indicated in Subsection A.1.a of this Section. Cancellation may not occur, however, before 120 days have elapsed, beginning on the date that both the permit holder and the administrative authority receive the notice of cancellation, as evidenced by the return receipts; and

e. the wording of the surety bond must be identical to the following, except that material in brackets is to be replaced with the relevant information and the brackets deleted:

Date bond was executed: _____
Effective date: _____
Principal: [legal name and business address of permit holder or applicant]
Type of organization: [insert "individual," "joint venture," "partnership," or "corporation"]
State of incorporation: _____
Surety: [name(s) and business address(es)]
[Site identification number, site name, facility name, facility permit number, facility address, amount for each facility guaranteed by this bond]
Total penal sum of bond: \$ _____
Surety's bond number: _____

Know All Persons By These Presents That we, the Principal and Surety hereto, are firmly bound to the Louisiana Department of Environmental Quality in the above penal sum for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, provided that, where Sureties are corporations acting as cosureties, we, the Sureties, bind ourselves in such sum "jointly and severally" only for the purpose of allowing a joint action or actions against any or all of us and, for all other purposes, each Surety binds itself, jointly and severally with the Principal, for the payment of such sum only as is set forth opposite the name of such Surety, but if no limit of liability is indicated, the limit of liability shall be the full amount of the penal sum.

WHEREAS, said Principal is required, under the Louisiana Environmental Quality Act, La. R.S. 30:2001, et seq., to have a permit in order to discharge wastewater from the facility identified above; and

WHEREAS, the Principal is required by law to provide financial assurance for the conditions specified in LAC 33:IX.Chapter 23.Subchapter W, as a condition of the permit; and

THEREFORE, the conditions of this obligation are such that if the Principal shall faithfully perform, in a timely manner, the requirements of LAC 33:IX applicable to the facility for which this bond guarantees the requirements of LAC 33:IX, in accordance with the other requirements of the permit as such permit may be amended and pursuant to all applicable laws, statutes, rules, and regulations, as such laws, statutes, rules, and regulations may be amended;

OR, if the Principal shall provide other financial assurance as specified in LAC 33:IX.Chapter 23.Subchapter W and obtain written approval of the administrative authority of such assurance within 90 days after the date of notice of cancellation of this bond is received by both the Principal and the administrative authority, then this obligation shall be null and void; otherwise, it is to remain in full force and effect.

The Surety shall become liable on this bond obligation only when the Principal has failed to fulfill the conditions described hereinabove.

Upon notification by the administrative authority that the Principal has been found in violation of the requirements of LAC 33:IX or of its permit, for the facility for which this bond guarantees performances of the requirements of LAC 33:IX.Chapter 23.Subchapter W, the Surety shall either perform the requirements of LAC 33:IX.Chapter 23.Subchapter W, or place the closure amount guaranteed for the facility into the standby trust fund as directed by the administrative authority.

The Surety hereby waives notification of amendments to permit, applicable laws, statutes, rules, and regulations and agrees that no such amendment shall in any way alleviate its obligation on this bond.

The liability of the Surety(ies) shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the aggregate to the penal sum of the bond, but in no event shall the obligation of the Surety hereunder exceed the amount of the penal sum.

The Surety may cancel the bond by sending notice of cancellation by certified mail to the Principal and to the administrative authority. Cancellation shall not occur before 120 days have lapsed, beginning on the date that both the Principal and the administrative authority received the notice of cancellation as evidenced by the return receipts.

The Principal may terminate this bond by sending written notice to the Surety and to the administrative authority, provided, however, that no such notice shall become effective until the Surety receives written authorization for termination of the bond by the administrative authority.

The Principal and Surety hereby agree that no portion of the penal sum may be expended without prior written approval of the administrative authority.

IN WITNESS WHEREOF, the Principal and the Surety have executed this PERFORMANCE BOND on the date set forth above.

Those persons whose signatures appear below hereby certify that they are authorized to execute this surety bond on behalf of the Principal and Surety, that each Surety hereto is authorized to do business in the state of Louisiana, and that the wording of this surety bond is identical to the wording specified in LAC 33:IX.2803.A.1, effective on the date this bond was executed.

PRINCIPAL

[Signature(s)]
[Name(s)]
[Title(s)]

CORPORATE SURETY

[Name and address]
State of incorporation: _____
Liability limit: \$ _____
[Signature(s)]
[Name(s) and title(s)]
[For every cosurety, provide signature(s) and other information in the same manner as for Surety above.]
Bond premium: \$ _____

2. Letter of Credit. The requirements of this Section may be satisfied by obtaining a Letter of Credit that conforms to the following requirements:

a. the letter of credit must be submitted to the department at the following address: Louisiana Department of Environmental Quality, Office of Management and Finance, Financial Services, Box 82231, Baton Rouge, LA 70884-2231;

b. the issuing institution must be an entity that has the authority to issue letters of credit and whose letter of credit operations are regulated and examined by a federal or state agency;

c. the letter of credit must be irrevocable and issued for a period of at least one year, unless at least 120 days before the current expiration date, the issuing institution notifies both the permit holder and the administrative authority at the address indicated in Subsection A.2.a of this Section by certified mail of a decision not to extend the expiration date. Under the terms of the letter of credit, the 120 days will begin on the date when both the permit holder and the administrative authority receive the notice, as evidenced by the return receipts; and

d. the wording of the letter of credit shall be identical to the wording that follows, except that the instructions in brackets are to be replaced with the relevant information and the brackets deleted:

IRREVOCABLE LETTER OF CREDIT

Secretary
Louisiana Department of Environmental Quality
Financial Services
Post Office Box 82231
Baton Rouge, Louisiana 70884-2231

Dear Sir:

We hereby establish our Irrevocable Standby Letter of Credit No. _____ in favor of the Department of Environmental Quality of the state of Louisiana at the request and for the account of [permit holder's or applicant's name and address] for the conditions specified in LAC 33:IX.Chapter 23.Subchapter W for its [list site identification number, site name, facility name, facility permit number] at [location], Louisiana, for any sum or sums up to the aggregate amount of U.S. dollars \$ _____ upon presentation of:

- (1). A sight draft, bearing reference to the Letter of Credit No. _____ drawn by the administrative authority, together with;
- (2). A statement, signed by the administrative authority, declaring that the amount of the draft is payable pursuant to the Louisiana Environmental Quality Act, R.S. 30:2001, et seq.

The Letter of Credit is effective as of [date] and will expire on [date], but such expiration date will be automatically extended for a period of at least one year on the above expiration date [date] and on each successive expiration date thereafter, unless, at least 120 days before the then-current expiration date, we notify both the administrative authority and [name of permit holder or applicant] by certified mail that we have decided not to extend this Letter of Credit beyond the then-current expiration date. In the event that we give such notification, any unused portion of this Letter of Credit shall be available upon presentation of your sight draft for 120 days after the date of receipt by both the Department of Environmental Quality and [name of permit holder or applicant] as shown on the signed return receipts.

Whenever this Letter of Credit is drawn under and in compliance with the terms of this credit, we shall duly honor such draft upon presentation to us, and we shall deposit the amount of the draft in accordance with the administrative authority's instructions.

Except to the extent otherwise expressly agreed to, the Uniform Customs and Practice for Documentary Letters of Credit (1983), International Chamber of Commerce Publication No. 400, shall apply to this Letter of Credit.

We certify that the wording of this Letter of Credit is identical to the wording specified in LAC 33:IX.2803.A.2, effective on the date shown immediately below.

[Signature(s) and title(s) of
official(s) of issuing
institution(s)]
[date]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Sections 2074(B)(3) and(4) and 2075.2.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 26:

§2805. Amount of Required Financial Security

A. The amount of the financial security must be equal to or greater than \$1 per gallon of wastewater discharge per day from the facility, as determined by the administrative authority, up to a maximum of \$25,000.

B. The secretary may, in his discretion, allow a single financial security instrument to satisfy the requirements of this Subchapter for up to four permits held by the same permittee, if the amount of financial security provided by that instrument is large enough to satisfy the requirements of Subsection A of this Section for the facility with the greatest amount of wastewater discharge per day.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Sections 2074(B)(3) and(4) and 2075.2.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 26:

§2807. Conditions for Forfeiture

A. The secretary or his designee may enter an order requiring forfeiture of all or part of the financial security, if he determines that:

1. the continued operation or lack of operation and maintenance of the facility covered by this Subsection represents a threat to public health, welfare, or the environment because the permittee is unable or unwilling to adequately operate and maintain the facility or the facility has been actually or effectively abandoned by the permittee. Evidence justifying such determination includes, but is not limited to:

- a. the discharge of pollutants exceeding limitations imposed by applicable permits;
- b. failure to utilize or maintain adequate disinfection facilities;

- c. failure to correct overflows or backups from the collection system;
 - d. a declaration of a public health emergency by the state health officer; and
 - e. a determination by the Public Service Commission that the permittee is financially unable to properly operate or maintain the system;
2. reasonable and practical efforts under the circumstances have been made to obtain corrective actions from the permittee; and
 3. it does not appear that corrective actions can or will be taken within an appropriate time as determined by the secretary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Sections 2074(B)(3) and(4) and 2075.2 and 3.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 26:

§2809. Use of Proceeds

The proceeds of any forfeiture shall be used by the secretary, or by any receiver appointed by a court under R.S. 30:2075.3, to address or correct the deficiencies at the facility or to maintain and operate the system, as deemed necessary by the secretary under LAC 33:IX.2807.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Sections 2074(B)(3) and(4) and 2075.2 and 3.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 26:

J. Dale Givens
Secretary

0003#006

DECLARATION OF EMERGENCY

**Department of Environmental Quality
Office of the Secretary**

**Beneficial Environmental Projects (BEPs)
(LAC 33:I.2501-2505)(OS037E)**

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B), and under authority of R.S. 30:2011, the Secretary of the Department of Environmental Quality (DEQ) declares that an emergency action is necessary to ensure efficient enforcement of the environmental laws of this state. Beneficial environmental projects (BEPs) have been proposed which will substantially benefit neighboring communities and reduce the load of pollutants discharged into the environment.

This rule will serve to facilitate the settlement of environmental actions and promote the use of BEPs. Without this rule, projects that are otherwise advantageous to the state may be delayed, withdrawn, or not performed.

This emergency rule is effective on March 10, 2000, and shall remain in effect for the maximum of 120 days or until a final rule is promulgated, whichever occurs first. For more information concerning OS037E, you may contact DEQ's Regulation Development Section at (225) 765-0399. Adopted this 10th day of March, 2000.

**Title 33
ENVIRONMENTAL QUALITY**

Part I. Office of the Secretary

Subpart 1. Department Administrative Procedures

Chapter 25. Beneficial Environmental Projects

§2501. Applicability

These regulations apply when the department has decided to enter into a settlement in which a beneficial environmental project (BEP) is utilized. The department reserves the right to settle for the amount of cash penalty, if any, it deems appropriate in considering all of the circumstances relating to the case in which the settlement is perfected. The decision to enter into a settlement that includes a BEP is solely within the discretion of the department. Nothing in these regulations requires that the department enter into a settlement or that the settlement include BEPs. Any BEP may be accepted if it meets the terms of these regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011(D)(1), 2031, and 2050.7(E).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 26:

§2503. Definitions

Beneficial Environmental Project (BEP)—a project that provides for environmental mitigation which the defendant/respondent is not otherwise legally required to perform, but which the defendant/respondent agrees to undertake as a component of a settlement of a violation(s) or penalty assessment.

Environmental Mitigation—that which tends to lead in any way to the protection from, reduction of, or general awareness of potential risks or harm to public health and the environment. Environmental mitigation includes any and all projects that conform to the requirements set forth in LAC 33:I.2505.

Not Otherwise Legally Required to Perform—the approved project is not required of the defendant/respondent by any federal, state, or local law, regulation, or permit (except that early compliance may be allowed) or actions which the defendant/respondent may be required to perform as injunctive relief in the instant case or as part of a settlement or order in another action.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011(D)(1), 2031 and 2050.7(E).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 26:

§2505. Project Categories

A. A BEP must be within one or more of the following categories:

1. Public Health. A public health project provides diagnostic, preventative, and/or remedial components of human health care that is related to the actual or potential damage to human health caused by a violation of environmental law or mismanagement of substances containing constituents detrimental to human health. This may include, but is not limited to, epidemiological data collection and analysis, medical examinations of potentially affected persons, collection and analysis of blood/fluid/tissue samples, medical treatment, and rehabilitation therapy.

2. Pollution Prevention

a. A pollution prevention project is one that reduces the generation of pollution through "source reduction," i.e., any practice that reduces the amount of any hazardous substance, pollutant, or contaminant entering any waste stream or otherwise being released into the environment, prior to recycling, treatment, or disposal. (After the pollutant or waste stream has been generated, pollution prevention is no longer possible and the waste must be handled by appropriate recycling, treatment, containment, or disposal methods.)

b. Source reduction may include equipment or technology modifications, process or procedure modifications, reformulation or redesign of products, substitution of raw materials, and improvements in housekeeping, maintenance, training, inventory control, or other operation and maintenance procedures. Pollution prevention also includes any project which protects natural resources through conservation or increased efficiency in the use of energy, water, or other materials. In-process recycling, wherein waste materials produced during a manufacturing process are returned directly to production as raw materials on site, is considered a pollution prevention project.

c. In all cases, for a project to meet the definition of pollution prevention, there must be an overall decrease in the amount and/or toxicity of pollution released to the environment, not merely a transfer of pollution among media. This decrease may be achieved directly or through increased efficiency (conservation) in the use of energy, water, or other materials.

3. Pollution Reduction. If the pollutant or waste stream already has been generated or released, a pollution reduction approach, which employs recycling, treatment, containment, or disposal techniques, may be appropriate. A pollution reduction project is one that results in a decrease in the amount and/or toxicity of any hazardous substance, pollutant, or contaminant entering any waste stream or otherwise being released into the environment by an operating business or facility by a means which does not qualify as "pollution prevention." This may include the installation of more effective end-of-process control or treatment technology, or improved containment, or safer disposal of an existing pollutant source. Pollution reduction also includes "out-of-process recycling," wherein industrial waste collected after the manufacturing process and/or consumer waste materials are used as raw materials for production off-site.

4. Environmental Restoration and Protection. An environmental restoration and protection project is one that goes beyond repairing the damage caused by the violation to enhance the condition of any ecosystem or geographic area. These projects may be used to restore or protect natural environments (including ecosystems) and man-made environments (including the removal/mitigation of contaminated materials, such as soils, asbestos, and leaded paint, from facilities and buildings). Also included is any project which protects the ecosystem from actual or potential damage resulting from violations of state environmental regulations or improves the overall environmental condition of the ecosystem or geographic area. Examples of these

projects include: restoration of a wetland; purchase and management of a watershed area or environmentally sensitive area; and providing for the protection of endangered species, i.e. developing conservation programs or habitat protection and enhancement.

5. Assessments and Audits

a. The four types of assessments/audits are:

- i. pollution prevention assessments;
- ii. site assessments;
- iii. environmental management system audits; and
- iv. compliance audits.

b. These assessment or audit projects must be performed by an entity approved by the department. The defendant/respondent must agree to provide a certified copy of the assessment or audit to the department along with an implementation report to detail the action(s) taken and/or to defend the facility's decision to forego implementation of the suggested changes listed in the audit report. Settlement agreements which include assessment and/or audit projects may be constructed with stipulated penalty amounts for failure to implement suggested changes included in the report that the department deems appropriate based on an assessment of the certified implementation report provided by the facility. Assessments and audits may not include projects that are required by enforcement and/or legal requirements.

6. Environmental Compliance Promotion. An environmental compliance promotion project provides training or technical support to identify, achieve and maintain compliance with applicable statutory and regulatory requirements; avoid committing a violation with respect to such statutory and regulatory requirements; go beyond compliance by reducing the generation, release, or disposal of pollutants to a level below the legally required limits; or promote environmental education, including awareness of potential risks or harm to the public health and the environment. In all cases, the department will specify the approved party responsible for developing and providing the environmental compliance promotion project. Acceptable projects may include, but are not limited to, the production and or sponsorship of seminar(s) related to environmental obligations, regulations, and improvement techniques.

7. Emergency Planning, Preparedness, and Response. An emergency planning and preparedness project provides assistance to a responsible state or local emergency planning, preparedness, or response entity. This is to enable these organizations to further fulfill their obligations to collect information to assess the dangers of hazardous chemicals present in a response situation, to develop emergency plans and/or procedures, to train emergency response personnel, and to better respond to emergency situations. These projects may include providing computers and software, communication systems, chemical emission detection and inactivation equipment, or hazardous materials equipment or training.

8. Other Projects. Projects determined by the department to have environmental merit that do not fit within at least one of the seven categories above may be accepted if they are otherwise fully consistent with the intent of these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011(D)(1), 2031 and 2050.7(E).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 26:

J. Dale Givens
Secretary

0003#066

DECLARATION OF EMERGENCY

**Office of the Governor
Division of Administration
Board of Trustees of the State Employees
Group Benefits Program**

Fee Schedule

Pursuant to the authority granted by R.S. 42:871(C) and 874(B)(2), vesting the Board of Trustees with the responsibility for administration of the State Employees Group Benefits Program and granting the power to adopt and promulgate rules with respect thereto, and in order to comply with R.S. 42:851.5 which requires the Board to adopt and promulgate a schedule of maximum fees for medical and surgical services and for professional services provided in hospitals, the Board of Trustees hereby invokes the Emergency Rule provisions of R.S. 49:953(B).

Failure to adopt this rule on an emergency basis will result in a financial impact adversely affecting the availability of services necessary to maintain the health and welfare of the covered employees and their dependents, which is crucial to the delivery of vital services to the citizens of the state. Accordingly, the following Emergency Rule is effective February 25, 2000, and shall remain in effect for a maximum of 120 days or until promulgation of the final Rule, whichever occurs first.

Emergency Rule

The maximum fees for medical and surgical services and for professional services provided in hospitals, when such medical, surgical, or professional services are rendered by providers who have not entered into contracts with the State Employees Group Benefits Program establishing the allowed charges for the services, shall be the 60th percentile of MDR's MediCode allowed charge. In the event that an allowed fee for the CPT code is not found in MDR's MediCode schedule, the maximum fee will be 75 percent of the provider's billed charge.

A. Kip Wall
Interim Chief Executive Officer

0003#004

DECLARATION OF EMERGENCY

**Department of Health and Hospitals
Board of Pharmacy**

Drug Returns (LAC 46:LIII.3517)

The Board of Pharmacy is exercising the emergency provisions of the Administrative Procedure Act (LRS 49:953.B) to amend the rule prohibiting the return of prescription drugs (LAC 46:LIII.3517). The emergency rule is necessary to allow the Board of Pharmacy to amend the rule in such a manner as to permit the recycling of prescription drugs under limited conditions to certain pharmacies serving the indigent population of the state. A delay in promulgating the rule will continue the adverse impact on the indigent population of Louisiana caused by the restriction on recycling prescription drugs. The Board has determined that the emergency rule is necessary to prevent imminent peril to the public health, safety, and welfare. The declaration of emergency is effective March 1, 2000, and shall remain in effect for the maximum time period allowed under the Administrative Procedure Act or until adoption of the final rule, whichever occurs first.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LIII. Pharmacists

Chapter 35. Pharmacy Prescription Drugs

§3517. Drug Returns

A. Drugs dispensed on prescription to a patient shall not be accepted for return, exchange, or re-dispensing by any pharmacist or pharmacy after such drugs have been removed from the pharmacy premises where they were dispensed except:

1. in a hospital with a permitted hospital pharmacy on site, drugs may be returned to the pharmacy in accordance with good professional practice standards;

2. in facilities licensed by the Louisiana Department of Health and Hospitals where United States Pharmacopoeia (USP) storage requirements can be assured, legend drugs, except controlled substances, dispensed in unit dose or in individually sealed doses may be transferred to a provisional permitted pharmacy for relabeling and dispensing to the indigent, free of charge, pursuant to a valid prescription order.

a. The pharmacist-in-charge (PIC) of the provisional permitted pharmacy shall be responsible to determine the suitability of the product for reuse.

i. No product where integrity cannot be assured shall be accepted for re-dispensing by the pharmacist.

ii. A re-dispensed prescription medication shall be assigned the expiration date stated on the package.

iii. No product shall be re-dispensed more than one time.

b. Pursuant to a voluntary agreement between a facility licensed by the Louisiana Department of Health and Hospitals and a pharmacy holding a provisional permit from the Louisiana Board of Pharmacy, legend drugs, except controlled substances, may be transferred from the facility to the pharmacy provided the following procedures are satisfied.

i. The physical transfer shall be accomplished by a person authorized to do so by the provisional permitted pharmacy.

ii. The patient from whom the prescription medication was obtained shall document their consent for the donation; the consent shall be maintained on file at the facility.

iii. The patient's name, prescription number, and any other identifying marks, shall be obliterated from the packaging prior to removal from the facility.

iv. The drug name, strength, and expiration date shall remain on the medication package label.

v. An inventory list of the drugs shall accompany the drugs being transferred; at a minimum, the list shall contain the medication name, strength, expiration date, and quantity.

vi. Expired drugs shall not be transferred; personnel designated by the facility shall destroy them on-site.

AUTHORITY NOTE: Promulgated in accordance with LRS 37:1182.A.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 26:

Malcolm J. Broussard, RPh
Executive Director

0003#022

DECLARATION OF EMERGENCY

Department of Health and Hospitals Office and Management and Finance

Medicare Rural Hospital Flexibility Program (MRHF)
Critical Access Hospitals (LAC 48:I.7601 and 7609)

The Department of Health and Hospitals, Office of Management and Finance, Division of Research and Development proposes to amend the rule in the Medicare Rural Hospital Flexibility Program (MRHF) as authorized by the Balanced Budget Act of 1997 (Public Law 105-33) and pursuant to Title XVIII of the Social Security Act. This rule is in accordance with the Medicare, Medicaid, State Children's Health Insurance Programs (SCHIP) Balanced Budget Refinement Act of 1999. This rule is in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

This emergency rule will amend the rule published in the *Louisiana Register*, Vol. 25, No. 8, pp. 1478-1480, August 20, 1999 by expanding the definition of "rural", and changing other criteria to allow additional hospitals to participate in the Medicare Rural Hospital Flexibility Program (MRHF). The Program assists rural communities in improving access to essential care through the establishment of Critical Access Hospitals (CAH) which are limited

service hospitals eligible for Medicare certification and cost based reimbursement.

This action is necessary to avoid imminent peril to the public welfare served by small rural hospital facing closure due to financial problems.

Emergency Rule

Effective March 20, 2000, the Department of Health and Hospitals, Division of Research and Development, will expand the criteria for participation in the Medicare Rural Hospital Flexibility Program (MRHF) which will make additional rural hospitals eligible to participate as limited service hospitals eligible for Medicare certification and reimbursement. To qualify as a CAH, the small rural hospital must complete the following designation, licensing, and certification processes.

Title 48

PUBLIC HEALTH-GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 76. Medicare Rural Hospital Flexibility Program (MRHF)

Subchapter A. Critical Access Hospitals

§7601. Definitions

A. ...

Rural may be in a rural census tract in a Metropolitan Statistical Area (MSA) as determined under the Goldsmith Modification, originally published in the *Federal Register* on February 27, 1992, or

a. has no more than 60 hospital beds as of July 1, 1994, and:

(i). is located in a parish with a population of less than fifty thousand; or

(ii). is located in a municipality with a population of less than twenty thousand; or

b. meets the qualifications of a sole community hospital under 43 CRF 412.92(a); or

c. has no more than sixty hospital beds as of July 1, 1999, and is located in a parish with a population, as measured by the 1990 census, of less than 17,000.

AUTHORITY NOTE: Promulgated in accordance with the Balanced Budget Act of 1997 (PL 105-33) and Title XVIII of the Social Security Act; amended by Medicare, Medicaid, SCHIP Balanced Budget Refinement Act of 1999.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Management and Finance, Division of Research and Development, LR 25:1478 (August 1999), amended LR 26:

§7603. Criteria for Designation as a CAH

A. ...

1. be a licensed hospital;

2. - 4.b. ...

c. Provides not more than 15 acute care inpatient beds, meeting such standards as the Secretary may establish, for providing inpatient care that does not exceed, as determined on an annual, average basis, 96 hours per patient.

AUTHORITY NOTE: Promulgated in accordance with the Balanced Budget Act of 1997 (PL 105-33) and Title XVIII of the Social Security Act; amended by Medicare, Medicaid, SCHIP Balanced Budget Refinement Act of 1999.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Management and Finance, LR 25:1479 (August 1999), amended LR 26:

§7609. Application Submission and Review

A. - B. ...

C. The supporting information to be included with the application is:

1. documentation of ownership, including names of owners and percent of ownership;

2. - 4. ...

AUTHORITY NOTE: Promulgated in accordance with the Balanced Budget Act of 1997 (PL 105-33) and Title XVIII of the Social Security Act; amended by Medicare, Medicaid, SCHIP Balanced Budget Refinement Act of 1999.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Management and Finance, Division of Research and Development, LR 25:1479 (August 1999), amended LR 26:

Interested persons may submit written comments to Helene Robinson, Department of Health and Hospitals, Office of Management and Finance, Division of Research and Development, Post Office Box 2870, Baton Rouge, Louisiana 70821-2870.

David W. Hood
Secretary

0003#042

DECLARATION OF EMERGENCY

**Department of Social Services
Office of Rehabilitation Services**

Vocational Rehabilitation Policy Manual
Applicant/Client Appeal Rights
(LAC 67:VII.107)

The Department of Social Services, Louisiana Rehabilitation Services, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953(B), to amend the following rule in §107, Vocational Rehabilitation Policy Manual, Applicant/Client Appeal Rights.

The rule governing Applicant/Client Appeal Rights outlines the due process policy for anyone who is dissatisfied with a decision made by the agency.

This emergency rule must be effective February 25, 2000. This rule is being amended as the Louisiana Rehabilitation Services' (LRS) appeals process has undergone a significant change as a result of the 1998 amendments to the Rehabilitation Act. The fourth level of review by the Director of LRS was removed. However, it is within the express authority of the Rehabilitation Act for LRS to implement this level of review. It is significant to note that although the new amendments do allow for a fourth level of review, the characteristic of this fourth level of review is that it must be conducted, at a minimum, by the DSS Secretary.

Currently, the final administrative level of appeal is the impartial hearing officers, who are required to review agency determinations and issue decisions based upon the provisions of the State Plan, the Rehabilitation Act (including regulations implementing the Act) and State regulations or policies that are consistent with the federal requirements specified in the Act.

DSS General Counsel has strongly recommended to LRS to put the fourth level review in place immediately by emergency rule. This recommendation was necessary due to the influx of controversial rulings from impartial hearing officers, which have exposed the agency to sanctions or penalties by the United States as being contrary to the State Plan, the Rehabilitation Act (including regulations implementing the Act) and State regulations or policies that are consistent with the federal requirements specified in the Act. These unlawful rulings have not been based upon the Act's authorities (including specific guidance and directives by RSA), but have evidenced the hearing officers' subjective interpretation of the substantive law.

Because the Rehabilitation Act requires implementation of the hearing officer's decision pending a civil action for review, LRS may be mandated to comply with and/or implement a decision which violates the law and policy of the State Plan, the Rehabilitation Act (including regulations implementing the Act) and State regulations or policies that are consistent with the federal requirements specified in the Act, as well as a disregard of a specific directive of Rehabilitation Services Agency (RSA), the federal agency authorized to implement and administer the provisions of the Act. However, said compliance with the hearing officer's decision would subject Louisiana Rehabilitation Services to an audit exception by RSA and concurrent sanctions. Moreover, such unauthorized spending, when paired with the resultant sanctions/loss of federal funding, would greatly reduce the services available and imperil the public health, safety, and welfare of the State's VR population. These unlawful decisions have and will result in VR Program abuse, as numerous clients have been advised to resort to the appeals process in bad faith in order to take advantage of these beneficial rulings.

RSA has scheduled a compliance review of LRS for April 10, 2000. LRS has been informed by RSA that agency action in accord with said hearing officers' decisions constitutes "substantial compliance failure"; under the Rehabilitation Act, said failures will subject LRS to penalties and sanctions.

This emergency rule shall remain in effect for 120 days, or until the effective date of the final rule for the Vocational Rehabilitation Policy Manual, Section 107, whichever occurs first.

The LRS policy manual is referenced in LAC 67:VII. as follows.

Title 67

SOCIAL SERVICES

Part VII. Rehabilitation Services

Chapter 1. General Provisions

§107. Applicant/Client Appeal Rights

A. - B.7. ...

C. Fair Hearing

1. The fair hearing process may be requested by applicants/clients to appeal disputed findings of an administrative review; at any point after a mediation session; or as a direct avenue of appeal bypassing the administrative review or the mediation process option. The fair hearing will be conducted by an Impartial Hearing Officer after receipt of the initial written request. At the time the fair hearing is

requested, the applicant/client shall be offered mediation as an option to resolve a dispute if mediation has not been exercised already.

2. An Impartial Hearing Officer shall be selected on a random basis to hear a particular case by agreement between the Louisiana Rehabilitation Services Director and the applicant/client. This officer shall be selected from among a pool of qualified persons identified jointly by Louisiana Rehabilitation Services and members of the Louisiana Rehabilitation Council. The Impartial Hearing Officer shall provide the decision reached in writing to the applicant/client and to Louisiana Rehabilitation Services as expeditiously as possible.

3. All applicants/clients must be provided adequate notification of appeal rights at the time of application, development of the Individualized Plan for Employment, and upon reduction, suspension, or cessation of vocational rehabilitation services. Services will continue during the fair hearing process unless the services being provided under the current Individualized Plan for employment were obtained through misrepresentation, fraud, collusion, or criminal conduct on the part of the client.

4. In order to insure that the applicant/client is afforded the option of availing themselves the opportunity to pursue a fair hearing, adequate notification by the counselor and/or Regional Manager must include:

- a. the agency's decision (inclusive of an administrative review and/or mediation agreement, if conducted);
- b. the basis for, and effective date of, that decision;
- c. the specific means for appealing the decision;
- d. the applicant's/client's right to submit additional evidence and information, including the client's right to representation at the fair hearing;
- e. advise the applicant/client of the Client Assistance Program and how they can access the program, including the telephone number; and
- f. the means through which a fair hearing may be requested, including the name and address of the regional manager.

Note: All fair hearings must be conducted in a manner which insures that the proceedings are understood by the applicant/client.

D. Review of Fair Hearing Decisions

1. The impartial review for decisions rendered by impartial hearing officers is the final level of appeal within the Department of Social Services regarding disputes arising within Louisiana Rehabilitation Services. Subsequent to a decision being reached as a result of the impartial review by the Department of Social Services, any further review of the issue by the applicant/client (or, as appropriate, the applicant/client's representative) or the Agency must be by civil action through the public court system.

2. The applicant/client or the Agency can request a review of an Impartial Hearing Officer's decision by making a written request to the Secretary of the Department of Social Services within statutory guidelines. The Secretary cannot delegate the responsibility for making this final decision to any officer or employee of Louisiana Rehabilitation Services. The applicant/client and the Agency shall be provided an opportunity to submit additional evidence and information relevant to the final decision.

3. The Department of Social Services' Secretary may not overturn or modify a decision of an Impartial Hearing Officer, or part of such a decision, that supports the position of the applicant/client unless the Secretary determines, based on clear and convincing evidence, that the decision of the Impartial Hearing Officer is clearly erroneous on the basis of being contrary to the State Plan, the Rehabilitation Act (including regulations implementing the Act) or any State regulation or policy that is consistent with the federal requirements specified in the Act.

4. The Secretary shall provide the decision reached in writing to the applicant/client and to Louisiana Rehabilitation Services. This decision shall include a full report of the findings and grounds for the decision.

E. Civil Action. Any party aggrieved by a final decision from an impartial review by the Department of Social Services may bring civil action for review of such decision. The action may be brought in any state court of competent jurisdiction or in district court of the United States of competent jurisdiction without regard to the amount in controversy. If a party brings a civil action, the final decision of the Department of Social Services shall be implemented pending review by the court. In any action brought under this subsection, the court shall:

1. receive the records relating to the hearing;
2. hear additional evidence at the request of a party to the action; and
3. base the decision of the court on the preponderance of the evidence, shall grant such relief as the court determines to be appropriate.

F. Recoupment. Louisiana Rehabilitation Services will establish a claim on any overpayment or ineligible payment made to clients of Louisiana Rehabilitation Services in cases where an appeal or judicial action is not in the favor of the client.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:664.4 and R.S. 36:477.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Rehabilitation Services, LR 17:891 (September 1991), amended LR 20:317 (March 1994), LR 21:189 (February 1995), LR 25:1266 (July 1999), LR 26:

FAMILY IMPACT STATEMENT

The Department of Social Services, Louisiana Rehabilitation Services hereby issues this Family Impact Statement: The Emergency Rule for the Vocational Rehabilitation Policy Manual, Applicant/Client Appeal Rights will have no known impact on family formation, stability, and autonomy, as set forth in R.S. 49:972.

J. Renea Austin-Duffin
Secretary

0003#007

DECLARATION OF EMERGENCY

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

Extension of Oyster Season

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

under the authority of R.S. 56:6(25)(a) and R.S. 56:433, notice is hereby given that the Wildlife and Fisheries Commission hereby declares:

The oyster season on the Public Oyster Seed Grounds and Oyster Seed Reservations east of Mississippi River and the

Hackberry Bay Oyster Seed Reservation is to be extended to one-half hour after sunset April 30, 2000.

Thomas M. Gattle, Jr.
Chairman

0003#032

Rules

RULE

Board of Elementary and Secondary Education

Bulletin 741 $\frac{c}{c}$ Louisiana Handbook for School Administrators $\frac{c}{c}$ Policy for Louisiana's Public Education Accountability System Growth Targets and New Schools/Reconfigured Schools (LAC 28:I.901)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education adopted an amendment to Bulletin 741, referenced in LAC 28:I.901.A, promulgated by the Board of Elementary and Secondary Education in LR 1:483 (November 1975). The proposed amendment more clearly explains the policy by which Growth Targets will be computed for new and reconfigured schools that come on line later in the accountability process. The changes also more clearly define what constitutes a "new school."

Title 28 EDUCATION

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

§901. School Approval Standards and Regulations

A. Bulletin 741

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3761-3764.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 1:483 (November 1975), amended LR 26:458 (March 2000).

Growth Targets

2.006.05

Growth Targets for New or Reconfigured Schools. Once a baseline for the new or reconfigured school has been established, a Growth Target shall be set based on the number of cycles remaining until 2009 (K-8) and 2011 (9-12), with a maximum Growth Target of 20 points. For example, suppose an elementary school enters the Accountability System in 2003 and establishes a baseline SPS of 50 in 2005. Normally, the school's Growth Target would be $(100-50)/2 = 25$. Under this rule, the school's Growth Target shall be 20, the maximum.

Growth Targets for Reconstituted Schools. Until 2009 (for K - 8 schools) and 2011 (for 9 - 12 schools), the reconstituted school's Growth Target shall be equal to 100 minus the SPS divided by 5 minus the number of cycles since reconstitution. For example, suppose a school is reconstituted in 2005 and has an SPS of 50 (based on previous year's data), the school's Growth Target for the first cycle after reconstitution shall be 10 points $[(100-50)/5]$.

New Schools and/or Significantly Reconfigured Schools

2.006.16 For a newly formed school, the school district shall register the new school with the Louisiana Department of Education to have a site code assigned to that school. A new school shall not be created nor shall a new site code be issued in order to prevent a school from entering the Accountability System. Before a new school is created, the Local Education Authority must work with the Louisiana Department of Education to explore ways the new school can be included in the Accountability System.

When two or more schools are created from an existing school (e.g., Grades 4-6 "split" from an existing K-6 structure, creating a K-3 school and a 4-6 school), the existing site code stays with the lower grades (K-3), and the "new" (4-6) school shall receive a new site code. If a new school is created from the population of a school already having an SPS, then prior year data of the existing school shall be used to calculate the SPS of the newly created school. If there is not enough data to give the new school an SPS, then the new school shall receive its initial baseline SPS at the end of the second year of operation, since it shall need two years of data.

Weegie Peabody
Executive Director

0003#049

RULE

Board of Elementary and Secondary Education

Bulletin 741 $\frac{c}{c}$ Louisiana Handbook for School Administrators $\frac{c}{c}$ Principal/Assistant Principal Internship Program (LAC 28:I.901 and 920)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education adopted an amendment to Bulletin 741, referenced in LAC 28:I.901.A, promulgated by the Board of Elementary and Secondary Education in LR 1:483 (November 1975). Bulletin 1882 contained the Guidelines for the Administrative Leadership Academy and the requirement for the Principal/Assistant Principal Internship Program. The proposed amendment aligns Bulletin 741 with current legislation and procedures.

Title 28 EDUCATION

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

§901. School Approval Standards and Regulations

A. Bulletin 741

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(5).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education LR 1:483 (November 1975), amended, LR 24:1085 (June 1998), LR 26:458 (March 2000).

Bulletin 741 Louisiana Handbook for School Administrators Systems Policies and Standards

1.016.10 All newly appointed principals and assistant principals with standard or provisional certification shall participate in the Principal/Assistant Principal Internship Program.

A. The Program shall include the following:

1. Individuals appointed to a principalship or an assistant principalship after October 1 shall be enrolled in the Principal Internship Program at the beginning of the following year.

2. Principal Internship and Assistant Principal Internship requirements shall not apply to individuals serving in a temporary capacity.

3. A newly appointed principal with less than five years of experience as an administrator (e.g., as an assistant principal) shall complete both years of the Principal Internship.

4. A newly appointed principal with five or more years of experience as an administrator (e.g., as an assistant principal) shall complete only the first year requirements of the Principal Internship.

School Policies and Standards

2.106.10 All newly appointed principals and assistant principals with standard or provisional certification shall participate in the Principal/Assistant Principal Internship Program.

A. The Program shall include the following:

1. Individuals appointed to a principalship or an assistant principalship after October 1 shall be enrolled in the Principal Internship Program at the beginning of the following year.

2. Principal Internship and Assistant Principal Internship requirements shall not apply to individuals serving in a temporary capacity.

3. A newly appointed principal with less than five years of experience as an administrator (e.g., as an assistant principal) shall complete both years of the Principal Internship.

4. A newly appointed principal with five or more years of experience as an administrator (e.g., as an assistant principal) shall complete only the first year requirements of the Principal Internship.

§920. Administrative Leadership Academy Guidelines

A. Bulletin 1882

Repealed

Weegie Peabody
Executive Director

0003#046

RULE

Board of Elementary and Secondary Education

Bulletin 746 Louisiana Standards for State Certification of School Personnel University Counseling Services Requirement (LAC 28:I.903)

In accordance with R.S. 49:950, et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education adopted an amendment to Bulletin 746, Louisiana Standards for State Certification of School Personnel, referenced in LAC 28:I.903.A. The proposed amendment deletes the requirement of three hours of counseling by university counseling services for an applicant prior to entry into a teacher education program.

Title 28

EDUCATION

Part I. Board of Elementary and Secondary Education

Chapter 9. Bulletins, Regulations, and State Plans

Subchapter A. Bulletins and Regulations

§903. Teacher Certification Standards and Regulations

A. Bulletin 746

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AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 1:183, 311, 399, 435, 541 (April, July, September, October, December 1975), amended LR 24:283 (February 1997), LR 24:1091 (June 1998); LR 25:422 (March 1999), LR 26:459 (March 2000).

Bulletin 746: Teacher Certification Standards and Regulations

* * *

Louisiana Revised Statute 17:7.1A (Act 756 of 1977) requires that (1) the applicant shall have attained a 2.20 average on a 4.00 scale as a condition for entrance into a teacher education program; and (2) the applicant shall have achieved a 2.50 average on a 4.00 scale at graduation from an approved program.

* * *

Weegie Peabody
Executive Director

0003#047

RULE

Board of Elementary and Secondary Education

Bulletin 904 Charter School Start-Up Loan Program (LAC 28:I.904)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary

Education adopted revisions to Bulletin 904, Charter Schools, referenced in LAC 28:I.904. In accordance with Act 477 of the 1997 Legislative Session as amended by Act 757 of the 1999 Legislative Session, the Guidelines provide a source for funding no-interest loans to assist both existing and new Type 1, Type 2 or Type 3 Charter Schools with initial start-up funding and for funding the administrative and legal costs associated with the Charter School Program. The Guidelines are an amendment to Bulletin 904 and referenced in LAC 28:I.904.

**Title 28
EDUCATION**

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

§904. Charter Schools

A. ...

B. Charter School Start-Up Loan Program. Act 477 of the 1997 Legislative Session allows for the operation of up to 20 charter schools statewide in 1998-99 and increases that number to 42 in subsequent years. It also created the Louisiana Charter School Start-Up Loan Fund within the State Treasury for the purpose of providing a source for funding no-interest loans to charter schools. As amended by Act 757 of the 1999 Legislative Session, the loan funds are to be made available to assist both existing and new Type 1, Type 2 or Type 3 Charter Schools with initial start-up funding and for funding the administrative and legal costs associated with the charter school program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3971-3973, 3981-3983, 3991-3993, 3995-3999, and 4001, and R.S. 39:75(C)(1)(b).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 24:1683 (September 1998), amended LR 25:249 (February 1999), LR 26:460 (March 2000).

**Guidelines for the Louisiana Charter
School Start-Up Loan Fund**

Under the authority of Act 477 of the 1997 Legislative Session, the Louisiana Charter School Start-Up Loan Fund was initially created within the State Treasury for the purpose of providing funding for no-interest loans to Type 1 and 2 charter schools. As amended by Act 757 of the 1999 Legislative Session, these state loan funds are intended to assist Type 1, Type 2 and Type 3 Charter Schools with initial start-up funding, and for funding the state administrative and legal costs associated with the Charter School Program. Act 757 of the 1999 Legislative Session further provided that SBESE enact a streamlined application, review and approval process in order to administer the monies appropriated from the fund.

In accordance with Act 757 of the 1999 Legislative Session, the SBESE hereby adopts the following rules to govern approval of loan requests of Charter Schools for initial start-up funding.

A. Application

1) As part of any new Type 2 charter school proposal submitted to the SBESE, the applicant may choose to include a request for up to \$100,000 from the Louisiana Charter School Start-up Loan Fund. If such charter school proposal was deemed to be financially sound by the review

team and approved by SBESE, then the charter school loan request portion of the proposal is also approved. By law, no additional loan application paperwork may be required if an appropriate request is made within the charter school proposal.

2) Any new or existing Type 1, 2, or 3 charter schools choosing to apply for up to \$100,000 in charter school start-up loan funding after they have already received approval to operate, may submit a separate application providing the information depicted in Section B.

B. Required Information

Per R.S. 17:4001, those requesting a charter school start-up loan must provide the following information either as part of their overall charter school proposal or as a separate request;

1) a budget depicting the planned expenditure of the loan funds during the term of the loan with information showing that any planned expenditures will be used to purchase tangible items such as equipment, technology, instructional materials, and facility acquisition, upgrade and repairs;

2) a budget depicting the overall anticipated revenue and expenditures, including the repayment of any requested charter school loan amount, for each of the three years of operation during the term of the loan (see section G for repayment conditions);

3) a statement of assurance indicating agreement with the conditions of repayment as provided in Section G.

4) a copy of the charter school proposal for any Type 1 or Type 3 school that had been provisionally or otherwise approved to operate by their local school board.

C. Review Process

1) New Type 2 Charter Schools. Start-up loan requests submitted as part of the larger charter school proposal will be reviewed using the same review process approved by SBESE for the review of such charter school proposals. Each review team will include at least one person representing the Division of Education Finance in the SDE who will review the information required in Section B to determine the financial viability of the proposed school. If the review team recommends provisional approval or provisional approval with modifications of the overall charter school proposal, and such recommendations are approved by SBESE, then such approval by law also constitutes approval of the requested start-up loan funding.

2) Existing Type 1, 2, and 3 Charter Schools. Review of any request made by an already approved charter school will be reviewed by at least one person representing the Division of Education Finance in the SDE and the charter school staff in the BESE Office, who collectively will make a recommendation to SBESE.

3) Grounds for Denial. If a given charter school proposal is deemed to be financially sound by either the state review team (Type 2's), or by the local school board (Type 1's or Type 3's) with which the school is chartered, then the request for charter school loan funds will be granted. Only if all required information listed in Section B is not provided, and/or findings from subsequent background checks reveal information that would require the revocation of the initial approval as depicted in Section F, will a loan approval be revoked or a recommendation for granting requested loan funds not be made.

D. Allowable Use of Loan Funds

Any loans funds:

1) may only be used to purchase tangible items such as equipment, technology, instructional materials, and facility acquisition, upgrade, and repairs; and

2) may not be used to pay prior debts of the nonprofit corporation which formed the charter school, any of the natural persons involved in forming the charter school for any purchase not related to the creation of the charter school principally, or any former or current business or nonprofit venture of any such natural persons, or to pay to members of the immediate family or any such natural persons, or to make any investments.

E. Distribution of Funding

Any approved loan funds will become available for use once: a) all required background check applications have been submitted; and b) provisional approval or provisional approval with modifications has been given to a charter school proposal, or c) approval has been given to a separate loan request. Such loan funds will be distributed upon the receipt of proper paperwork including any invoice or purchase order for equipment, technology or other items as allowed by law and described in Section D. The charter school will keep appropriate paperwork and inventory of all items purchased using state charter school loan funds. In addition, appropriate state tagging procedures for all moveable property costing \$250 or more purchased with state funds will be required. If a school fails to comply with any requirements specified by the granting authority or otherwise fails to open, then any items purchased with such loan funds will become the property of the state as described in Section H.

F. Background Checks

New and existing charter schools requesting start-up loan funding are subject to background checks. Types 1, 2, and 3 charter schools requesting loan funds shall conduct background checks on applicable persons as stipulated in the BESE approved regulations. No loan funding will be distributed until the person principal to the charter school proposal has submitted all paperwork regarding the background checks required by SBESE. If the findings from such checks reveal that such person has been convicted of any felony related to misappropriation of funds or theft, the disbursement of any loan funds shall be stopped immediately until another individual whose background checks are clear is placed in charge of the proposed charter school's financial affairs.

G. Repayment

1) For any Type 2 charter school receiving loan funds, the State Department of Education will automatically reduce the last state payment for this school during each of the three years of the loan's term. The amount to be reduced each year is equal to one-third of the total loan amount received to date. If the amount required to be reduced during any given year is greater than the last scheduled payment, then the reduction will come from the last two or more payments. Upon reduction of such funds, the State Department of Education will deposit those monies with the state treasury in the Louisiana Charter School Start-up Loan Fund.

2) Any Type 1 or Type 3 charter school receiving state loan funds must submit to the State Department of Education by June 30th of each year of the loan's term, a payment equal

to at least one-third of the total loan amount received by the school to date. The State Department of Education will deposit those monies with the state treasury in the Louisiana Charter School Start-up Loan Fund. Any charter school failing to make such repayments shall be considered a nonapproved school whose students cannot count toward any future state funding.

H. Ceased Operation of the Charter School

In the event that a charter school which had received a charter school start-up loan fails to open or ceases to operate during the three years of automatic loan repayment as described in Section G, any equipment or other items purchased with loan funds equaling the value of the unpaid loan amount will become the property of the state.

I. Eligibility

1) Any new Type 1, 2, or 3 charter school slated to be opened as either a new school or through the conversion of an existing school, is eligible to apply for state loan funds.

2) Any existing Type 1, 2, or 3 charter school may apply for state loan funds any time during the first five years of their initial charter.

3) Any existing Type 1, 2, or 3 schools whose charters have been renewed after the initial five year term may apply for state loan funds if significant expansion of the charter school is anticipated and approved by the chartering authority. Such expansion includes, but is not limited to, the addition of new grades or the construction of new facilities or renovation of the school's facilities. Any charter school seeking a subsequent state loan will only be approved if adequate funding was available to first provide loans to those schools requesting a loan for the first time.

J. Complaints

All written complaints received will be handed to the state charter school administrator for review, analysis and investigation to determine the facts and to recommend resolution. Upon completion of the internal review, the complainant will be notified in writing of the results of the review. Each complaint will be handled in a fair and consistent manner and responded to within 15 working days of receipt.

K. No departure from these guidelines is allowed without unanimous consent from SBESE.

Weegie Peabody
Executive Director

0003#048

RULE

Board of Elementary and Secondary Education

Bulletin 1929~~9~~ Louisiana Accounting and
Uniform Governmental Handbook
(LAC 28:XLI:Chapters 1-11)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the State Board of Elementary and Secondary Education adopted revised Bulletin 1929 promulgated in LR 20:1097 (October 1994). The Bulletin is being revised to add new items or clarify existing items.

**Title 28
EDUCATION**

**Part XLI. Bulletin 1929—Louisiana Accounting and
Uniform Governmental Handbook**

Chapter 1. Purpose of Handbook

§101. Introduction

A. The primary purpose of the Louisiana Accounting and Uniform Governmental Handbook for local school boards is to serve as a vehicle for program cost accounting at the local and state levels.

B. The Louisiana State Department of Education has a responsibility to provide and interpret comprehensive statistics about the condition of education in the state. In addition, it has congressional mandates to publish fiscal data as well as to provide statistical data that can be used by local school boards to improve their activities.

C. The Louisiana Accounting and Uniform Governmental Handbook attempts to produce comprehensive and compatible sets of standardized terminology for use in education management and reporting. The following basic criteria were used in selecting items and classifications for inclusion in this publication.

1. The items, accounts, and categories of information should provide the basic framework fundamental to a comprehensive financial management system.

2. The guidelines should serve all sizes and types of school systems.

3. The categories of accounts should be both contractible and expandable, enabling all school systems to adapt them to support various financial management information systems.

4. Data elements should be added into needed categories for purposes of reporting and comparing at the local, state and federal levels.

5. The guidelines should conform to generally accepted accounting principals.

6. The guidelines should include the categories necessary to provide full disclosure of financial information.

7. The categories included should provide an adequate audit trail.

D. The local school board is the organization most likely to use the account classifications described here. However, the Louisiana State Department of Education is, most likely, the direct user. Both will derive direct benefits as acceptance and use of these guidelines spread among local school boards. The resulting increased uniformity of accounting records in use at the local level will make financial data assembled at the state and federal levels more comparable and meaningful.

E. While this publication includes a complete listing of classifications and standard terminology, it is not all-inclusive, specifically, it does not provide the information listed below.

1. methods and procedures for recording financial data (such as how to record entries in journals and ledgers);

2. methods and procedures for reporting financial data (such as actual preparation of financial reports from the ledgers);

3. methods and procedures for utilizing financial data (such as budgeting and making decisions about the financial position of the local school board).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17(2)(e).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 26:462 (March 2000).

Chapter 3. The Account Classification Structure

§301. Explanation/General Information

A. This publication provides for classifying three basic types of financial activity: revenues and other sources of funds; expenditures and other uses of funds; and transactions affecting the balance sheet only. For each type of transaction, the specific account code is made up of a combination of classifications called *dimensions*. Each dimension describes one way of classifying financial activity. The dimensions applicable to each type of transaction are:

Revenues	Expenditures	Balance Sheet
Fund	Fund	Fund
Source	Object Function	Balance Sheet Accounts

B. The purpose and uses of each of these dimensions are described below. The chart of accounts for each of these dimensions is shown later in this handbook.

1. *Fund* a fiscal and accounting entity with a self-balancing set of accounts recording cash and other financial resources. It also contains all related liabilities and residual equities or balances, or changes therein. Funds are established to carry on specific activities or to attain certain objectives of an LEA according to special legislation, regulations, or other restrictions.

2. *Source* permits segregation of revenues by source. The primary classification differentiates local, state and federal revenue sources.

3. *Object* the service or commodity bought. There are nine major object categories: Salaries, Employee Benefits, Purchased Professional and Technical Services, Purchased Property Services, Other Purchased Services, Supplies, Property, Other Objects, and Other Uses of Funds.

4. *Function* the activity for which a service or material object is acquired. The functions of an LEA are classified into five broad areas: Instruction, Support Services, Operation of Non-Instructional Services, Facilities Acquisition and Construction Services, and Other Uses.

5. *Balance Sheet Accounts* these classifications correspond to those items normally appearing on the balance sheet in three areas: assets and other debits; liabilities and other credits; and fund equity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17(2)(e).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 26:462 (March 2000).

Chapter 5. Fund Classifications

**§501. Explanation/General Information/
Introduction/Overview**

A. Governmental accounting systems should be organized and operated on a fund basis. Unlike a private business, which is accounted for as a single entity, a governmental unit is accounted for through separate fund and account group entities, each accounting for designated assets, liabilities and equity or other balances. Therefore, from an accounting and financial management viewpoint, a

governmental unit is a combination of several distinctively different fiscal and accounting entities, each having a separate set of self-balancing accounts and functioning independently of other funds and account groups. Each fund must be so accounted for that the identity of its resources, obligations, revenues, expenditures, and fund equities is continually maintained.

B. The various activities of a government are not typically considered to form a homogeneous whole. Instead, a governmental entity is considered to comprise a number of separate fiscal entities known as "funds." Such funds are established to segregate specific activities or objectives of a government in accordance with special regulations, restrictions, or limitations. Thus, in governmental accounting, the accounting entity is each individual fund, not the overall government organization.

C. Funds used by governmental entities are classified into three broad categories: governmental, proprietary, and fiduciary. These funds are supplemented by two account groups:

1. the General Fixed Assets Account Group; and
2. the General Long-Term Debt Account Group.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17(2)(e).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 26:462 (March 2000).

§503. Governmental Funds

A. Governmental Funds are funds through which most functions are typically financed. Governmental funds are accounting segregations of financial resources. Their measurement focus is on the determination of financial position and on the changes in financial position (sources, uses, and balances of financial resources), rather than on net income determination. This measurement focus is basically the flow of current financial resources. This measurement focus is unique in that generally only current expendable financial resources are accounted for in the governmental fund category. Within the governmental funds category are the four fund types described below.

1. The General Fund[€] used to account for all financial resources except those required to be accounted for in another fund. Typically, the general fund is the chief reporting vehicle for a government's current operations.

2. Special Revenue Funds[€] used to account for specific revenue sources that legally may be expended only for specific purposes. Special revenue funds are not used for amounts held in trust or for resources that will be used for major capital projects.

3. Capital Projects Funds[€] used to account for major capital acquisitions or construction. These funds are not used for construction financed by proprietary or trust funds. A separate Capital Projects Fund is usually established when the project exceeds a single fiscal year, when the financing sources are provided by more than one fund, or when the capital asset is financed by specifically designated resources.

4. Debt Service Funds[€] used to account for the accumulation of resources to pay the principal and interest on the general long-term debt that is recorded in the entity's General Long-Term Debt Account Group. A Debt Service Fund may be used for each obligation; however, it should be established only if legally required or if resources are being accumulated to meet future payments. When obligations are

paid, on a current basis, by the General Fund or by a Special Fund, there is no need to create a Debt Service Fund unless legally required to do so.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17(2)(e).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 26:463 (March 2000).

§505. Proprietary Funds

A. A Proprietary Fund is used to account for governmental activities that are similar to activities that may be performed by a commercial enterprise. The measurement focus is on the determination of net income, financial position, and changes in financial position. This measurement focus, similar to that found in the private sector, is based on the flow of economic resources; it requires the reporting of all assets and liabilities associated with a particular activity. Within the proprietary fund category are two fund types.

1. Enterprise Funds[€] used to account for operations when one or both of the following conditions exist:

a. operations are financed and operated in a manner similar to a private business enterprise, where the intent of management is that the costs (expenses, including depreciation) of providing goods or services to the public on a continuing basis are financed or recovered primarily through user charges;

b. management has decided that the periodic determination of revenues earned, expenses incurred, and/or net income is appropriate for capital maintenance, public policy, management control, accountability or other purposes.

2. Internal Service Funds[€] used to account for the financing of goods or services provided by one department or agency to other departments or agencies within the governmental unit, or to other governmental units, on a cost-reimbursement basis. Thus, the objective of an Internal Service Fund is not to make profit, but rather to recover over a period of time the total cost of providing the goods or services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17(2)(e).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 26:463 (March 2000).

§507. Fiduciary Funds

A. Fiduciary Funds are used to account for assets when a governmental unit is functioning either as a trustee or as an agent for another party; they are commonly referred to as trust and agency funds. The trust and agency funds are further divided into four "sub fund types." These subfund types reflect variations in how assets are held and how they may be used.

1. Expendable Trust Funds[€] used to account for resources held in trust when both principal and earnings may be spent in their entirety for the purpose or purposes specified in the trust agreement.

2. Nonexpendable Trust Funds[€] used to account for resources held in trust when only earnings may be expended and the principal must remain intact.

3. Pension Trust Funds[€] used to account for resources accumulated to finance pension benefits.

4. Agency Funds[€] used to account for assets held on behalf of others in a custodial capacity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17(2)(e).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 26:463 (March 2000).

§509. Account Groups

A. Account Groups are groups of accounts used to record and control general fixed assets and unmatured general long-term liabilities. Long-term liabilities of proprietary and trust funds should not be accounted for here but should be kept within those individual funds.

1. General Fixed Assets capital assets that are not assets of any fund, but of the government unit as a whole. Most often these assets arise from the expenditure of the financial resources of governmental funds. The General Fixed Assets Account Group is a self-balancing group of accounts established to account for fixed assets of a government not accounted for through specific proprietary funds or trust funds. The General Fixed Assets Account Group is not a fund; it does not have a balance sheet as such, nor does it report operations. Instead the General Fixed Assets Account Group, which serves as a list of a government's fixed assets, is designed to ensure accountability and management control of the fixed assets.

2.a. General Long-Term Debt normally expected to be repaid from governmental funds. The General Long-Term Debt Account Group is used to accumulate the non-current unmatured portion of long-term obligations; it typically reports the following categories of long-term liabilities:

- i. long-term debt (bonds, notes, capital leases);
- ii. unfunded pensions contributions;
- iii. claims and judgements;
- iv. compensated absences; and
- v. loss contingencies.

b. The General Long-Term Debt Account Group is not a fund because it does not account for available financial resources or current obligations. Financial resources are neither accumulated nor expended through the General Long-Term Debt Account Group. This account group simply lists all long-term liabilities that are not presented as liabilities of a specific fund. Long-term liabilities presented in the General Long-Term Debt Account Group are generally backed by the full faith and credit of the issuer, which means the debt is secured by the general credit and revenue raising powers of the issuer rather than by the assets acquired or by specific fund resources.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17(2)(e).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 26:464 (March 2000).

Chapter 7. Classification of Revenues and Other Sources of Funds

§701. Revenue Codes

A. 1000 Revenue From Local Sources

1. 1100 Taxation compulsory charges levied by the school system to finance services performed for the common benefit.

a. 1110 Ad Valorem Taxes - Gross amounts levied on the taxable assessed value of real and personal property on a parish-wide basis. By "gross," it is meant that the taxes are recorded at the amount actually collected by the tax collector before deduction for the assessor's compensation and/or deduction for amounts remitted to the retirement

systems. Penalties and interest on delinquent taxes are recorded in this account.

i. 1111 Constitutional Tax the tax that is permitted to be levied by a school system under authority of the 1974 constitution. This tax is in perpetuity; it is not subject to a vote of the electorate. The amount of millage that may be levied varies from parish to parish. This tax is a General Fund revenue.

ii. 1112 Renewable Taxes taxes that the electorate have authorized the school system to levy for a specified period of time, not to exceed ten (10) years. At the end of the time period specified, the electorate must approve by popular vote an extension, not to exceed ten (10) years, for the tax to be levied again. These taxes may be either General Fund or Special Revenue Fund revenues, depending on their purpose and the manner in which the tax was imposed.

iii. 1113 Debt Service Taxes taxes that the electorate have authorized the school system to levy for the retirement of general obligation long-term debt. The proceeds are normally placed in the Debt Service Fund.

iv. 1114 Up to 1 percent Collections By the Sheriff On Taxes Other Than School Taxes The Sheriff and Ex-Officio Tax Collector of each parish is mandated by State law to remit 1 percent of the total qualifying taxes collected within the parish to the Teachers Retirement System of Louisiana for the credit of the parish school system. This amount may be obtained annually from the Tax Collector's office. It is recorded by debiting retirement expenditures and crediting this account. This tax is a General Fund revenue.

b. 1130 Sales and Use Taxes Gross taxes assessed by the school system on the taxable sale and consumption of goods and services within the parish. By "gross" it is meant that the taxes are recorded at the amount actually collected before any deduction for the cost of collection. This tax may be a General Fund, Special Revenue Fund, or Debt Service Fund revenue.

2. 1200 Revenue From Local Governmental Units Other Than LEA's is revenue from the appropriations of another governmental unit. The LEA is not the final authority, within legal limits, in determining the amount of money to be received; the money is raised by taxes or other means that are not earmarked for school purposes. This classification could include revenue from townships, municipalities, parishes, etc.

3. 1300 Tuition revenue from individuals, welfare agencies, private sources and other LEA's for education provided by the LEA.

a. 1310 Tuition From Individuals amounts paid by students to attend summer school classes. It is irrelevant whether the students reside inside or outside the parish. This revenue is normally a General Fund revenue.

b. 1320 Tuition From Other LEA's amounts paid by public school systems outside the parish to the school system for educational services rendered by the school system to students from the outside parish. This revenue is normally a General Fund revenue.

c. 1390 Tuition From Other Sources amounts paid by persons other than individuals and other local education agencies for tuition.

4. 1400 Transportation Fees revenue from individuals, welfare agencies, private sources, or other LEA's for transporting students to and from school and school activities. Transportation funds received for non-public transportation are to be recorded in 3250 Non-Public Transportation.

a. 1410 Transportation Fees From Individuals amounts paid by individual persons for transportation services rendered by the school system. This fee is normally a General Fund revenue.

b. 1420 Transportation Fees From Other LEA's amounts paid by other local education agencies for transportation services rendered by the school system. This fee is normally a General Fund revenue.

c. 1440 Transportation Fees From Other Sources amounts paid by persons other than individuals and other local education agencies for transportation services rendered by the school system.

5. 1500 Earnings On Investments revenue from holdings invested for earning purposes. The revenue is credited to the fund that has provided the monies for the investments.

a. 1510 Interest On Investments interest revenue on temporary or permanent investment in United States treasury bills, notes, savings accounts, checking accounts, time certificates of deposit, mortgages, or other interest-bearing investments.

b. 1540 Earnings On Investment in Real Property revenue received for renting or leasing, royalties, use charges and other income from real property held for investment purposes.

i. 1541 Earnings From 16th Section Property amounts charged or received for the use or severance of natural resources from 16th Section properties owned by the school system, including leases under LRS 30:154. This revenue is normally a General Fund revenue.

ii. 1542 Earnings From Other Real Property amounts charged or received for the use or severance of natural resources from lands other than 16th Section property owned by the school system, including leases under LRS 30:154. This revenue is normally a General Fund revenue.

6. 1600 Food Service revenues collected by the School Food Service Department for dispensing food to students, adults, and other agencies. This revenue includes funds for "at cost" meals, paying students, contracted meals, and catering revenues.

a. 1610 Income From Meals revenues collected by the School Food Service Department for meals served to students, adults, or visitors, contract meals, second meals to students, and "at cost" meals.

b. 1620 Income From Extra Meals revenues collected by the School Food Service Department for extra servings, catering services, special functions, or sales of milk and juice.

7. 1800 Community Service Activities charges received from providing community service activities operated by the school system. This fee is a revenue to the fund to which expenditures of operation of the activity are charged.

8. 1900 Other Revenues From Local Sources other revenue from local sources not classified above.

a. 1910 Rentals fees charged for the use of school facilities or equipment. These fees are normally a General Fund revenue.

b. 1920 Contributions and Donations revenue from philanthropic foundations, private individuals, or private organizations for which no repayment or special service to the contributor is expected. The granting person may require that a special accounting be made of the use of the funds provided, a stipulation that may require the use of a Special Revenue Fund or a Trust Fund.

c. 1940 Books and Supplies Sold revenue received from the sale of such materials and supplies. This revenue is normally a General Fund revenue.

d. 1950 Services Provided Other LEA's revenues received from other local education agencies other than for tuition and transportation services. This revenue is normally a General Fund revenue.

e. 1960 Services Provided Other Local Governments fees charged for services rendered to other units of local government. This fee is normally a General Fund revenue.

f. 1970 Services Provided Other Funds interfund charges for services rendered by one fund to another fund. This account would be used with only Internal Service funds.

g. 1990 Miscellaneous revenues from other local sources that are not classified above. This revenue is normally a General Fund revenue.

i. 1991 Medicaid Reimbursement reimbursement received from the Medicaid program for services rendered to qualifying students under the program. This revenue is normally a General Fund revenue.

ii. 1992 Kid Med fees or reimbursements received for providing EPSDT services to qualifying students. This revenue is normally a General Fund revenue.

iii. 1993 Federal 4-rate (Gross) reimbursement received as part of the Telecommunications Act of 1996. The federal government set up the Schools and Librarians Universal Service Program with the express purpose of providing affordable access to telecommunications services. This program gives discounts of 20 percent to 90 percent on telecommunication services, internet access, and internal connections.

iv. 1999 Other Miscellaneous Revenues revenues from other miscellaneous sources not classified above.

B. 3000 Revenue From State Sources

1. 3100 Unrestricted Grants-In-Aid revenue recorded as grants by the LEA from state funds, which can be used for any legal purpose desired by the LEA without restriction. Separate accounts may be maintained for general grants-in-aid that are not related to specific revenue sources of the state and for those assigned to specific sources of revenue, as appropriate.

a. 3110 State Public School Fund monies distributed to Louisiana public school systems under the Minimum Foundation Program (MFP). This revenue is a General Fund revenue.

b. 3115 State Public School Fund monies distributed to Louisiana public school systems under the minimum foundation program (MFP) for food services operations. This revenue is an Other Special Funds revenue.

c. 3120 16th Section Land Fund Interest interest paid by the State to certain school systems due to the erroneous sale of 16th Section lands during the nineteenth century. The rate of interest is fixed at 4 percent per annum per LRS 41:641.

d. 3190 Other Unrestricted Revenues other funds distributed by the State to the school systems; these funds are not dedicated, or required to be used for specific purposes. This revenue may be General Fund or Special Revenue Fund revenue.

2. 3200 Restricted Grants-in-Aid revenue recorded as grants by the LEA from state funds; these funds must be used for a categorical or specific purpose. If such money is not completely used by the LEA, it must be returned, usually, to the State.

a. 3210 Special Education amounts granted by the State; they are required to be used solely for special education purposes. This revenue may be General Fund or Special Revenue Fund revenue.

b. 3220 Education Support Fund amounts granted under the 8(g) Mineral Trust Fund by the Board of Elementary and Secondary Education (B.E.S.E.) to be used for specific purposes stated in the grant application. This revenue may be General Fund or Special Revenue Fund revenue.

c. 3223 Sixteenth Section Land Funds (withdrawals) revenue derived from Sixteenth Section indemnity lands. This revenue is held in trust by the Louisiana Department of Treasury for all school districts involved.

d. 3225 Adult Education amounts granted by the State under LRS 17:14; it is required that the revenue be used solely for adult education purposes. This revenue may be General Fund or Special Revenue Fund revenue.

e. 3230 PIP funds granted by the State to school systems for paying professional improvement program (PIP) salaries to qualifying teachers in the systems. This revenue is normally General Fund revenue.

f. 3250 Non-Public Transportation amounts granted by the State for which payment is made to the LEA upon receipt of an agreement between the LEA and the non-public school system to provide transportation of non-public students to non-public schools by the use of the LEA's transportation system. This revenue is normally a General Fund revenue.

g. 3255 Non-Public Textbook amounts granted by the State to reimburse LEA's for purchases of textbooks on behalf of non-public schools. This revenue is normally a General Fund revenue.

h. 3260 Part C/Infant Toddler (Child Search) funds granted by the State for purposes of ensuring that qualifying Part C -Infant/Toddlers (0-2 year olds) are identified.

i. 3290 Other Restricted Revenues other restricted revenues received from the State, other than those described above; these funds must be used for a categorical or specific purpose.

3. 3800 Revenue in Lieu of Taxes commitments or payments made out of general revenues by a state to the LEA in lieu of taxes it would have had to pay had its property or other tax base been subject to the taxation by the LEA on the same basis as privately owned property. It would include payment made for privately owned property that is

not subject to taxation on the same basis as other privately owned property due to action by the State.

a. 3810 Revenue Sharing Constitutional Tax funds appropriated annually by the State Legislature to fulfill its constitutional obligation to compensate local school systems partially for tax revenue lost due to homestead exemptions on the constitutional Ad Valorem tax. This revenue is normally General Fund revenue.

b. 3815 Revenue Sharing Other Taxes funds appropriated annually by the State Legislature to fulfill its constitutional obligation to compensate local school systems partially for tax revenue lost due to homestead exemptions on Ad Valorem taxes other than the constitutional Ad Valorem tax. This revenue is normally revenue to the fund associated with the particular Ad Valorem tax.

c. 3820 Revenue Sharing Excess Portion a distribution made by the Tax Collector to qualifying taxing authorities with remaining State revenue-sharing funds after all other required distributions have been made. This revenue is normally General Fund revenue.

d. 3890 Other Revenue in Lieu of Taxes other commitments or payments made by the State in lieu of taxes.

4. 3900 Revenue for/on Behalf of LEA commitments or payments made by a state for the benefit of the LEA, or contributions of equipment or supplies. Such revenue includes the payment to a pension fund by the State on behalf of an LEA employee for services rendered to the LEA and a contribution of fixed assets by a State unit to the LEA.

a. 3910 Employer's Contribution to Teachers Retirement direct payments made by the State to the Teachers Retirement System for persons receiving PIP salaries. It is recorded by debiting retirement expenditures and crediting this account. This revenue is a General Fund Revenue.

b. 3990 Other Revenue for/on Behalf of the LEA other commitments or payments made by the State for the benefit of the LEA.

C. 4000 Federal Sources

1. 4100 Unrestricted Grants-in-Aid Direct from the Federal Government revenues direct from the Federal Government as grants to the LEA; this revenue can be used for any legal purpose desired by the LEA, without restriction.

a. 4110 Impact Aid Fund amounts paid directly by the Federal Government to the LEA to supplement the education of children from families stationed at military bases who attend the LEA's public schools under P.L. 81-874. This revenue is normally a General Fund Revenue.

b. 4190 Other Unrestricted Grants Direct other revenues direct from the Federal Government other than those programs described above.

2. 4200 Unrestricted Grants-in-Aid from the Federal Government Through the state-revenues from the Federal Government through the State as grants that can be used for any legal purpose desired by the LEA, without restriction.

a. 4210 Flood Control amounts received from the Federal Government and distributed by the State for flood control to the LEA.

b. 4290 Other Unrestricted Grants Through State other revenues received from the Federal Government through the State other than those classified above.

3. 4300 Restricted Grant-in-Aid Direct from the Federal Government revenue direct from the Federal Government as grants to the LEA; the revenue may be used for a categorical or specific purpose. If such money is not completely used by the LEA, it usually is returned to the governmental unit.

a. 4310 Federally Affected Areas Capital Outlay (P.L. 81-815) Amounts paid directly by the Federal Government to the LEA for purchase of capital assets under provisions of P.L. 81-815. This revenue is normally a Special Revenue Fund revenue, since an accounting must be made to demonstrate appropriate use of the proceeds received.

b. 4320 Vietnamese and Refugee Program Fund The Vietnamese and Refugee Program Fund accounts for a program that provides financial assistance to State and local educational agencies to meet special education needs of eligible refugee children enrolled in elementary and secondary schools.

c. 4330 ROTC Amount paid directly to the LEA for operation of a Reserve Officer Training Corps (ROTC) program at schools in the district. This is revenue to the fund that pays the expenditures of the ROTC program.

d. 4340 Headstart Program Amount paid directly to the LEA for operation of the Headstart program in the district. This is revenue to the fund that pays the expenditures of the Headstart program.

e. 4390 Other Restricted Grants Direct Funds received from the Federal Government other than those shown above.

4. 4500 Restricted Grants-in-Aid from the Federal Government Through the State Revenues from the Federal Government through the State as grants to the LEA; this revenue must be used for a categorical or specific purpose.

a. 4510 Vocational Education Federal funds granted to the local education agency and administered by the State under the Carl D. Perkins Vocational Act Education Program. These monies are reimbursement type grants.

b. 4515 School Food Service All federal funds administered by the State and granted to the School Food Service Department for subsidies for all student meals in the National School Lunch and School Breakfast Programs, Summer Food Service Program, Child and Adult Care Food Program, and the Nutrition, Education, and Training Program. This revenue also includes funds from the Cash in Lieu of Commodities Program. The value of USDA commodities received should be recorded in 4220 Value of USDA Commodities.

c. 4520 Adult Basic Education All federal funds administered by the State and granted to the LEA for purposes of providing Adult Basic Education (ABE).

d. 4530 Special Education All federal funds administered by the State and granted to the LEA for students identified as being mentally or physically disabled.

i. 4531 IDEA, Part B Federal funds administered by the State and granted to the LEA for special education purposes under the Individuals with Disabilities Education Act (IDEA). This revenue is generally a Special Revenue Fund revenue.

ii. 4532 IDEA Preschool Federal funds administered by the State and granted to the LEA for all pre-school special education children under the Individuals with

Disabilities Education Act (IDEA). This revenue is generally a Special Revenue Fund revenue.

iii. 4533 IASA Federal funds administered by the State and granted to the LEA under the Title 1 program for handicapped children under the Improving America's Schools Act (IASA). This revenue is generally a Special Revenue Fund revenue.

iv. 4534 IDEA, Part C Infant/Toddler Federal funds administered by the State and granted to the LEA for all children ages 0-2. This revenue is generally a Special Revenue Fund revenue.

v. 4535 Other Special Education Programs All other federally funded program grants administered by the State and granted to the LEA for special education purposes, other than those described above. This revenue is generally a Special Revenue Fund revenue.

e. 4540 Improving America's Schools Act (IASA) Federal funds administered by the State and granted to the LEA for programs for economically and educationally deprived school children.

i. 4541 Title I Grants to Local Educational Agencies Federal funds administered by the State to provide a program for economically and educationally deprived children; the funds supplement rather than supplant activities that are state or locally mandated. This revenue is normally a Special Revenue Fund revenue.

ii. 4542 Title I, Part C, Migrant Education Basic State Grant Program Federal funds administered by the State to provide programs to meet the special education needs of children of migratory agricultural workers and migratory fishers, needs that have resulted from their migratory lifestyles or history.

iii. 4543 Title VI Innovative Education Program Strategies Federal funds administered by the State to provide various types of programs that the school board may institute with the approval of the State Department of Education. This revenue is normally a Special Revenue Fund revenue.

iv. 4544 Title IV Safe and Drug Free Schools and Communities State Grants Federal funds administered by the State to educate children to prevent drug abuse. This revenue is normally a Special Revenue Fund revenue.

v. 4545 Title II Eisenhower Professional Development State Grants Federal funds administered by the State to provide financial assistance to improve the skills of teachers in mathematics and science. This revenue is normally a Special Revenue Fund revenue.

vi. 4546 Other IASA Programs All other federally funded program grants administered by the State and granted to the LEA under the improving America's Schools Act other than those described above. This revenue is generally a Special Revenue Fund revenue.

f. 4550 Job Training Partnership Act (JTPA) Federal funds administered by the State under the Job Training Partnership Act Program. This revenue is normally a Special Revenue Fund revenue.

g. 4580 FEMA Disaster Relief Federal funds administered by the State to provide financial assistance to an LEA for repairs and/or rebuilding necessary after a natural disaster.

h. 4585 Starting Points Program Federal funds administered by the State to provide financial assistance for

pre-school programs designed to provide quality education to children whose parents are enrolled in job-training programs.

i. 4590 Other Restricted Grants Through State: Federal funds administered by the State other than those shown above.

5. 4800 Revenue in Lieu of Taxes: Commitments or payments made out of general revenues by the Federal Government to the LEA in lieu of taxes it would have had to pay had its property or other tax base been subject to taxation by the LEA on the same basis as privately owned property or other tax base. Such revenue would include payment made for privately owned property that is not subject to taxation on the same basis as other privately owned property because of action by the Federal Governmental unit.

a. 4810 Loss of Taxes Because of Federal Housing Projects: Federal payments in lieu of taxes made directly to the LEA because of the existence of a Federally-funded housing project in the district, the location of which causes a loss of Ad Valorem tax revenue. This revenue is normally pro-rated to the funds that record the affected Ad Valorem tax revenues.

b. 4820 Sale of Timber, etc., On Federal Forest Reserves: Federal payments in lieu of taxes made directly to the LEA because of the existence of a federal forest reserve in the district and for which the Federal Government has agreed to share a portion of the revenues derived from the sale of timber or other products contained thereon. This revenue is normally a General Fund Revenue.

c. 4890 Other Revenue in Lieu of Taxes: Other revenue in lieu of taxes made directly to the LEA, other than those described above.

6. 4900 Revenue for/on Behalf of the LEA: Commitments or payments made by the Federal Government for the benefit of the LEA, or contributions of equipment or supplies. Such revenue includes a contribution of fixed assets by a Federal governmental unit to the LEA and foods donated by the Federal Government to the LEA.

a. 4910 Nonfood Assistance: Federal assistance received in terms of non-cash and non-food type items granted directly to the LEA. This revenue is recorded by debiting the appropriate expenditure account that would have been charged had the LEA purchased the particular item and by crediting this account.

b. 4920 Value of USDA Commodities: Federal assistance received by the School Food Service Department in terms of the stated value of United States Department of Agriculture commodities. This revenue is recorded by debiting the appropriate food account and by crediting this account.

c. 4990 Other Revenues for/on Behalf of the LEA: Other commitments or payments made by the Federal Government for the benefit of the LEA or contributions of equipment or supplies, other than those described above.

D. 5000 Other Sources of Funds

1. 5100 Sale of Bonds: The proceeds from the sale of bonds.

a. 5110 Bond Proceeds: Principal received through the issuance of a debt instrument by the LEA. This revenue is normally accounted for in the fund that will expend the

proceeds from the debt issuance (e.g., Capital Projects Funds).

b. 5120 Accrued Interest and Premium on Bonds Sold: Amounts received for accrued interest from the sale of bonds and/or that portion of the sales price of bonds in excess of their par value. This revenue is normally credited to the fund that is responsible for payment of the principal and interest on the debt.

2. 5200 Interfund Transfers: Amount available from another fund that will not be replaced.

a. 5210 Transfer of Indirect Costs: Amounts of indirect costs transferred from direct federal grants, usually to the General Fund.

b. 5220 Operating Transfers In: Interfund transfers made by the LEA from one fund to another that does not carry a corresponding obligation on the receiving fund to repay the amount to the paying fund. This account is credited by the receiving fund, while the paying fund debits Fund Transfers Paid in the Other Use of Funds Section.

3. 5300 Sale or Compensation for Loss of Fixed Assets: Amounts available from the sale of school property or compensation for the loss of fixed assets.

a. 5310 Sale of Surplus Items/Fixed Assets: Amounts received by the LEA for the sale of land, buildings, improvements, furniture or equipment. This revenue is normally revenue to the fund which had originally purchased the fixed assets.

b. 5320 Insurance Proceeds from Losses: Amounts received by the LEA from an insurance company to compensate for the fire, theft, or other casualty to fixed assets. This revenue is normally revenue to the fund that had originally purchased the items.

c. 5330 Collection for Lost or Damaged Textbooks: Amounts received by the LEA from students (or parents) for textbooks that have been lost or stolen. This revenue is normally revenue to the fund that originally purchased textbooks.

4. 5400 Loans: Proceeds from loans greater than twelve (12) months.

5. 5500 Capital Lease: Amount equal to the present value of minimum lease payments arising from capital lease agreements entered into by the LEA. This revenue is recorded by debiting the associated expenditures account and by crediting this account. Corresponding entries should be made in the General Fixed Asset and General Long-Term Debt Account Groups.

6. 5600 Judgments: Amounts received as a result of a court order or judgment in favor of the LEA. This revenue is normally a revenue to the fund that expended monies to rectify the claim or paid the associated legal fees relative to the action that gave rise to the favorable judgment.

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Chapter 9. Classification of Expenditures and Other Uses of Funds

§901. Object Codes

A. This dimension is used to describe the service or commodity obtained as the result of a specific expenditure. There are nine major object categories, each of which is further subdivided. Listed below are definitions of the object classes and selected sub-object categories.

B. 100 Salaries Amounts paid to both permanent and temporary LEA employees, including personnel substituting for those in permanent positions. This expenditure includes gross salary for personal services rendered while on the payroll of the LEA's.

1. 110 Salaries of Regular Employees Full-time, part-time, and prorated portions of the costs for work performed by permanent employees of the LEA.

a. 111 Officials/Administrators/Managers These are occupations requiring administrative personnel who set broad policies, exercise overall responsibility for execution of these policies, or direct individual departments or special phases of the school system. Included in this category are superintendents of schools; assistant, deputy and associate superintendents; instructional coordinators, supervisors and directors; principals and assistant principals; and school business officials.

b. 112 Teachers Staff members assigned the professional activities of instructing pupils in courses in classroom situations for which daily-pupil attendance figures for the school system are kept. Included in this category are music, band, physical education, home economics, librarians, special education, etc.

c. 113 Therapists/Specialists/Counselors Staff members responsible for teaching or advising pupils with regard to their abilities and aptitudes, educational and occupational opportunities, personal and social adjustments. Included in this category are speech therapists, occupational therapists, physical therapists, guidance counselors, psychologists, social workers, assessment teachers/diagnosticians, and instructional specialists.

d. 114 Clerical/Secretarial These are occupations requiring skills and training in all clerical-type work including activities such as preparing, transcribing, systematizing, or preserving written communication and reports, or operating such mechanical equipment as bookkeeping machines, typewriters and tabulating machines. Included in this category are bookkeepers, messengers, office machines operators, clerk-typist, stenographers, statistical clerks, dispatchers, and payroll clerks.

e. 115 Aides Staff members working with students under the direct supervision of a classroom teacher or under the direct supervision of a staff member performing professional-educational-teaching assignments on a regular schedule. Included in this category are teacher aides, library aides, bus aides, etc.

f. 116 Service Workers Staff members performing a specialized service; included in this category are cafeteria workers, bus drivers, school security guards, custodians, etc.

g. 117 Skilled Crafts Occupations in which workers perform jobs that require special manual skill and a thorough and comprehensive knowledge of the process involved in the work, which is acquired through on-the-job training and experience or through apprenticeship or other formal training programs. Included in this category are mechanics, electricians, heavy equipment operators, carpenters, etc.

h. 118 Degreed Professionals Occupations requiring a high degree of knowledge and skills acquired through at least a baccalaureate degree or its equivalent. This classification normally includes nurses, architects, lawyers, accountants, etc.

i. 119 Other Salaries Other staff members other than those classified above.

2. 120 Salaries of Temporary Employees Full-time, part-time, and prorated portions of the costs for work performed by employees of the LEA who are hired on a temporary or substitute basis.

a. 121 Acting Employee The cost of work performed by a person who is temporarily taking over the duties or position of a regular employee.

b. 122 Seasonal Employee The cost of work performed by a person who is hired on a temporary basis usually not more than five months which is affected by or dependent on a certain time of year.

c. 123 Substitute Employee The cost of work performed by a person who is hired on a day-by-day basis in place of a regular employee.

d. 129 Other Temporary Employee Temporary employees other than those classified above.

3. 130 Salaries for Overtime Amounts paid to employees of the LEA in either temporary or permanent positions for work performed in addition to the normal work period for which the employee is compensated under regular salaries and temporary salaries above. The terms of such payment for overtime are a matter of State and local regulations and interpretation.

4. 140 Salaries for Sabbatical Leave Amounts paid by the LEA to employees on sabbatical leave.

5. 150 Stipend Pay A one-time payment or allowance to regular employees to attend workshops or in service training programs.

C. 200 Employee Benefits Amounts paid by the LEA on behalf of employees; these amounts are not included in the gross salary, but are in addition to that amount. Such payments are fringe benefit payments and, while not paid directly to employees, are, nevertheless, part of the cost of personal services. Such amounts must be distributed to each function according to the employee's assignment.

1. 210 Group Insurance Employer's share for current employees of any insurance plan. Group insurance for retirees should be reported under object code 270: Health Benefits.

2. 220 Social Security Contributions Employer's share of Social Security paid by the LEA. (FICA)

3. 225 Medicare/Medicaid contributions Employer's share of Medicare/Medicaid paid by the LEA.

4. 230 Retirement Contribution Employer's share of any State or local employee retirement system paid by the LEA, including the amount paid for employees assigned to federal programs.

a. 231 Louisiana Teachers' Retirement System Contributions (TRS)

b. 233 Louisiana School Employees' Retirement System Contributions (LSERS)

c. 235 Louisiana Parochial School Employees' Retirement System Contributions (LPSERS)

d. 239 Other Retirement Contributions

5. 240 Tuition Reimbursement Amounts reimbursed by the LEA to any employee qualifying for tuition reimbursement based upon LEA policy.

6. 250 Unemployment Compensation Amounts paid by the LEA to provide unemployment compensation for its employees.

7. 260 Workmen's Compensation Amounts paid by the LEA to provide workmen's compensation insurance for its employees.

8. 270 Health Benefits Amounts paid by the LEA to provide health benefits for employees now retired and for whom benefits are paid.

9. 280 Sick Leave Severance Pay Amounts of unused sick leave paid by the LEA to its employees upon their retirement.

10. 290 Other Employee Benefits Employee benefits other than those classified above.

D. 300 Purchased Professional and Technical Services Services which, by their nature, can be performed only by persons or firms with specialized skills and knowledge. While a product may or may not result from the transaction, the primary reason for the purchase is the service provided.

1. 310 Purchased Official/Administrative Services Services in support of the various policy-making and managerial activities of the LEA. Included would be management consulting activities oriented to general governance or business and financial management of the LEA; school management support activities; election and tax assessing and collecting services. This object code is usually used with functions 2300 General Administration and 2400 School Administration.

a. 311 Assessor Fees Money paid to the tax assessor, who assesses property for taxation.

b. 312 Sheriff Fees Money paid to the local sheriff, who is charged with the collection and remittance of property taxes to the LEA.

c. 313 Pension Fund Monies deducted from the proceeds of property taxes for the payment of all pensions into the Pension Accumulation Fund (R.S. 17:696).

d. 314 Sales Tax Collection Fees Money paid to another individual or other governmental body charged with the collection and remittance of sales and use taxes.

e. 315 State Tax Commission Fees Money paid to the Louisiana Tax Commission pursuant to a judgment upheld by the courts against a company that files suit to contest the correctness or legality of any final determination of its assessed valuation for taxation. The fee is an amount equal to ten percent of the proceeds received (R.S. 47:1856f).

f. 316 Election Fees Money paid to other governmental agencies for expenses related to the election of school board members, as well as elections for the purpose of collecting tax revenues.

g. 317 Management Consultants Money paid to an individual or firm to study and evaluate the activities of the school system.

h. 319 Other Fees Official and administrative services other than those classified above.

2. 320 Purchased Educational Services Services supporting the instructional program and its administration. Included would be curriculum improvement services, counseling and guidance services, library and media support and contracted instructional services. Also included would be payments to speakers to make presentations at workshops and in service training programs. This object code is usually used with functions 1000 Instruction, 2100 Pupil Support Services, and 2200 Instructional Staff Services.

3. 330 Other Purchased Professional Services Professional services which support the operation of the LEA other than educational services. Included are medical doctors, lawyers, architects, auditors, accountants, therapists, audiologists, dieticians, editors, negotiations specialists, systems analysts, planners, and the like. This object code is usually used with function 2000 Support Services.

a. 331 Occupational/Physical Therapist Services Professional services contracted or paid by the LEA for treatment of an injury by physical activity rather than with drugs or for the treatment of mental ailments by work designed to divert the mind.

b. 332 Legal Services Professional services contracted or paid by the LEA to defend itself against lawsuits and to assist the LEA's in conforming with the law.

c. 333 Audit/Accounting Services Professional services contracted or paid by the LEA to examine and check the financial operations of the school system, as well as to provide assistance in keeping, analyzing and explaining accounts.

d. 334 Architect/Engineering Services Professional services contracted or paid by the LEA to design buildings, to draw up the plans, and generally to supervise the construction.

e. 335 Medical Doctors Professional services contracted or paid by the LEA to provide medical services such as a physical for employees or for students that want to participate in athletics.

f. 339 Other Professional Services Professional services other than those classified above.

g. 340 Purchased Technical Services Services to the LEA which are not regarded as professional, but which require basic scientific knowledge, manual skills, or both. Included are data processing services, banking services, purchasing and warehousing services, graphic arts and the like. This object code is used usually with functions 1000 Instruction and 2000 Support Services.

E. 400 Purchased Property Services Services purchased to operate, repair, maintain, and rent property owned or used by the LEA. These services are performed by persons other than LEA employees. While a product may or may not result from the transaction, the primary reason for the purchase is the service provided.

1. 410 Utility Services Expenditures for utility services other than energy services supplied by public or private organizations. Water and sewerage are included here. Telephone and telegraph are not included here, but are classified under object 530 Telephone and Postage. This object code is used with only function 2600 Operations and Maintenance of Plant Services.

a. 411 Water/Sewage Expenditures for water/sewage utility services from a private or public utility company.

2. 420 Cleaning Services Services purchased to clean buildings (apart from services provided by LEA employees). This object code is used with only function 2600 Operations and Maintenance of Plant Services.

a. 421 Disposal Services Expenditures for garbage pickup and handling not provided by LEA personnel.

b. 422 Snow Plowing Services Expenditures for snow removal not provided by LEA personnel.

c. 423 Custodial Services Expenditures to an outside contractor for custodial services.

d. 424 Lawn Care Expenditures for lawn and grounds upkeep, minor landscaping, nursery services and the like not provided by LEA personnel.

3. 430 Repairs and Maintenance Services Expenditures for repairs and maintenance services not provided directly by LEA personnel. This expenditure includes contracts and agreements covering the upkeep of buildings, upkeep of equipment, including computers and related technology, and portable building relocation expenses. Costs for renovating and remodeling are not included here but are classified under object 450 Construction Services.

4. 440 Rentals Costs for renting or leasing land, buildings, equipment, and vehicles.

a. 441 Renting Land and Buildings Expenditures for leasing or renting land and buildings for both temporary and long-range use by the LEA. This object code is used with function 2600 Operations and Maintenance of Plant Services or other appropriate programs.

b. 442 Rental of Equipment and Vehicles Expenditures for leasing or renting equipment or vehicles for both temporary and long-range use by the LEA. This expenditure includes bus and other vehicle rental when operated by a local LEA, lease-purchase arrangements, and similar rental agreements. This object code is usually used with function 1000 Instruction or 2000 Support Services, and appropriate program code.

5. 450 Construction Services Expenditures for constructing, renovating and remodeling paid to contractors. This object code includes the installation of new phone lines or cable to provide Internet access. It is used only with functions 4500 Building Acquisition and Construction Services, and 4600 Building Improvement Services.

6. 490 Other Purchased Property Services Purchased property services that are not classified above. Costs for telephone and telegraph are not included here, but are included in object 530 Telephone and Postage. This object code is used usually with function 2600 Operations and Maintenance of Plant Services.

F. 500 Other Purchased Services Amounts paid for services rendered by organizations or personnel not on the payroll of the LEA (separate from professional and technical services or property services). While a product may or may not result from the transaction, the primary reason for the purchase is the service provided.

1. 510 Student Transportation Services Expenditures for transporting children to and from school and other activities. This object code is used with only function 2700 Student Transportation Services.

a. 511 Student Transportation Purchased from Another LEA within the State Amounts paid to other LEAs within the state for transporting children to and from school and school-related events. Expenditures for the rental of buses that are operated by personnel on the LEA payroll are recorded not here, but under object code 442 Rental of Equipment and Vehicles.

b. 512 Student Transportation Purchased from Another LEA outside the State Payments to other LEAs outside the State for transporting children to and from school and school-related events.

c. 513 Payments in Lieu of Transportation Payments to individuals who transport themselves or their own children or for reimbursement of transportation expenses on public carriers.

d. 519 Student Transportation Purchased from other Sources Payments to persons or agencies other than LEAs for transporting children to and from school and school-related events.

2. 520 Insurance (Other than Employee Benefits) Expenditures for all types of insurance coverage, including property, liability, and fidelity. Insurance for group health should be recorded under object 200 Employee Benefits.

a. 521 Liability Insurance Insurance that pays and renders service on behalf of the LEA for loss arising out of its responsibility, due to negligence, to others as imposed by law or assumed by contract.

b. 522 Property Insurance Insurance that indemnifies the LEA with an interest in physical property for its loss or the loss of its income producing ability.

c. 523 Fleet Insurance Insurance that protects the LEA against any physical damage to its vehicles, property damage, liability and/or other coverages.

d. 524 Errors and Omissions Insurance Professional liability insurance that protects the LEA against legal liability resulting from negligence, errors and omissions, and other aspects of rendering or failing to render professional service. It does not cover fraudulent, dishonest or criminal acts.

e. 525 Faithful Performance Bonds A bond that will reimburse the LEA for loss up to the amount of the bond, sustained by the LEA by reason of any dishonest act of an employee or employees covered by the bond.

f. 529 Other Insurance Payments for insurance other than those classified above.

3. 530 Telephone and Postage Expenditure for services provided by persons or businesses to assist in transmitting and receiving messages or information. This category includes telephone and telegraph services, postage machine rental and postage, and Internet access charges via telephone lines or cable. This object code is used usually with functions 2300 General Administration or 2400 School Administration. This object code may be used with 1900 Instructional Technology.

4. 540 Advertising Expenditures for announcements in professional publications, newspapers or broadcasts over radio and television. These expenditures include advertising for such purposes as personnel recruitment, legal ads, new and used equipment, and sale of property. Costs for professional advertising or public relations services should be charged to object 330 Other Purchased Professional Services. This object code is used usually with functions General Administration, 2500 Business Services, or 2800 Central Services.

5. 550 Printing and Binding Expenditures for job printing and binding, usually according to specifications of the LEA. This expenditure includes designing and printing forms and posters as well as printing and binding LEA publications. Pre-printed standard forms should be recorded under object 610 Materials and Supplies. This object code is used usually with function 2500 Business Services.

6. 560 Tuition Expenditures to reimburse other educational agencies for providing instructional services for

students residing within the legal boundaries of the paying LEA. This object code is used with only function 1000 Instruction.

a. 561 Tuition to Other in State LEA's: Tuition paid to other LEAs within the State.

b. 562 Tuition to Other LEA's Outside the State: Tuition paid to other LEAs outside the State.

c. 563 Tuition to Private Sources: Tuition paid to private schools.

d. 564 Tuition to Intermediate Education Agencies within the State.

e. 565 Tuition to Intermediate Education Agencies outside the State.

f. 569 Other Tuition: Tuition paid to other governmental organizations as reimbursement for providing specialized instructional services to students residing within the boundaries of the paying LEA.

7. 570 Food Service Management: Expenditures for the operation of a local food service facility by other than employees of the LEA. Included are contracted services, such as food preparation, associated with the food service operation. Direct expenditures by the LEA for food, supplies, labor and equipment would be charged to the appropriate object codes. This object code is used with only function 3100 Food Service Operations.

8. 580 Travel: Expenditures for transportation, meals, hotel, and other expenses associated with staff travel for the LEA. Payments for per diem in lieu of reimbursements for subsistence (room and board) also are charged here. This object code is used with all functions except 5000 Other Sources of Funds.

a. 581 Mileage Allowance: A sum of money granted at stated intervals for travel expenses in lieu of reimbursement for actual travel expenses.

b. 582 Travel Expense Reimbursement: A sum of money paid for travel expenses at a specified amount per mile plus actual reimbursement for meals, hotel and other expenses.

c. 583 Operational Allowance: A sum of money granted to those individuals at stated intervals for the operation and maintenance of a vehicle.

9. 590 Miscellaneous Purchased Services: Expenditures for purchased services other than those described above. Any inter-district payments other than tuition should be classified here.

a. 591 Services Purchased Locally: Expenditures for purchased services not otherwise classified in the 300 Purchased Professional and Technical Services, 400 Purchased Property Services, or 500 Other Purchased Services series of objects. This object code is used with all functions except 5000 Other Sources of Funds.

b. 592 Services Purchased from Another LEA within the State: Payments to another LEA within the state for services rendered, other than tuition and transportation fees. Examples of such services are data processing, purchasing, nursing and guidance. When a question arises as to whether to code such payments to the 300 series of object code, purchased professional and technical services, or to this code, 592 should be used so that all inter-district payments can be eliminated when consolidating reports from multiple LEA's at state and federal levels. This code is used with only function 2000 Support Services.

c. 593 Services Purchased from Another LEA Outside the State: Payments to another LEA outside the state for services rendered, other than tuition and transportation fees. Examples of such services are data processing, purchasing, nursing and guidance. When a question arises as to whether to code such payments to the 300 series of object codes or to this code, 593 Services Purchased from Another LEA within the State should be used so that all inter-district payments can be eliminated when consolidating reports at the federal level. This object code is used with only function 2000 Support Services.

G. 600 Supplies: Amounts paid for items that are consumed, worn out, or deteriorated through use; or for items that lose their identity through fabrication or incorporation into different or more complex units or substances. Refer to Appendix D for the criteria for distinguishing between a supply and an equipment item.

1. 610 Materials and Supplies: Expenditures for all supplies (other than those listed below) for the operation of an LEA, including freight and cartage. A more thorough classification of supply expenditures is achieved by identifying the object with the function: for example, audiovisual supplies or classroom teaching supplies. See Appendix A. This object code is used with all functions except 5000 Sources of Funds.

2. 620 Energy: Expenditures for energy, including gas, oil, coal, gasoline, and services received from public or private utility companies.

a. 621 Natural Gas: Expenditures for gas utility services from a private or public utility company. This object code is used with functions 1000 Instruction, 2600 Operations and Maintenance of Plant Services, and 3100 Food Services Operations.

b. 622 Electricity: Expenditures for electric utility services from a private or public utility company. This object code is used usually with functions 1000 Instruction, and 2600 Operations and Maintenance of Plant Services.

c. 623 Bottled Gas: Expenditures for bottled gas, such as propane gas received in tanks. This object code is used with functions 1000 Instruction, 2600 Operations and Maintenance of Plant Services, 3100 Food Services Operations.

d. 624 Oil: Expenditures for bulk oil normally used for heating. This object code is used with only function 2600 Operations and Maintenance of Plant Services.

e. 625 Coal: Expenditures for raw coal normally used for heating. This object code is used with only function 2600 Operations and Maintenance of Plant Services.

f. 626 Gasoline: Expenditures for gasoline purchased in bulk or periodically from a gasoline service station. This object code is used usually with functions 2600 Operations and Maintenance of Plant Services and 2700 Student Transportation Services.

g. 629 Other: Expenditures for energy that cannot be classified in one of the foregoing categories.

3. 630 Food: Expenditures for food used in the school food service program. This object code is used with only function 3100 Food Services Operations. Food used in instructional programs is charged under object code 610 Materials and Supplies.

a. 631 Purchased Food‡ Food that is purchased from vendors rather than food received from the U.S. Department of Agriculture.

b. 632 Commodities‡ Food that is passed through the State Department of Agriculture from the U.S. Department of Agriculture.

4. 640 Books and Periodicals‡ Expenditures for books, textbooks and periodicals prescribed and available for general use, including reference books. This category includes the cost of workbooks, textbook binding or repairs, as well as textbooks that are purchased to be resold or rented. Also recorded here are the costs of binding or other repairs to school library books. This object code is used with all functions except 5000 Other Use of Funds.

a. 641 Library Books‡ A collection of books systematically arranged for reading or reference.

b. 642 Textbooks‡ A book giving instructions in the principles of a subject of study or any book used as the basis or partial basis of a course of study.

c. 643 Workbooks‡ A book for the use of students. It contains questions and exercises based on a textbook or course of study.

d. 644 Periodicals‡ A publication appearing at regular intervals of more than one day, as a weekly magazine.

H. 700 Property‡ Expenditures for acquiring fixed assets, including land or existing buildings; improvements of grounds; initial equipment; additional equipment; and replacement of equipment.

1. 710 Land and Improvements‡ Expenditures for the purchase of land and the improvements thereon. Purchases of air rights, mineral rights and the like are included here. Also included are special assessments against the LEA for capital improvements such as streets, curbs and drains. Not included here, but generally charged to object codes 450 Construction Services or 340 Technical Services as appropriate, are expenditures for improving sites and adjacent ways after acquisition by the LEA. This object code is used with only functions 4100 Site Acquisition services and 4200 Site Improvement Services.

2. 720 Buildings‡ Expenditures for acquiring existing buildings. Included are expenditures for installment or lease payments (except interest) that have a terminal date and that result in the acquisition of buildings, except payments to public school-housing authorities or similar agencies. This object code is used with only function 4500 Building Acquisition and Construction Services. Expenditures for the contracted construction of buildings, for major permanent structural alterations, and for the initial or additional installation of heating and ventilating systems, fire protection systems, and other service systems in existing buildings are recorded under object code 450 Construction Services. Buildings built and alterations performed by the LEAs own staff are charged to object code 100 Salaries, 200 Employee Benefits, 610 Materials and Supplies, and 730 Equipment, as appropriate.

3. 730 Equipment‡ Expenditures for initial, additional, and replacement items of equipment, such as machinery, furniture and fixtures, computers and vehicles. For clarification as to whether an item is to be classified as equipment or supplies, refer to Appendix A.

a. 731 Machinery‡ Expenditures for equipment usually composed of a complex combination of parts (excluding vehicles). An example would be a lathe, drill press, or printing press.

b. 732 Vehicles‡ Expenditures for equipment used to transport persons or objects. Examples are automobiles, trucks, buses, station wagons, and vans.

c. 733 Furniture and Fixtures‡ Expenditures for equipment used for sitting; as a support for writing and work activities; and as storage space for material items. This object code is used with all functions, except 5000 Other Use of Funds.

d. 739 Other Equipment‡ Expenditures for all other equipment not classified elsewhere in the 730 Equipment.

4. 740 Depreciation‡ The portion of the cost of a fixed asset that is charged as an expense during a particular period. In accounting for depreciation, the cost of a fixed asset, less any salvage value, is apportioned over the estimated service life of such an asset, and each period is charged with a portion of such cost. Through this process, the cost of the asset is ultimately charged off as an expense. In accordance with GAAP, using depreciation is required in proprietary funds only.

I. 800 Other Objects‡ Amounts paid for goods and services not otherwise classified above.

1. 810 Dues and Fees‡ Expenditures or assessments for membership in professional or other organizations or payments to a paying agent for services rendered. This object code is used with functions 1000 Instruction and 2000 Support Services.

2. 820 Judgments Against the LEA‡ Expenditures from current funds for all judgments (except as indicated below) against the LEA that are not covered by liability insurance, but are of a type that might have been covered by insurance. Only amounts paid as the result of court decisions are recorded here. Judgments against the LEA resulting from failure to pay bills or debt service are recorded under the appropriate expenditure accounts, as though the bills or debt service had been paid when due. This object code is used with function 2300 General Administration.

3. 830 Interest‡ Expenditures for interest on bonds or notes. This object code is used with function 2500 Business Services and 5100 Debt Service.

4. 840 Contingency‡ This account is provided for budgeting appropriations. Expenditures to be paid from the contingency should be charged to the appropriate function and object classification. This object code is used with function 2300 General Administration or may be used with all functions except 5000 Other Use of Funds.

5. 890 Miscellaneous Expenditures‡ Amounts paid for goods or services not properly classified in one of the objects included above. Refunds of prior year's expenditures are charged to this account.

J. 900 Other Uses of Funds‡ This series of object codes is used to classify transactions that are not properly recorded as expenditures to the LEA but require budgetary or accounting control. These transactions include redemption of principal and interest on long-term debt, housing authority obligations, and fund transfers.

1. 910 Redemption of Principal‡ Outlays from current funds to retire serial bonds and long-term loans. This object code is used with only function 5100 Other Uses of Funds.

2. 915 Payments to Escrow Agent Funds transferred to an escrow agent to be held in trust for the repayment of refinanced bonds.

3. 920 Housing Authority Obligations Outlays from current funds to satisfy housing authority obligations of the LEA. A public school housing authority is a public or quasi-public corporation having power to issue authority bonds for public school purposes, construct public school buildings, lease public school buildings to local public school administrative units, or transfer title to such units. All expenditures of this nature are classified in this category. This object code is used with function 5100 Other Uses of Funds.

4. 930 Interfund Transactions Transactions between funds that should not be classified as an expenditure. This object code is used with all functions.

a. 931 Residual Equity Transfers Nonrecurring or non-routine transfers of equity between funds: for example, the transfer of residual balances of discontinued funds to the General Fund or Debt Service Fund.

b. 932 Operating Transfers Out Transactions that withdraw money from one fund to another without recourse: for example, legally authorized transfers from a fund receiving revenue to the fund through which the resources are to be expended.

c. 933 Indirect Costs The transfer of funds from Federally assisted programs to the General Fund for those indirect costs which are not readily identifiable but are, nevertheless, incurred for the joint benefit of those activities and other activities and programs of the organization.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17(2)(e).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 26:468 (March 2000).

§903 Function Codes

A. The function describes the activity for which a service or material object is acquired. The functions of an LEA are classified into five broad areas: instruction, support services, operation of non-instructional services, facilities acquisition and construction, and other outlays. Functions are further broken down into subfunctions and areas of responsibility.

B. 1000 Instruction Activities dealing directly with the interaction between teachers and students. Teaching may be provided for students in a school classroom, in another location such as a home or hospital, and in other learning situations such as those involving co-curricular activities. It may also be provided through some other approved medium such as television, radio, telephone and correspondence. Included here are the activities of aides or classroom assistants of any type (clerks, graders, teaching machines, etc.) that assist in the instructional process.

1. 1100 Regular Programs, Elementary and Secondary Activities that provide students in grades K-12 with learning experiences to prepare them for activities as citizens, family members, and non-vocational workers. These programs contrast with those designed to improve or overcome physical, mental, social and/or emotional handicaps.

a. 1105 Kindergarten The activities associated with children for the year immediately preceding the first grade.

b. 1110 Elementary The activities associated with children from first grade through and including the eighth grade.

c. 1130 Secondary The activities associated with children from the ninth grade through and including the twelfth grade.

2. 1200 Special Education Programs Activities primarily for students having special needs. These programs include services for the gifted and talented, mentally retarded, or physically handicapped.

a. 1210 Special Education Activities for students identified as being mentally or physically disabled.

b. 1220 Gifted and Talented Activities for students identified as being mentally gifted or talented.

3. 1300 Vocational Programs Activities that provide students with the opportunity to develop the knowledge, skills and attitudes needed for employment in an occupational area.

a. 1310 Agriculture Activities that enable students to acquire the background, knowledge, and skills necessary to enter a wide range of agriculturally related activities.

b. 1340 Home Economics Activities that enable students to acquire knowledge and develop understanding, attitudes, and skills relevant to personal, home, and family life, and to home economics occupations.

c. 1350 Industrial Arts Activities that develop a students' understanding about all aspects of industry and technology. These aspects include experimenting, designing, constructing, and evaluating; using tools, machines, materials; and using processes that may help individuals make informed and meaningful occupational choices, or that may prepare them to enter advanced trade and industrial or technical educational programs.

d. 1360 Business Activities that prepare, upgrade, or retrain students for selected office occupations.

e. 1390 Other Vocational Programs Other activities that provide students with the opportunity to develop the knowledge, skills, and attitudes needed for employment in an occupational area.

4. 1400 Other Instructional Programs Elementary and secondary: activities that provide students in grades K-12 with learning experiences not included in 1100 Regular Programs.

a. 1410 Co-Curricular Activities School sponsored activities, under the guidance and supervision of the LEA staff, designed to provide students such experiences as motivation, enjoyment, and improvement of skills. Co-curricular activities normally supplement the regular instructional program and include such activities as band, chorus, choir, speech and debate. Also included are student-financed and managed activities, such as chess club, senior prom, Future Farmers of America, senior class, etc.

b. 1420 Athletics School sponsored activities, under the guidance and supervision of LEA staff, that provide opportunities for students to pursue various aspects of physical education. Athletics normally involve competition between schools and frequently involve offsetting gate receipts or fees.

c. 1440 Driver Education Programs Activities that provide students with instruction in learning to drive an automobile.

d. 1490 Other Activities that provide students with learning experiences not included above.

5. 1500 Special Programs Activities primarily for students having special needs. These programs include pre-kindergarten, culturally different students with learning disabilities, bilingual students, and special programs for other types of students.

a. 1510 Improving America's Schools Act (IASA) Activities for students whose background is so different from that of most other students that they need additional opportunities beyond those provided in the regular educational program.

b. 1520 Bilingual Education Programs (Title VII) Activities for students from homes in which the English language is not the primary language spoken.

c. 1530 Pre-Kindergarten Programs Activities associated with children of any age span below kindergarten.

6. 1600 Adult/Continuing Education Programs Activities that develop knowledge and skills to meet immediate and long range educational objectives of adults who have completed or interrupted their formal schooling to accept adult roles and responsibilities. Programs include activities for developing the fundamental tools of learning; for preparing students for a post secondary career; for preparing students for post secondary education programs; for upgrading occupational competence; for preparing students for a new or different career; for developing skills and appreciation for special interests; or for enriching the aesthetic qualities of life.

7. 1700 Community/Junior College Education Programs Deleted

C. 2000 Support Services Support services provide administrative, technical (such as guidance and health), and logistical support to facilitate and enhance instruction. These services exist as adjuncts for fulfilling the objectives of instruction, community services and enterprise programs, rather than as entities within themselves.

1. 2100 Pupil Support Services Activities designed to assess and improve the well-being of students and to supplement the teaching process.

a. 2110 Child Welfare and Attendance Services Activities that are designed to improve student attendance at school and that attempt to prevent or solve student problems involving the home, the school, and the community. Registration activities for Adult Education Programs are included here.

i. 2111 Supervision of Attendance and Social Work Services Activities associated with directing, managing and supervising attendance and social work.

ii. 2112 Attendance Services Activities such as promptly identifying nonattendance patterns, promoting improved attitudes toward attendance, analyzing causes of nonattendance, acting early on nonattendance problems, and enforcing compulsory attendance laws.

iii. 2113 Social Work Services Activities such as investigating and diagnosing student problems arising out of the home, school, or community; providing casework and group work services for the child, parent, or both; interpreting the problems of students for other staff members; and promoting modification of the circumstances surrounding the individual student and are related to his or her problem.

iv. 2114 Student Accounting Services Activities of acquiring and maintaining records of school attendance, location of home, family characteristics, and census data. Portions of these records become a part of each student's cumulative record, which is sorted and stored for teacher and guidance information. Pertinent statistical reports are prepared under this function as well.

v. 2119 Other Attendance and Social Work Services Attendance and social work services other than those described above.

b. 2120 Guidance Services Activities involving counseling with students and parents; consulting with other staff members on learning problems; evaluating the abilities of students; assisting students as they make their own educational and career plans and choices; assisting students in personal and social development; providing referral assistance; and working with other staff members in planning and conducting guidance programs for students.

i. 2121 Supervision of Guidance Services Activities associated with directing, managing and supervising guidance services.

ii. 2122 Counseling Services Activities concerned with the relationship among one or more counselors and one or more students as counselees, among students and students, and among counselors and other staff members. These activities are designed to help the student understand his or her educational, personal, and occupational strengths and limitations; relate his or her abilities, emotions, and aptitudes to educational and career opportunities; utilize his or her abilities in formulating realistic plans; and achieve satisfying personal and social development.

iii. 2123 Appraisal Services Activities that assess student characteristics, which are used in administration, instruction, and guidance, and that assist the student in assessing his or her purposes and progress in career and personality development.

iv. 2124 Information Services Activities for disseminating educational, occupational, and personal social information to help acquaint students with the curriculum and with educational and vocational opportunities and requirements. Such information might be provided directly to students through activities such as group or individual guidance, or it might be provided indirectly to students, through staff members or parents.

v. 2125 Record Maintenance Services Activities for compiling, maintaining, and interpreting cumulative records of individual students, including systematic consideration of such factors as home and family background, physical and medical status, standardized test results, personal and social development, and school performance.

vi. 2126 Placement Services Activities that help place students in appropriate situations while they are in school. These placements could be educational situations, part-time employment while they are in school, and appropriate educational and occupational situations after they leave school. These activities also help ease the student's transition from one educational experience to another. The transition may require, for example, admissions counseling, referral services, assistance with records, and follow-up communications with employers.

vii. 2129 Other Guidance services Guidance services that cannot be classified above.

c. 2130 Health Services Physical and mental health services that are not direct instruction. Included are activities that provide students with appropriate medical, dental, and nursing services.

i. 2131 Supervision of Health Services Activities associated with directing and managing health services.

ii. 2132 Medical Services Activities concerned with the physical and mental health of students, such as health appraisal, including screening for vision, communicable diseases, and hearing deficiencies; screening for psychiatric services, periodic health examinations; emergency injury and illness care; and communications with parents and medical officials.

iii. 2133 Dental Services Activities associated with dental screening, dental care, and orthodontic activities.

iv. 2134 Nursing Services Activities associated with nursing, such as health inspection, treatment of minor injuries, and referrals for other health services.

v. 2139 Other Health Services Health services not classified above.

d. 2140 Psychological Services Activities concerned with administering psychological tests and interpreting the results; gathering and interpreting information about student behavior; working with other staff members in planning school programs to meet the special needs of students as indicated by psychological tests and behavioral evaluation; and planning and managing a program of psychological services, including psychological counseling for students, staff and parents.

i. 2141 Supervision of Psychological Services Directing, managing and supervising the activities associated with psychological services.

ii. 2142 Psychological Testing Services Activities concerned with administering psychological tests, standardized tests, and inventory assessments. These tests measure ability, aptitude, achievement, interests and personality. Activities also include the interpretation of these tests for students, school personnel, and parents.

iii. 2143 Psychological Counseling Services Activities that take place between a school psychologist or other qualified person as counselor and one or more students as counselees in which the students are helped to perceive, clarify, and solve problems of adjustment and interpersonal relationships.

iv. 2144 Psychotherapy Services Activities that provide a therapeutic relationship between a qualified mental health professional and one or more students, in which the students are helped to perceive, clarify, and solve emotional problems.

v. 2149 Other Psychological Services Other activities associated with psychological services not classified above.

e. 2150 Speech Pathology and Audiology Services Activities that identify, assess, and treat children with speech, hearing, and language impairments.

i. 2151 Supervision of Speech Pathology and Audiology Services Activities associated with directing, managing and supervising Speech Pathology and Audiology services.

ii. 2152 Speech Pathology Services Activities that identify children with speech and language disorders; diagnose and appraise specific speech and language disorders; refer problems for medical or other professional attention necessary to treat speech and language disorders; provide required speech treatment services; and counsel and guide children, parents, and teachers, as appropriate.

iii. 2153 Audiology services activities that identify children with hearing loss; determine the range, nature, and degree of hearing function; refer problems for medical or other professional attention appropriate to treat impaired hearing; treat language impairment; involve auditory training, speech reading (lip-reading), and speech conversation; create and administer programs of hearing conservation; and counsel children, parents, and teachers as appropriate.

iv. 2159 Other Speech Pathology and Audiology Services Other activities associated with Speech Pathology and Audiology services not classified above.

f. 2190 Other Pupil Support Services Other support services to students not classified elsewhere in 2100 Pupil Support.

2. 2200 Instructional Staff Services Activities associated with assisting the instructional staff with the content and process of providing learning experiences for students.

a. 2210 Supervision of Improvement of Instructional Services Activities associated with directing, managing and supervising the improvement of instructional services.

i. 2211 Regular Education, Elementary/Secondary Programs Activities associated with directing, managing and supervising the improvement of instruction in grades K-12.

ii. 2212 Special Education Programs Activities associated with directing, managing and supervising the improvement of instruction for students identified as being mentally or physically disabled.

iii. 2213 Gifted and Talented Activities associated with directing, managing and supervising the improvement of instruction for students identified as being mentally gifted or talented.

iv. 2214 Other Special Programs Activities associated with directing, managing and supervising the improvement of instruction for students in special programs: IASA Programs, Bilingual Programs, and Headstart/Early Childhood Programs.

v. 2215 Vocational Activities associated with directing, managing and supervising the improvement of instruction for students in the vocational programs.

vi. 2216 Adult/Continuing Education Activities associated with directing, managing and supervising the improvement of instruction for students in the adult or continuing education programs.

vii. 2219 Other Education Programs Activities associated with directing, managing and supervising the improvement of instruction for students in other programs not identified above.

b. 2220 Instruction and Curriculum Development Services Activities that aid teachers in developing the curriculum, preparing and utilizing special curriculum

materials, and understanding and appreciating the various techniques that stimulate and motivate students.

c. 2230 Instructional Staff Training Services Activities that contribute to the professional or occupational growth and competence of members of the instructional staff during the time of their service to the school system or school. Among these activities are workshops, demonstrations, school visits, courses or college credit, sabbatical leaves, and travel leaves.

d. 2240 Other Improvement of Instruction Services Activities for improving instruction other than those classified above.

e. 2250 Educational Media Services Activities concerned with the use of all teaching and learning resources, including hardware and content materials. Educational media are defined as any devices, content materials, methods, or experiences used for teaching and learning purposes. These materials include printed and nonprinted sensory materials.

i. 2251 Supervision of Educational Media Services Activities concerned with directing, managing and supervising educational media services.

ii. 2252 School Library Services Activities such as selecting, acquiring, preparing, cataloging, and circulating books and other printed materials; planning the use of the library by students, teachers and other members of the instructional staff; and guiding individuals in their use of library books and materials, whether maintained separately or as a part of an instructional materials center. Textbooks will not be charged to this function but rather to 1000 Instruction.

iii. 2253 Audiovisual Services Activities such as selecting, preparing, caring for, and making available to members of the instructional staff the equipment, films, filmstrips, transparencies, tapes, TV programs, and similar materials, whether maintained separately or as part of an instructional materials center. Included are activities in the audiovisual center, TV studio, and related work-study areas, and the services provided by audiovisual personnel.

iv. 2254 Educational Television Services Activities concerned with planning, programming, writing, and presenting educational programs or segments of programs by closed circuit or broadcast television.

v. 2255 Computer-Assisted Instruction Services Activities concerned with planning, programming, writing, and presenting educational projects that have been especially programmed for a computer to be used as the principal medium of instruction.

vi. 2259 Other Educational Media Services Educational media services other than those classified above.

f. 2290 Other Instructional Staff Services Services supporting the instructional staff not properly classified elsewhere in 2200 Instructional Staff Services.

3. 2300 General Administration Activities concerned with establishing and administering policy for operating the LEA. These activities do not include the chief business official here, but include in 2500 Business Services.

a. 2310 Board of Education Services Activities of the elected body that has been created according to State law and vested with responsibilities for educational activities in a given administrative unit.

i. 2311 Supervision of Board of Education Services Activities concerned with directing and managing the general operation of the Board of Education. These include the activities of the members of the Board of Education, but does not include any special activities defined in the other areas of responsibility described below. They also include any activities of the district performed in support of the school district meeting. Legal activities in interpretation of the laws and statutes and general liability situations are charged here, as are the activities of external auditors.

ii. 2312 Board Secretary/Clerk Services Activities required to perform the duties of the secretary or clerk of the Board of Education.

iii. 2313 Board Treasurer Services Activities required to perform the duties of treasurer of the Board of Education.

iv. 2314 Election Services Services rendered in connection with any school system election, including elections of officers and bond elections.

v. 2315 Tax Assessment and Collection Services Services rendered in connection with tax assessment and collection.

vi. 2316 Staff Relations and Negotiations Services Activities concerned with staff relations systemwide and the responsibilities for contractual negotiations with both instructional and non-instructional personnel.

vii. 2319 Other Board of Education Services Board of Education services that cannot be classified under the preceding areas of responsibility.

b. 2320 Executive Administrative Services Activities associated with the overall general administration of or executive responsibility for the entire LEA.

i. 2321 Office of Superintendent Services Activities performed by the superintendent in generally directing and managing all affairs of the LEA. These activities include all personnel and materials in the office of the chief executive officer.

ii. 2322 Community Relations Services Activities and programs developed and operated systemwide for improving school/community relations.

iii. 2323 State and Federal Relations Services Activities associated with developing and maintaining good relationships with State and Federal officials. The activities associated with grant procurement are included.

iv. 2324 Office of Assistant Superintendent Services Activities performed by deputy, associate, and assistant superintendents in assisting the superintendent in generally directing and managing all affairs of the LEA. Activities of the offices of the deputy superintendent should be charged here, unless the activities can be placed properly into a service area. In this case, they would be charged to service area direction in that service area.

v. 2329 Other Executive Administration Services Other general administrative services that cannot be recorded under the preceding functions.

4. 2400 School Administration Activities concerned with the overall administrative responsibility for a school.

a. 2410 Office of the Principal Services Activities concerned with directing and managing the operation of a particular school. They include the activities performed by

the principal while he/she supervises all operations of the school, evaluates the staff members of the school, assigns duties to staff members, supervises and maintains the records of the school, and coordinates school instructional activities with those of the LEA. These activities also include the work of the clerical staff in support of the teaching and administrative duties.

b. 2420 Office of the Assistant Principal Services Activities performed by assistant principals and other assistants concerned with directing and managing the operation of a particular school under the supervision of the principal.

c. 2490 Other School Administration Services Other school administrative serves that cannot be recorded under the previous functions including graduation expenses and full-time department chairpersons.

5. 2500 Business Services Activities concerned with paying, transporting, exchanging, and maintaining goods and services for the LEA. Included are the fiscal and internal services necessary for operating the LEA.

a. 2510 Fiscal Services Activities concerned with the fiscal operations of the LEA. This function includes budgeting, receiving and disbursing, financial and property accounting, payroll, inventory control, internal auditing and managing funds.

i. 2511 Supervising Fiscal Services Activities concerned with directing, managing and supervising the fiscal services area. They include the activities of the assistant superintendent, director, or school business official who directs and manages fiscal activities.

ii. 2512 Budgeting Services Activities concerned with supervising budget planning, formulation, control and analysis.

iii. 2513 Receiving and Disbursing Funds Services Activities concerned with taking in money and paying it out. They include the current audit of receipts; interest on short term loans; the pre-audit of requisitions or purchase orders to determine whether the amounts are within the budgetary allowances and to determine that such disbursements are lawful expenditures of the school or an LEA; and the management of school funds.

iv. 2514 Payroll Services Activities concerned with periodically paying individuals entitled to remuneration for services rendered. Payments are also made for such payroll-associated costs as federal income tax withholding, retirement, and social security.

v. 2515 Financial Accounting Services Activities concerned with maintaining records of the financial operations and transactions of the school system. They include such activities as accounting and interpreting financial transactions and account records.

vi. 2516 Internal Auditing Services Activities concerned with verifying the account records, which includes evaluating the adequacy of the internal control system, verifying and safeguarding assets, reviewing the reliability of the accounting and reporting systems, and ascertaining compliance with established policies and procedures.

vii. 2517 Property Accounting Services Activities concerned with preparing and maintaining current inventory records of land, building, and equipment. These records are used in equipment control and facilities planning.

viii. 2519 Other Fiscal Services Fiscal services that cannot be classified under the preceding functions.

b. 2520 Purchasing Services Activities concerned with purchasing supplies, furniture, equipment, and materials used in schools or school system operations.

c. 2530 Warehousing and Distributing Services Activities concerned with receiving, storing, and distributing supplies, furniture, equipment, materials, and mail. They include collecting and transporting cash from school facilities to the central administration office or bank for control, deposit, or both.

i. 2535 Warehouse Inventory Adjustment Activities involving adjustments to inventories reported on a consumption basis, in object code 610 Materials and Supplies, 630 Food, or 730 Equipment, or for lost or stolen equipment.

d. 2540 Printing, Publishing, and Duplicating Services Activities concerned with printing and publishing administrative publications such as annual reports, school directories, and manuals. Activities here also include centralized services for duplicating school materials and instruments such as school bulletins, newsletters, and notices.

e. 2590 Other Business Services Other business support services not classified elsewhere in 2500 Business Services.

6. 2600 Operations and Maintenance of Plant Services Activities concerned with keeping the physical plant open, comfortable, and safe for use, and keeping the grounds, buildings, and equipment in effective working condition and state of repair. These activities include the activities of maintaining safety in buildings, on the grounds, and in the vicinity of schools.

a. 2610 Supervision of Operation and Maintenance of Plant Services Activities involved in directing, managing and supervising the operation and maintenance of school plant facilities.

b. 2620 Operating Buildings Services Activities concerned with keeping the physical plant clean and ready for daily use. They include operating the heating, lighting, and ventilating systems, and repairing and replacing facilities and equipment. Also included are the costs of building rental and property insurance.

c. 2630 Care and Upkeep of Grounds Services Activities involved in maintaining and improving the land, (but not the buildings). These include snow removal, landscaping, grounds maintenance and the like.

d. 2640 Care and Upkeep of Equipment Services Activities involved in maintaining equipment owned or used by the LEA. They include such activities as servicing and repairing furniture, machines, and movable equipment.

e. 2650 Vehicle Operation and Maintenance Services (other than student transportation vehicles) Activities involved in maintaining general purpose vehicles such as trucks, tractors, graders, and staff vehicles. These activities are considered regular or preventive maintenance: i.e., repairing vehicles; replacing vehicle parts; and cleaning, painting, greasing, fueling, and inspecting vehicles for safety.

f. 2660 Security Services Activities concerned with maintaining order and safety in school buildings, on the grounds, and in the vicinity of schools at all times. Included

are police activities for school functions, traffic control on grounds and in the vicinity of schools, building alarm systems, and hall monitoring services.

g. 2690 Other Operation and Maintenance of Plant Services: Operations and maintenance of plant services that cannot be classified elsewhere in 2600 Operation and Maintenance of Plant Services.

7. 2700 Student Transportation Services: Activities concerned with conveying students to and from school, as provided by State and Federal law. This function includes trips between home and school, and trips to school activities.

a. 2710 Supervision of Student Transportation Services: Activities pertaining to directing and managing student transportation services.

b. 2720 Regular Transportation: Activities involving the transportation of regular education students.

i. 2721 Vehicle Operation Services: Activities involved in operating vehicles for student transportation, from the time the vehicles leave the point of storage until they return to the point of storage. These activities include driving buses or other student transportation vehicles.

ii. 2722 Monitoring Services: Activities concerned with supervising students in the process of being transported between home and school, and between school and school activities. Such supervision can occur while students are in transit, while they are being loaded and unloaded, and while the supervisor is directing traffic at the loading stations.

iii. 2723 Vehicle Servicing and Maintenance Services: Activities involved in maintaining student transportation vehicles. It includes repairing vehicle parts; replacing vehicle parts; and cleaning, painting, fueling, and inspecting vehicles for safety.

c. 2730 Special Education Transportation: Activities involving the transportation of mentally and physically disabled students.

i. 2731 Vehicle Operation Services: Activities involved in operating vehicles for student transportation, from the time the vehicles leave the point of storage until they return to the point of storage. These activities include driving buses or other student transportation vehicles.

ii. 2732 Monitoring Services: Activities concerned with supervising students in the process of being transported between home and school, and between school and school activities. Such supervision can occur while students are in transit, which they are being loaded and unloaded, and while the supervisor is directing traffic at the loading stations.

iii. 2733 Vehicle Servicing and Maintenance Services: Activities involved in maintaining student transportation vehicles. These include repairing vehicle parts; replacing vehicle parts; and cleaning, painting, fueling, and inspecting vehicles for safety.

d. 2790 Other Student Transportation Services: Student transportation services that cannot be classified elsewhere in 2700 Student Transportation Services.

8. 2800 Central Services: Activities, other than general administration, that support each of the other instructional and supporting services programs. These activities include planning, research, development, evaluation, information, staff, and data processing services.

a. 2810 Planning, Research, Development, and Evaluation Services: Activities associated with conducting and managing programs of planning, research development, and evaluation for a school system on a system-wide basis.

i. Planning Services: Activities concerned with selecting or identifying the overall, long-range goals and priorities of the organization or program. They also involve formulating various courses of action needed to achieve these goals. This process is done by identifying needs and relative costs and benefits of each course of action.

ii. Research Services: Activities concerned with the systematic study and investigation of the various aspects of education, undertaken to establish facts and principles.

iii. Development Services: Activities in the deliberate evolving process of improving educational programs - such as using the products of research.

iv. Evaluation Services: Activities concerned with ascertaining or judging the value or amount of an action or an outcome. This evaluation is conducted through the careful appraisal of previously specified data in light of the particular situation and the goals previously established.

b. 2820 Information Services: Activities concerned with writing, editing, and other preparing necessary to disseminate educational and administrative information to students, staff, managers, and the general public through direct mailing, the various news media, or personal contact.

i. 2821 Supervision of Information Services: Activities concerned with directing, managing and supervising information services.

ii. 2822 Internal Information Services: Activities concerned with writing, editing, and providing administrative information to students and staff.

iii. 2823 Public Information Services: Activities concerned with writing, editing, and other preparing necessary to disseminate educational and administrative information to the public through various news media or personal contact.

iv. 2824 Management Information Services: Activities concerned with writing, editing, and other preparing necessary to disseminate to management the information needed about the operation of the LEA and information about the community, state, and nation to make logical decisions.

v. 2829 Other Information Services: Activities concerned with 2820 Information Services not classified above.

c. 2830 Personnel Services: Activities concerned with maintaining an efficient staff for the school system. These activities include such activities as recruiting and placement, staff transfers, inservice training, health service, and staff accounting.

i. 2831 Supervision of Personnel Services: Activities concerned with directing, managing and supervising staff services.

ii. 2832 Recruitment and Placement Services: Activities concerned with employing and assigning personnel for the LEA.

iii. 2833 Staff Accounting Services: Services rendered in connection with the systematic recording and summarizing of information relating to staff members employed by the LEA.

iv. 2834 Inservice Training Services (for non-instructional staff) Activities developed by the LEA for training of non-instructional personnel in all classifications.

v. 2835 Health Services Activities concerned with medical, dental, and nursing services provided for school district employees. Included are physical examinations, referrals, and emergency care.

vi. 2839 Other Staff Services Staff services that cannot be classified under the preceding functions.

d. 2840 Data Processing Services Activities concerned with preparing data for storage, storing data, and retrieving data for reproduction as information for management and reporting purposes.

i. 2841 Supervising Data Processing Services Activities concerned with directing, managing and supervising data processing services.

ii. 2842 Systems Analysis Services Activities concerned with searching for and evaluating alternatives for achieving defined objectives, based on judgment and, wherever possible, on quantitative methods. Where applicable, these activities pertain to the development of data processing procedures or application to electronic data processing equipment.

iii. 2843 Programming Services Activities concerned with the preparation of a logical sequence of operations to be performed, either manually or electronically, in solving problems or processing data. These activities also involve preparing coded instructions and data for such sequences.

iv. 2844 Operations Services Activities concerned with scheduling, maintaining, and producing data. These activities include operating business machines, data preparation devices, and data processing machines.

v. 2849 Other Data Processing Activities concerned with 2840 Data Processing not described above.

9. 2900 Other Support Services All other support services not classified elsewhere in 2000 Support Services.

D. 3000 Operation of Non-instructional Services Activities concerned with providing non-instructional services to students, staff or the community.

1. 3100 Food Services Operations Activities concerned with providing food to students and staff in a school or LEA to meet the nutritional needs of children as defined in USDA Child nutrition regulations for participating schools or LEA. Activities may include the operation of breakfast, lunch, snacks, catering, and nutrition education.

2. 3200 Enterprise Operations Activities that are financed and operated in a manner similar to private business enterprises in which the stated intent is that the costs are financed or recovered primarily through user charges. Food services should not be charged here, but rather to function 3100 Food Services Operations. One example could be the LEA bookstore.

3. 3300 Community Services Operations Activities concerned with providing community services to students, staff or other community participants. Examples of this function would be the operation of a community swimming pool, a recreation program for the elderly, a child care center for working mothers, etc.

E. 4000 Facilities Acquisition and Construction Services Activities concerned with acquiring land and

buildings; remodeling buildings; constructing buildings and additions to buildings; initially installing or extending service systems and other built-in equipment; and improving sites.

1. 4100 Site Acquisition Services Activities concerned with initially acquiring and improving new sites.

2. 4200 Site Improvement Services Activities concerned with improving sites and with maintaining existing site improvements.

3. 4300 Architecture and Engineering Services The activities of architects and engineers related to acquiring and improving sites and improving buildings. Charges are made to this function for only those preliminary activities that may or may not result in additions to the LEA's property. Otherwise, charge these services to 4100 Site Acquisition Services, 4200 Site Improvement Services, 4500 Building Acquisition and Construction Services, or 4600 Building Improvement Services, as appropriate.

4. 4400 Educational Specifications Development Services Activities concerned with preparing and interpreting descriptions of specific space requirements for the various learning experiences of students to be accommodated in a building. These specifications are interpreted to the architects and engineers in the early stages of blueprint development.

5. 4500 Building Acquisition and Construction Services Activities concerned with buying or constructing buildings.

6. 4600 Building Improvements Services Activities concerned with building additions and with installing or extending service systems and other built-in equipment.

7. 4700 Sixteenth Section Land Improvements Activities concerned with making improvements to sixteenth section lands. These activities may include re-seeding the land with trees, adding soil, cutting drainage canals, etc.

8. 4900 Other Facilities Acquisition and Construction Services Facilities acquisition and construction activities that cannot be classified above.

F. 5000 Other Use of Funds A number of outlays of governmental funds are not properly classified as expenditures, but still require budgetary or accounting control. These include debt service payments (principal and interest) and certain transfers of monies from one fund to another. These accounts are not used with the proprietary funds.

1. 5100 Debt Service Servicing the debt of the LEA, including payments of both principal and interest. Normally, only long-term debt service (obligations exceeding one year) is recorded here. Interest on current loans (repayable within one year of receiving the obligation) is charged to function 2513 Receiving and Disbursing Funds Services. The receipt and payment of principal on those loans is handled as an adjustment to the balance sheet account 451 Loans Payable.

2. 5200 Fund Transfers Transactions that withdraw money from one fund and place it in another without recourse. Fund transfers budgeted to another functional activity, such as food service or transportation, are coded to the appropriate function and the object code 930 Interfund Transactions. Unless State law prohibits, revenues should be allocated to the appropriate funds when received, rather than accepted in the general fund and later transferred.

a. Interfund Loans are not recorded here, but are handled through the balance sheet accounts 131 Interfund Loans Receivable and 401 Interfund Loans Payable in the funds affected.

b. When expenditures are made for replacement of damaged or stolen equipment, the expenditure should appear as 700 Property under the appropriate function.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17(2)(e).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 26:474 (March 2000).

§1101. Assets and Other Debit Codes

A. Assets and other debits include what is owned and what is not owned (as of the date of the balance sheet) but is expected to become owned fully at some future date. Also included are other budgeting and offsetting accounts which normally have debit balances.

B. Current assets: cash or anything that can be readily converted into cash.

1. 101 Cash in Bank: All funds on deposit with a bank or savings and loan institution in interest bearing and non-interest-bearing checking accounts.

2. 102 Cash on Hand: Currency, coins, checks, postal and express money orders, and bankers' drafts on hand.

3. 103 Petty Cash: A sum of money set aside for the purpose of paying small obligations for which the issuance of a formal voucher and check would be too expensive and time-consuming.

4. 104 Change Cash: A sum of money set aside to provide change.

5. 105 Cash with Fiscal Agents: Deposits with fiscal agents, such as commercial banks, for paying matured bonds and interest.

6. 111 Investments: Securities and real estate held for producing income in the form of interest, dividends, rentals or lease payments. The account does not include fixed assets used in LEA operations. Separate accounts for each category of investments may be maintained.

7. 112 Unamortized Premiums on Investments: The excess of the amount paid for securities over the face value which has not yet been amortized. Use of this account is restricted to long-term investments.

8. 113 Unamortized Discounts on Investments (credit): The excess of the face value of securities over the amount paid for them which has not yet been written off. Use of this account is normally restricted to long-term investments.

9. 114 Interest Receivable on Investments: The amount of interest receivable on investments, excluding interest purchased. Interest purchased should be shown in a separate account.

10. 115 Accrued Interest on Investments Purchased: Interest accrued on investments between the last interest payment date and date of purchase. The account is carried as an asset until the first interest payment date after the date of purchase. Upon receipt and deposit of the cash, an entry is made debiting the account "Cash in Bank", and crediting the "Accrued Interest on Investments Purchased" account for the amount of interest purchased and an interest earning revenue account (1510) for the balance.

11. 121 Taxes Receivable: The uncollected portion of taxes that a LEA or governmental unit has levied and that has become due, including any interest or penalties that may

have accrued. Separate accounts may be maintained on the basis of tax roll, current and delinquent taxes, or both.

12. 122 Estimated Uncollectable Taxes (credit): That portion of taxes receivable it is estimated will not be collected. The account is shown on the balance sheet as a deduction from the taxes receivable account in order to arrive at the net taxes receivable. Separate accounts may be maintained on the basis of tax roll year, delinquent taxes, or both.

13. 131 Interfund Loans Receivable: An asset account used to record a loan by one fund to another fund in the same governmental unit. It is recommended that separate accounts be maintained for each Interfund receivable loan.

14. 132 Interfund Accounts Receivable: An asset account used to indicate amounts owed to a particular fund by another fund in the same LEA for goods sold or services rendered. It is recommended that separate accounts be maintained for each Interfund receivable.

15. 141 Intergovernmental Accounts Receivable: Amounts due to the reporting governmental unit from another governmental unit. These amounts may represent grants-in-aid, shared taxes, taxes collected for the reporting by the reporting unit, loans, and charges for services rendered by the reporting unit for another government. It is recommended that separate accounts be maintained for each interagency receivable.

16. 151 Loans Receivable: Amounts that have been loaned to persons or organizations, including notes taken as security for such loans, where permitted by statutory authority.

17. 152 Estimated Uncollectible Loans (credit): The portion of loans receivable that it is estimated will not be collected. The account is shown on the balance sheet as a deduction from the other loans receivable account.

18. 153 Other Accounts Receivable: Amounts owed on open account from private persons, firms, or corporations for goods and services furnished by an LEA (but not including amounts due from other funds or from other governmental units).

19. 154 Estimated Uncollectible Accounts Receivable (credit): A provision for that portion of accounts receivable that it is estimated will not be collected. The account is shown on the balance sheet as a deduction from the other accounts receivable account.

20. 161 Bond Proceeds Receivable: An account used to designate the amount receivable upon the sale of bonds.

21. 171 Inventories for Consumption: The cost of supplies and equipment on hand not yet distributed to requisitioning units.

22. 172 Inventories for Resale: The value of goods held by an LEA for resale rather than for use in its own operations.

23. 181 Prepaid Expenses: Expenses paid for benefits not yet received. Prepaid expenses differ from deferred charges in that they are spread over a shorter period of time than deferred charges and are regularly recurring costs of operation. Examples of prepaid expenses are prepaid rent, prepaid interest, and unexpired insurance premiums. An example of a deferred charge is unamortized discounts on bonds sold.

24. 191 Deposits: Funds deposited by the LEA as prerequisite to receiving services, goods, or both.

25. 199 Other Current Assets¶ Current assets not provided for elsewhere.

26. 211 Sites¶ A fixed asset account that reflects the acquisition value of land owned by an LEA. If land is purchased, this account includes the purchase price and costs, such as legal fees, filling and excavation costs, and other associated improvement costs incurred to put the land in condition for its intended use. If land is acquired by gift, the account reflects its appraised value at the time of acquisition.

27. 221 Site Improvements¶ A fixed asset account that reflects the acquisition value of permanent improvements, other than buildings, which add value to land. Examples of such improvements are fences, retaining walls, sidewalks, pavements, gutters, tunnels and bridges. If the improvements are purchased or constructed, this account contains the purchase or contract price. If improvements are obtained by gift, it reflects the appraised value at the time of acquisition.

28. 222 Accumulated Depreciation on Site Improvements¶ Accumulated amounts for depreciation of land improvements. The recording of depreciation is optional in the general fixed assets account group.

29. 231 Building and Building Improvements¶ A fixed asset account that reflects the acquisition value of permanent structures used to house persons and property owned by the LEA. If buildings are purchased or constructed, this account includes not only the purchase or contract price of all permanent buildings, but also the fixtures attached to and forming a permanent part of such buildings. This account includes all building improvements. If buildings are acquired by gift, the account reflects their appraised value at the time of acquisition.

30. 232 Accumulated Depreciation on Buildings and Building Improvements¶ Accumulated amounts for depreciation of buildings and building improvements. The recording of depreciation is optional in the general fixed assets account group.

31. 241 Machinery and Equipment¶ Tangible property of a more or less permanent nature, other than land, buildings, or improvements thereto, which is useful in carrying on operations. Examples are machinery, tools, trucks, cars, buses, furniture and furnishings. Appendix A provides criteria to distinguish whether a purchase is a supply or a piece of machinery or equipment.

32. 242 Accumulated Depreciation on Machinery and Equipment¶ Accumulated amounts for depreciation of machinery and equipment. The recording of depreciation is optional in the general fixed assets account group and required in the proprietary funds.

33. 251 Construction in Progress¶ The cost of construction work undertaken, but not yet completed.

34. 303 Amount Available in Debt Service Funds¶ An account in the general long-term debt account group. It designates the amount of fund balance available in the debt service fund for the retirement of long-term debt.

35. 304 Amount to be Provided for Retirement of General Long-Term Debt¶ An account in the general long-term debt account group. It designates the amount to be provided from taxes or other revenue to retire long-term debt.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17(2)(e).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 26:481 (March 2000).

§1103 Liabilities and Other Credit Codes

A. Liabilities are LEA debts plus items that are not debts, but which may become debts at some future time.

B. Current liabilities - Those debts the LEA expects to pay within a short period of time, usually within a year or less.

1. 401 Interfund Loans Payable¶ A liability account used to record a debt owed by one fund to another fund in the same governmental unit. It is recommended that separate accounts be maintained for each Interfund loan.

2. 402 Interfund Accounts Payable¶ A liability account used to indicate amounts owed by a particular fund to another fund in the same LEA for goods and services rendered. It is recommended that separate accounts be maintained for each Interfund payable.

3. 411 Intergovernmental Accounts Payable¶ Amounts owed by the reporting LEA to another governmental unit. It is recommended that separate accounts be maintained for each interagency payable.

4. 421 Accounts Payable¶ Liabilities on open account owing to private persons, firms, or corporations for goods and services received by an LEA (but not including amounts due to other funds of the same LEA or to other governmental units).

5. 422 Judgments Payable¶ Amounts due to be paid by an LEA as the result of court decisions, including condemnation awards paid for private property taken for public use.

6. 423 Warrants Payable¶ Amounts due to designated payees in the form of a written order drawn by the LEA directing the LEA treasurer to pay a specific amount.

7. 431 Contracts Payable¶ Amounts due on contracts for assets, goods and services received by an LEA.

8. 432 Construction Contracts Payable-Retained Percentage¶ Liabilities on account of construction contracts for that portion of the work that has been completed but on which part of the liability has not been paid, pending final inspection, or the lapse of a specified time period, or both. The unpaid amount is usually a stated percentage of the contract price.

9. 433 Construction Contracts Payable¶ Amounts due by an LEA on contracts for constructing buildings and other structures, and other improvements.

10. 441 Matured Bonds Payable¶ Bonds that have reached or passed their maturity date, but which remain unpaid.

11. 442 Bonds Payable¶ Bonds that have not reached or passed their maturity date, but which are due within one year or less.

12. 443 Unamortized Premiums on Bonds Sold¶ An account that represents that portion of the excess of bond proceeds over par value and that remains to be amortized over the remaining life of such bonds.

13. 451 Loans Payable¶ Short-term obligations representing amounts borrowed for short periods of time, usually evidenced by notes payable or warrants payable.

14. 455 Interest Payable¶ Interest due within one year.

15. 461 Accrued Salaries and Benefits¶ Salary and fringe benefit costs incurred during the current accounting

period; these costs are not payable until a subsequent accounting period.

16. 471 Payroll Deductions and Withholdings: Amounts deducted from employee salaries for withholding taxes and other purposes. District-paid benefit amounts payable also are included. A separate liability account may be used for each type of benefit.

17. 481 Deferred Revenues: A liability account that represents revenues collected before they become due.

18. 491 Deposits Payable: Liability for deposits received as a prerequisite to providing or receiving services, goods, or both.

19. 492 Due to Fiscal Agent: Amounts due to fiscal agents, such as commercial banks, for serving an LEA's matured indebtedness.

20. 499 Other Current Liabilities: Other current liabilities not provided for elsewhere.

C. Long-Term Liabilities: Debt with a maturity of more than one year after the date of issuance.

1. 511 Bonds Payable: Bonds that have not reached or passed their maturity date and that are not due within one year.

2. 521 Loans Payable: An unconditional written promise signed by the maker to pay a certain sum of money one year or more after the issuance date.

3. 531 Lease Obligations: Amounts remaining to be paid on lease purchase agreements.

4. 541 Unfunded Pension Liabilities: The amount of the actuarial deficiency on a locally-operated pension plan to be contributed by the LEA on behalf of present employees.

5. 590 Other Long-Term Liabilities: Other long-term liabilities not provided for elsewhere.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17(2)(e).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 26:482 (March 2000).

§1105. Fund Equity Codes

A. These accounts identify the excess of a fund over its liabilities. Portions of that balance may be reserved for future use.

1. 711 Investment in General Fixed Assets: An account in the General Fixed Assets Account Group. It represents the LEA's equity in general fixed assets. The balance of this account is normally subdivided according to the source of funds that financed the asset acquisition, such as General Fund revenues, bond issues, and contributions.

2. 730 Reserved-Retained Earnings: The accumulated earnings of the proprietary funds that have been retained in the fund and that are reserved for a specific purpose. One example would be funds reserved for the future purchase of equipment.

3. 740 Unreserved-Retained Earnings: The accumulated earnings of the proprietary funds that have been retained in the fund and that are not reserved for any specific purpose.

4. 751 Reserve for Inventories: A reserve representing that portion of a fund balance segregated to indicate that assets equal to the amount of the reserve are tied up in inventories and are, therefore, not available for appropriation. The use of this account is optional.

5. 752 Reserve for Prepaid Expenses: A reserve representing that portion of a fund balance segregated to indicate that assets equal to the amount of the reserve are tied up on prepaid expenses and are, therefore, not available for appropriation. The use of this account is optional.

6. 753 Reserve for Encumbrances: A reserve representing that portion of a fund balance segregated to provide for unliquidated encumbrances. Separate accounts may be maintained for current and prior-year encumbrances.

7. 760 Reserved - Fund Balance: A reserve representing that portion of a fund balance segregated to indicate that assets equal to the amount of the reserve are tied up and are, therefore, not available for appropriation. It is recommended that a separate reserve be established for each special purpose. One example of a special purpose would be restricted Federal programs.

8. 770 Unreserved - Undesignated Fund Balance: The excess of the assets of a fund over its liabilities and reserves.

9. 780 Unreserved - Designated Fund Balance: That portion of the fund balance that indicates tentative plans for financial resource utilization in a future period, such as for general contingencies or for equipment replacement. Such designations reflect tentative managerial plans and should clearly be distinguished from reserves.

B. An LEA can take two basic approaches to distinguish between supplies and equipment in the decision making situations: adopt a predetermined list of items, classifying each entry as either a supply or an item of equipment, or adopt a set of criteria to be used in making its own classification of supply and equipment items.

1. List of items: At one time, the Federal Accounting Handbook contained lists of both supplies and equipment. Such lists can never be comprehensive or exhaustive, and quickly become outdated.

2. Set of Criteria: An item must be considered a supply if it does not meet all the stated equipment criteria listed below.

a. It can last more than one year.

b. It is nonexpendable; that is, if damaged or worn out, it can be repaired without being replaced.

c. It does not lose its identity through fabrication or incorporation into a different or more complex unit.

d. It exceeds \$300 per unit cost in value.

3. Effective with FY 2000-2001, the value of the per unit cost will increase from \$300 to \$1,000. In subsequent years, the per unit cost will increase \$1,000 each year until it is the equivalent of that allowed in EDGAR. Future revisions of this handbook will reflect this change.

Note: Food and computer software must always be considered supplies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17(2)(e).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 26:483 (March 2000).

Weegie Peabody
Executive Director

0003#038

RULE

**Student Financial Assistance Commission
Office of Student Financial Assistance**

Commission Bylaws Committees (LAC 28:V.109)

The Louisiana Student Financial Assistance Commission (LASFAC), the statutory body created by R.S. 17:3021 et seq., in compliance with §952 of the Administrative Procedure Act, hereby announces revision of its governing bylaws, as follows.

**Title 28
EDUCATION**

**Part V. Student Financial Assistance Higher Education
Loan Program**

**Chapter 1. Student Financial Assistance Commission
Bylaws**

§109. Committees

A. Standing Committees. Unless and until otherwise decided by the vote of a simple majority of the membership of the commission, the standing committees of the commission shall consist of the following:

1. Executive Committee;
2. Budget and Finance Committee;
3. Personnel and Policy Committee;
4. Internal Audit Committee.

B. - H. ...

I. Internal Audit Committee. The Internal Audit Committee shall consist of three members of the commission. The Internal Auditor of the agency shall report to and be solely responsible to the Internal Audit Committee for the performance and reporting of findings of internal audits approved by the commission as part of the Internal Audit Plan. Every year, no later than the June meeting of the commission, the Internal Auditor shall submit to the committee for its consideration a proposed annual Internal Audit Plan covering the next fiscal year. The plan shall incorporate those internal audits which are recommended by the Executive Director. The committee shall forward its recommendations for the annual Internal Audit Plan to the commission for approval. The Internal Auditor shall complete each Internal Audit required by the annual Internal Audit Plan and submit audit findings to the committee for its review. The committee shall forward the report of findings to the Executive Director, who shall be given an opportunity to submit written comments prior to the committee's consideration of the report of findings. The findings of each internal audit, the Executive Director's comments, if any, and any committee comments and/or recommendations shall be presented to the commission for its disposition. Normally, to this committee shall also be referred all matters related to reports of audits performed by external auditors.

J. Special Committees. As the necessity therefor arises, the chairman may, with the concurrence of the commission, create special committees with such functions, powers and authority as may be delegated. The chairman may appoint ad hoc committees for special assignments for limited periods of existence not to exceed the completion of the assigned task.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:321.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:810 (September 1996), repromulgated LR 24:1264 (July 1998), LR 26:484 (March 2000).

Jack L. Guinn
Executive Director

0003#014

RULE

**Department of Environmental Quality
Office of Environmental Assessment
Environmental Planning Division**

(Editor's Note: The table in §211.A is being reprinted to correct typographical errors. This rule originally ran in February 20, 2000 *Louisiana Register* on Pages 263 through 267.)

Air Fee Revisions

(LAC 33:III.207, 209, 211, and 223)(AQ195)

Under the authority of the 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 Air Quality regulations, LAC 33:III.207, 209, 211, and 223 (Log #AQ195).

The purpose of this rule is to incorporate fees for industry categories not previously in the Fee Schedule, but for which fees have previously been established under the negotiated fee procedures of the fee regulations. The rule change also includes changes in wording to make existing regulations easier to interpret. The changes will not increase any fee paid but should make the fee regulations easier to read and understand. The basis and rationale for this rule are to make the regulations easier to understand and implement. These changes are being made to address part of the fee regulations that the department and external users of the fees have found difficult to understand.

This rule meets an exception listed in R.S. 30:2019(D)(3) and R.S.49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

Title 33

ENVIRONMENTAL QUALITY

Part III. Air

**Chapter 2. Rules and Regulations for the Fee System
of the Air Quality Control Program**

§211. Methodology

A. Formula to Apportion Fees

<p>Air Toxics Permit Application Fee for Major Sources of Toxic Air pollutants (Based on Type of Facility and on Rated Production Capacity/Throughput)</p>	<p>Surcharge of 10 Percent of the Permit Application Fee to be Charged When There is an Increase in Toxic Air Pollutant Emissions Above the Minimum Emission Rates (MER) Listed in LAC 33:III.5112.Table 51.1</p>
<p>Air Toxics Annual Emission Fee for major sources of toxic air pollutants (based on Air Toxic Pollutants emitted)</p>	<p>Variable</p>

Annual Maintenance Fee (based on type of facility and on rated production capacity/throughput)	Variable
New Application Fee (based on type of facility and on rated production capacity/throughput)	Variable
Major and Minor Modification Modified Permit Fee (based on type of facility and on rated production capacity/throughput)	Variable
PSD Application Fee (based on type of facility and on rated production capacity/throughput)	Surcharge of 50 percent of the application fee when a PSD permit application is being processed
"NESHP" Maintenance Fee (based on type of facility and on rated production capacity/throughput)	Surcharge of 25 percent of the Annual Maintenance Fee for that particular process/plant to be added to the Annual Maintenance Fee
"NSPS" Maintenance Fee (based on type of facility and on rated production capacity/throughput)	Surcharge of 25 percent of the permit application fee to be charged for any permit application that includes the addition of new equipment subject to NSPS regulation

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 14:611 (September 1988), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1205 (December 1991), LR 18:706 (July 1992), LR 19:1373 (October 1993), LR 19:1419 (November 1993), amended by the Office of Management and Finance, Fiscal Services Division, LR 22:17 (January 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:266 (February 2000), repromulgated LR 26:484 (March 2000).

James H. Brent, Ph.D.
Assistant Secretary

0003#099

RULE

Department of Environmental Quality Office of Environmental Assessment Environmental Planning Division

Clean Fuel Fleet Program (LAC 33:III.223 and 1951-1973)(AQ197)

Under the authority of the 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 Air Quality regulations, LAC 33:III.223 and 1951-1973 (Log #AQ197).

The federal Clean Air Act Amendments of 1990 (CAAA) require implementation of a clean-fuel fleet program (CFFP) in ozone nonattainment areas classified as serious or above. Accordingly, the department submitted a State Implementation Plan (SIP) revision for a CFFP in October 1994, and the SIP was approved by the EPA on October 23, 1995. State regulations governing the CFFP are codified in LAC 33:III.1951-1973. The CFFP was to be phased-in beginning in 1998 in the Baton Rouge ozone nonattainment

area. In 1998 EPA granted affected areas a one-year extension to begin the program. At this time, the department and EPA initiated discussions regarding opt-out provisions contained in the CAAA. These provisions, found in section 182(c)(4)(B), allow subject areas to submit a SIP revision to EPA which demonstrates that there exists surplus emission reduction credits (above and beyond RACT requirements) that can be used to offset those reductions from a CFFP. The department submitted the required SIP revision to EPA, which was approved by direct final rule and became effective on September 17, 1999. As a result, the department is repealing the state CFFP (LAC 33:III.1951-1973) and applicable fee requirements in LAC 33:III.223. The basis and rationale for this rule are to take advantage of the CAAA opt-out provisions for a clean-fuel fleet program that has been shown to provide only marginal emission reduction benefits in the Baton Rouge ozone nonattainment area and has high administrative, operational, and equipment costs associated with long-term implementation of the program. The department is able to achieve equivalent or better emission reductions by substituting reductions obtained through the use of the existing VOC storage rule (LAC 33:II.2103) requirements.

This rule meets an exception listed in R.S. 30:2019 (D)(3) and R.S.49:953 (G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Title 33 ENVIRONMENTAL QUALITY Part III. Air

Chapter 2. Rules and Regulations for the Fee System of the Air Quality Control Programs

§223. Fee Schedule Listing

[See Prior Text in Fee Schedule Listing Table]

Additional Fees		
Fee Number	Fee Description	Amount

[See Prior Text in Fee Numbers 2000-2620]		
2630 *NOTE 16*	Accident Prevention Program Annual Maintenance Fee: Program 3	2500.00
2800	An application fee for mobile sources emissions banking (auto scrappage)	50.00

[See Prior Text in Fee Numbers 2810-2914]		

Explanatory Notes for Fee Schedule

[See Prior Text in Note 1-16]

NOTE 17. Reserved

[See Prior Text in Note 18-Processing Timelines Table]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054, 30:2341 and 30:2351 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 14:613 (September 1988), LR 15:735 (September 1989), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1205 (December, 1991), repromulgated LR 18:31 (January 1992), amended LR 18:706 (July 1992), LR 18:1256

(November 1992), LR 19:1373 (October 1993), LR 19:1420 (November 1993), LR 19:1564 (December 1993), LR 20:421 (April 1994), LR 20:1263 (November 1994), LR 21:22 (January 1995), LR 21:782 (August 1995), LR 21:942 (September 1995), repromulgated LR 21:1080 (October 1995), amended LR 21:1236 (November 1995), LR 23:1496 (November 1997), LR 23:1499 (November 1997), LR 23:1662 (December 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:485 (March 2000).

Chapter 19. Mobile Sources

Subchapter B. Repealed

§§1951-1973. Repealed

James H. Brent, Ph.D.
Assistant Secretary

0003#071

RULE

Department of Environmental Quality Office of Environmental Assessment Environmental Planning Division

Emission Reduction Credits Banking (LAC 33:III.613 and 615)(AQ199)

Under the authority of the 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 Air Quality regulations, LAC 33:III.613 and 615 (Log #AQ199).

The rule corrects the date from January 20, 1995 to February 20, 1995, for submittal of all applications for banking emission reduction credits. The rule requires six months for submittals to the department after promulgation of the rule; however, the actual date promulgated in AQ190, which was published in the September 1999 *Louisiana Register*, was only five months after promulgation. The basis and rationale for the rule are to correct the date promulgated in AQ190 in the emission reduction credits banking rule.

This rule meets an exception listed in R.S. 30:2019 (D)(3) and R.S.49:953 (G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Title 33

ENVIRONMENTAL QUALITY

Part III. Air

Chapter 6. Regulations on Control of Emissions Through the Use of Emission Reduction Credits Banking

§613. ERC Bank Balance Sheet

[See Prior Text in A-C]

D. Schedule. All applications for banking ERCs in the parishes of Ascension, East Baton Rouge, Iberville,

Livingston, and West Baton Rouge where the emission reductions occurred before August 20, 1994, must have been submitted prior to February 20, 1995. First-time applications for banking ERCs for attainment parishes may be submitted at any time. If a parish is redesignated as ozone nonattainment by the EPA, applications for banking ERCs for those parishes must be submitted within six months after the effective date of the EPA designation. All applications for banking ERCs where the emission reductions occurred after the date this banking rule was adopted for an area shall be submitted by March 1 following the year in which the reduction occurred. The balances (i.e., the balance available for netting and the balance available for offsets) from the ERC bank balance sheets of Subsection A of this Section shall be submitted to the department by March 1 of each year together with the certification specified in Subsection E of this Section. All emission reductions must meet the timing restrictions set forth in LAC 33:III.607.D in order to be eligible for banking as ERCs.

[See Prior Text in E-F]

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:877 (August 1994), amended LR 25:1622 (September 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:486 (March 2000).

§615. Schedule for Submitting Applications

[See Prior Text in A]

B. All applications for banking ERCs in the parishes of Ascension, East Baton Rouge, Iberville, Livingston, and West Baton Rouge where the emission reductions occurred before August 20, 1994, must have been submitted prior to February 20, 1995. First-time applications for banking ERCs for attainment parishes may be submitted at any time. If a parish is redesignated as ozone nonattainment by the EPA, application for banking ERCs for those parishes must be submitted within six months after the effective date of the EPA designation. Once a banking application has been filed, the bank balance and the applicant's certification should be submitted annually on March 1.

[See Prior Text in C-D]

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:878 (August 1994), amended LR 21:681 (July 1995), LR 25:1623 (September 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:486 (March 2000).

James H. Brent, Ph.D.
Assistant Secretary

0003#086

RULE
Office of the Governor
Division of Administration
Board of Trustees of the State Employees
Group Benefits Program

Exclusive Provider Organization (EPO) Facility Fees
(LAC 32:V.317 and 701)

In accordance with the applicable provisions of R.S. 49:950, et seq., the Administrative Procedure Act, and pursuant to the authority granted by R.S. 42:871(C) and 874(B)(2), vesting the Board of Trustees with the responsibility for administration of the State Employees Group Benefits Program and granting the power to adopt and promulgate rules with respect thereto, the Board finds that it is necessary to amend the EPO Plan Document to provide a schedule of maximum allowable charges for facility fees and to exclude payment of facility fees for services rendered in a physician's office or in a facility not approved by Medicare. The reason for this action is to avoid adverse financial impact on the State Employees Group Benefits Program which would affect the availability of services necessary to maintain the health and welfare of the covered employees and their dependents, which is crucial to the delivery of vital services to the citizens of the state.

Accordingly, the Board has adopted the following Rule, amending the EPO Plan Document.

Title 32

EMPLOYEE BENEFITS

Part V. Exclusive Provider (EPO) Plan of Benefits

Chapter 3. Medical Benefits

§ 317. Exceptions and Exclusions for All Medical Benefits

A. - A.38. ...

39. Facility fees for services rendered in a physician's office or in any facility not approved by the federal Health Care Financing Administration for payment of such fees under Medicare.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:871(C) and 874(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Trustees of the State Employees Group Benefits Program, LR 25:1813 (October 1999), amended LR 26:487 (March 2000).

Chapter 7. Schedule of Benefits EPO

§ 701. Comprehensive Medical Benefits

A. - G. ...

H. Facility Fees, Maximum Allowable Charges. Unless otherwise provided by contract between the Program and the Provider, the Maximum Allowable Charges for facility fees for facilities located within the State of Louisiana shall be.

Facility Type/Charges	Maximum Allowable Charges
Medical	\$1,500/day
Surgical	\$2,000/day
ICU, NICU, CCU	\$3,000/day
Cardiovascular Surgery	\$5,000/day
Rehabilitation	\$750/day
Ambulatory (Outpatient) Surgery	\$3,000 max/occurrence

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:871(C) and 874(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Trustees of the State Employees Group Benefits Program, LR 25:1823 (October 1999), amended LR 26:487 (March 2000).

A. Kip Wall
Interim Chief Executive Officer

0003#026

RULE

Office of the Governor
Division of Administration
Board of Trustees of the State Employees
Group Benefits Program

Fee Schedule

In accordance with the applicable provisions of R.S. 49:950 et seq., the Administrative Procedure Act, and pursuant to the authority granted by R.S. 42:871(C) and 874(B)(2), vesting the Board of Trustees with the responsibility for administration of the State Employees Group Benefits Program and granting the power to adopt and promulgate rules with respect thereto, and in order to comply with R.S. 42:851.5 which requires the Board to adopt and promulgate a schedule of maximum fees for medical and surgical services and for professional services provided in hospitals, the Board has adopted the following rule.

Rule

The maximum fees for medical and surgical services and for professional services provided in hospitals, when such medical, surgical, or professional services are rendered by providers who have not entered into contracts with the State Employees Group Benefits Program establishing the allowed charges for the services, shall be the 60th percentile of MDR's MediCode allowed charge. In the event that an allowed fee for the CPT code is not found in MDR's MediCode schedule, the maximum fee will be 75 percent of the provider's billed charge.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:851.5, 871 (C) and 874(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Trustees of the State Employees Group Benefits Program, LR 26:487 (March 2000).

A. Kip Wall
Interim Chief Executive Officer

0003#028

RULE
Office of the Governor
Division of Administration
Board of Trustees of the State Employees
Group Benefits Program

Preferred Provider Organization (PPO) Facility Fees
(LAC 32:III.317 and 701)

In accordance with the applicable provisions of R.S. 49:950, et seq., the Administrative Procedure Act, and pursuant to the authority granted by R.S. 42:871(C) and 874(B)(2), vesting the Board of Trustees with the responsibility for administration of the State Employees Group Benefits Program and granting the power to adopt and promulgate rules with respect thereto, the Board finds that it is necessary to amend the PPO Plan Document to provide a schedule of maximum allowable charges for facility fees and to exclude payment of facility fees for services rendered in a physician's office or in a facility not approved by Medicare. The reason for this action is to avoid adverse financial impact on the State Employees Group Benefits Program which would affect the availability of services necessary to maintain the health and welfare of the covered employees and their dependents, which is crucial to the delivery of vital services to the citizens of the state.

Accordingly, the Board has adopted the following Rule, amending the PPO Plan Document.

Title 32

EMPLOYEE BENEFITS

Part III. Preferred Provider Organization (PPO) Plan of Benefits

Chapter 3. Medical Benefits

§ 317. Exceptions and Exclusions for all Medical Benefits

A. - A.38. ...

39. Facility fees for services rendered in a physician's office or in any facility not approved by the federal Health Care Financing Administration for payment of such fees under Medicare.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:871(C) and 874(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Trustees of the State Employees Group Benefits Program, LR 25:1834 (October 1999), amended LR 26:488 (March 2000).

Chapter 7. Schedule of Benefits: PPO

§ 701. Comprehensive Medical Benefits

A. - D. ...

E. Facility Fees, Maximum Allowable Charges. Unless otherwise provided by contract between the Program and the Provider, the Maximum Allowable Charges for facility fees for facilities located within the State of Louisiana shall be.

Facility Type/Charges	Maximum Allowable Charges
Medical	\$1,500/day
Surgical	\$2,000/day
ICU, NICU, CCU	\$3,000/day
Cardiovascular Surgery	\$5,000/day
Rehabilitation	\$750/day
Ambulatory (Outpatient) Surgery	\$3,000 max/occurrence

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:871(C) and 874(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Trustees of the State Employees Group Benefits Program, LR 25:1843 (October 1999), amended LR 26:488 (March 2000).

A. Kip Wall
Interim Chief Executive Officer

0003#029

RULE
Department of Health and Hospitals
Board of Dentistry

Administration of Local Anesthesia for Dental Purposes; Continuing Education Requirements; Evidence of Graduation; and Oral Administration of Versed
(LAC 46:XXXIII.103, 1508, 1603, 1609, 1611, 1613 and 1617)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the Dental Practice Act, R.S. 37:751, et seq., and particularly R.S. 37:760(8), notice is hereby given that the Department of Health and Hospitals, Board of Dentistry hereby amends the following: LAC 46:XXXIII.103 "Evidence of Graduation," LAC 46:XXXIII.1603 "Effective Date," LAC 46:XXXIII.1609 "Reporting and Record Keeping," LAC 46:XXXIII.1611 "Continuing Education Requirements for Relicensure of Dentists," LAC 46:XXXIII.1613 "Continuing Education Requirements for Relicensure of Dental Hygienists;" deletes in its entirety LAC 46:XXXIII.1617 "Continuing Education While on Inactive Status, and Requirements for Return to Active Status," and adopts LAC 46:XXXIII.1508 "Oral Administration of Versed." No preamble has been prepared.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XXXIII. Dental Health Professions

Chapter 1. General Provisions

§103. Evidence of Graduation

A. All applicants for a dental or dental hygiene license shall furnish the board with satisfactory evidence of graduation from an accredited dental school, dental college, or educational program prior to the examination given by the board for such licensure. An accredited dental school, dental college, or educational program shall be one that has been certified as accredited by the Commission on Dental Accreditation of the American Dental Association, and shall be at a minimum two years in length.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R. S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 24:1112 (June 1998), amended LR 26:488 (March 2000).

Chapter 15. Anesthesia/Analgesia Administration

§1508. Oral Administration of Versed

Oral Administration of Versed shall be performed on the dental premises only. Prescriptions for oral Versed intended

for at-home pre-medication is prohibited. Further, all dental offices where oral Versed is administered shall be in compliance with LAC 46:XXXIII.1511 "Required Facilities, Personnel and Equipment for Sedation Procedures" as it pertains to the administration of general anesthesia/deep sedation.

AUTHORITY NOTE: Promulgated in accordance with R. S. 37:760(8) and R.S. 37:793.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 26:488 (March 2000).

Chapter 16. Continuing Education Requirements

§1603. Effective Date

Beginning January 1, 1995, dentists and dental hygienists licensed to practice in the state of Louisiana, in addition to other requirements, shall complete the minimum hours of continuing education set forth in this Chapter during each renewal period in order to renew or have recertified their licenses, permits or certificates necessary to practice dentistry or dental hygiene in this state. These continuing education requirements also apply to all dentists and dental hygienists licensed to practice in Louisiana, but are practicing outside of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8)(13).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 20:661 (June 1994), amended LR 26:489 (March 2000).

§1609. Reporting and Record Keeping

A. Upon renewal of a dental or dental hygiene license, the licensee must list on a form provided by the board the date, location, sponsor, subject matter and hours completed during the past renewal period of continuing education courses. The licensee must attest to the truthfulness of his report by executing his signature where required on the reporting form.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8), (13).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 20:661 (June 1994), amended LR 26:489 (March 2000).

§1611. Continuing Education Requirements for Relicensure of Dentists

A. Unless exempted under §1607, each dentist shall complete a minimum of 40 hours of continuing education during each renewal period for the renewal of his/her license to practice dentistry.

B. At least one-half of the minimum credit hours (20) must be attained by personally attending clinical courses pertaining to the actual delivery of dental services to patients.

C. No more than 20 of the required 40 hours can be completed from the following:

C.1. - K. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8) and (13).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 20:661 (June 1994), amended LR 21:569 (June 1995), LR 22:24 (January 1996), LR 22:1216 (December 1996), LR 23:1526 (November 1997), LR 24:1117 (June 1998), LR 25:510 (March 1999), LR 26:489 (March 2000).

§1613. Continuing Education Requirements for Relicensure of Dental Hygienists

A. Unless exempted under §1607, each dental hygienist shall complete a minimum of 24 hours of continuing education during each renewal period for the renewal of his/her license to practice dental hygiene.

B. At least one-half of the minimum credit hours (12) must be attained by personally attending clinical courses pertaining to the actual delivery of dental services to patients.

C. No more than 12 of the required 24 hours can be completed from the following:

C.1. - K. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8) and (13).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 20:661 (June 1994), amended LR 21:570 (June 1995), LR 22:24 (January 1996), LR 22:1217 (December 1996), LR 23:1526 (November 1997), LR 24:1118 (June 1998), LR 25:510 (March 1999), LR 26:489 (March 2000).

§1617. Continuing Education while on Inactive Status, and Requirements for Return to Active Status

Repealed

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8) and (13).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 20:662 (June 1994), amended LR 21:570 (June 1995), LR 26:489 (March 2000).

C. Barry Ogden
Executive Director

0003#005

RULE

Department of Health and Hospitals Board of Veterinary Medicine

Registered Equine Dentists
(LAC 46:LXXXV.Chapter 15)

The Board of Veterinary Medicine hereby adopts LAC 46:LXXXV.1500 through 1519 in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and the Louisiana Veterinary Practice Act, R.S. 37:1518 et seq. These new rules pertain to the registration and regulation of individuals to practice equine dentistry and other related matters. These new rules are set forth below.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LXXXV. Veterinarians

Chapter 15. Registered Equine Dentists

§1500. Definitions

A. All definitions used in this chapter shall have the meaning assigned to them in R.S. 37:1560. In addition, the following definitions shall be applied.

Approval as used in R.S. 37:1562(C)(2) means the veterinarian shall make an informed decision based upon his professional judgment after giving consideration to the

notification provided by an equine dentist which shall include a visual inspection conducted by the veterinarian prior to the commencement of the procedure.

Continuing Education board-approved educational experiences in equine dentistry, which may be in the form of institutes, seminars, lectures, conferences, workshops, and other modes of delivery so as to maintain and improve technical competency for the health, welfare, and safety of the citizens of Louisiana.

Continuing Education Unit (CEU) one hour of activity or participation in a continuing educational program approved by the board.

Equine Owner's Veterinarian veterinarian licensed by the board who has established a veterinary-client-patient relationship as a primary care provider or as a consultant to the primary care provider.

Notify or Notification

a. with regards to the rasping (floating) of molar, premolar and canine teeth, and the removal of deciduous incisor and premolar teeth (caps), shall mean full written or verbal person to person communication with the veterinarian prior to the commencement of the procedure; or

b. with regards to extracting equine first premolar teeth (wolf teeth), shall mean full written or verbal person to person communication with the veterinarian prior to commencement of the procedure and after approval is given by the veterinarian; however, written confirmation of the notification prepared by the registered equine dentist shall be sent to and received by the veterinarian within seven days after the procedure, which written confirmation shall include:

- i. owner's name, address, and phone number;
- ii. identifying information concerning the horse, which shall include name, permanent identification marks, age, sex, and color;
- iii. method of restraint used during the procedure;
- iv. type of dental procedure performed, including methods used;
- v. description of the outcome of the procedure;
- vi. recommendations, if any, to the owner following extraction of any first premolar teeth.

Possession actual possession whereby the registered equine dentist has his certificate readily available.

Practice of Equine Dentistry means the rasping (floating) of molar, premolar and canine teeth, and the removal of deciduous incisor and premolar teeth (caps); additionally, an equine dentist may extract equine first premolar teeth (wolf teeth) after complying with the requirements set forth in R.S. 37:1562(C)(2) and the board's rules.

Referral a verbal request to perform equine dentistry made to a registered equine dentist by a veterinarian licensed by the board who has established a veterinarian-client-patient relationship as defined in LAC 46:LXXXV.700 and who is readily accessible by beeper or cell phone as well as present within a 30 mile radius of and 30 minutes or less travel time from the treatment site.

Referral Veterinarian a veterinarian licensed by the board authorized by the existence of a veterinarian-client-patient relationship as defined in LAC 46:LXXXV.700 to make a referral to perform equine dentistry to a registered equine dentist and who is readily accessible by beeper or cell

phone as well as present within a 30 mile radius of and 30 minutes or less travel time from the treatment site.

Substantially Involved in the Care and Maintenance of Horses in the Horse Racing Industry in Louisiana previous practical experience within the horse racing industry that included equine dental procedures.

Unprofessional Conduct in addition to the definition set forth in R.S. 37:1564(A)(10), shall include the following:

a. making or participating in any communication, advertisement or solicitation which is false, fraudulent, deceptive, misleading or unfair, or which contains a false, fraudulent, deceptive, misleading or unfair statement or claim;

b. initiation or continuation of services that are contraindicated or cannot reasonably result in beneficial outcome;

c. abuse or exploitation of the provider-patient relationship for the purpose of securing personal compensation, gratification, or benefit unrelated to the provision of service;

d. failure to comply with the practice requirements set forth in R.S. 37:1562;

e. failure to comply with the duties established in R.S. 37:1560 et seq. and/or the board's rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1568.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 26:489 (March 2000).

§1501. Applications for Certificates of Approval

A. Pursuant to R.S. 37:1561 and 1562(D), applicants shall submit the following items to the board:

1. a completed application form approved by the board, which shall be sworn to and subscribed before a notary public;

2. evidence that the applicant is a current resident of this state on July 1, 1999, which evidence must be one of the following:

a. a utility bill statement in the name of the applicant and for a Louisiana address which includes service for July 1, 1999; or

b. any other document providing evidence of residency on July 1, 1999, which is approved by a majority of a quorum of the board;

3. evidence that the applicant is substantially involved in the care and maintenance of horses in the horse racing industry in Louisiana, which evidence shall be the following:

a. an affidavit from the applicant sworn to and subscribed before a notary public; and

b. two letters of reference on board-approved forms from veterinarians licensed by the board which shall attest to the applicant's character and ethical standards as they apply to his knowledge in the field of equine dentistry and his substantial involvement in the care and maintenance of horses in the horse racing industry in Louisiana; and

4. evidence that the applicant was licensed in good standing as an equine dentist by the Louisiana Racing Commission on or before July 1, 1995, which evidence must be a certified statement directly forwarded to the board office from an authorized official of the Louisiana Racing Commission attesting to the applicant's licensure in good standing on or before July 1, 1995;

5. payment of all applicable fees for registered equine dentist fees established by the board;
6. a current passport type photograph of the applicant;
7. certification by the applicant that he has not violated or been subject to any of the grounds for denial of a certificate of approval as listed in R.S. 37:1564;
8. a list of all professional certificates or licenses that the applicant currently holds and/or has held.

B. The Board may reject any applications which do not contain full and complete answers and/or information as requested and may reject any application if any information furnished in the application is fabricated, false, misleading, or incorrect.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1568.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 26:490 (March 2000).

§1503. Fees

A. The Board hereby adopts and establishes the following fees for registered equine dentists.

Original Registration Fee	\$ 200
Annual Renewal of Registration Fee	\$ 125
Late renewal fee	\$ 100
Application fee	\$ 100

B. Renewals received after the expiration date as provided in R.S. 37:1566, shall be charged a late renewal fee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1568.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 26:491 (March 2000).

§1505. Renewal of Certificates

A. All certificates of approval shall expire annually at midnight September 30. Certificates shall be renewed by completing a re-registration form which shall be provided by the board, submitting any other documents required by this chapter, and by payment of the annual renewal fee established by the board.

B. Each year, ninety days prior to the expiration date of the license, the board shall mail a notice to each registered equine dentist stating the date his certificate will expire and providing a form for re-registration.

C. The certificate of approval will be renewed for any person who complies with the requirements of this chapter.

D. Re-registration forms for renewal of certificates of approval, complete with payment of fees and any other documents required by this chapter, shall be postmarked no later than the expiration date of the certificate each year. Re-registration forms postmarked after midnight of the expiration date will be subject to a late renewal fee as established by the board. This fee is in addition to the regular fee for annual renewal.

E. Continuing education requirements prescribed by this chapter must be satisfied before a certificate of approval is renewed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1568.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 26:491 (March 2000).

§1507. Expired Certificate

A. A registered equine dentist whose certificate has expired may be reinstated within one year of its expiration by making written application for renewal, paying the current renewal fee plus all delinquent renewal fees, and meeting the continuing education requirements prescribed by the board.

B. The identifying number of an expired certificate of approval shall not be issued to any person other than the original holder of that number.

C. A registered equine dentist who fails to renew a certificate of approval within one year of its expiration must reapply for a new certificate. A certificate of approval shall not be issued without the approval of a majority of the quorum of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1568.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 26:491 (March 2000).

§1509. Revoked Certificate

A. A registered equine dentist whose certificate has been revoked pursuant to R.S. 37:1564 must reapply for a new certificate.

B. A person whose certificate of approval has been revoked pursuant to R.S. 37:1564 shall not be issued a new certificate unless approved by a majority of a quorum of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1568.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 26:491 (March 2000).

§1511. Review or Appeal of Denial of Application

A. Any registered equine dentist aggrieved by a decision of the board, other than a holder of a certificate of approval against whom disciplinary proceedings have been brought pursuant to R.S. 37:1560 et seq. may, within 30 days of notification of the board's action or decision, petition the board for a review or appeal of the board's actions.

B. Such petition shall be in the form of a letter, signed by the person aggrieved, and mailed to the board at its principal office.

C. Upon receipt of such petition, the board may proceed to take such action as it deems expedient or hold such hearings as may be necessary, and may review such testimony and/or documents and/or records as it deems necessary to dispose of the matter, but the board shall not, in any event, be required to conduct any hearings or investigations, or consider any offerings, testimony, or evidence unless so required by statute or other rules or regulations of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1568.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 26:491 (March 2000).

§1513. Disciplinary Proceedings

A. The Board, after due notice and hearing as set forth in the Administrative Procedure Act, LSA R.S. 49:950 et seq. and LAC 46:LXXXV.1401, may deny, reprimand, restrict, fine, probate, suspend, revoke or pursuant to LSA R.S. 37:1560 et seq. otherwise sanction a registered equine dentist or applicant for certification on a finding that the

person has violated LSA R.S. 37:1560 et seq. or any of the rules promulgated by the board, or prior final decisions and/or consent orders involving the registered equine dentist or applicant for certification.

B. Any registered equine dentist against whom disciplinary proceedings have been instituted and against whom disciplinary action has been taken by the Board pursuant to R.S. 37:1560 et seq. and/or the board's rules, shall have rights of review and/or rehearing and/or appeal in accordance with the terms and provisions of the Administrative Procedure Act and LAC 46:LXXXV.1401.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1568.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 26:491 (March 2000).

§1515. Practice and Duties

A. Except as provided in R.S. 37:1562, no person shall practice equine dentistry in Louisiana unless issued a certificate of approval by the board.

B. Pursuant to R.S. 37:1562(C)(1), a registered equine dentist who practices equine dentistry at a location other than at a racetrack shall notify the horse owner's veterinarian prior to the commencement of the practice of equine dentistry.

C. Pursuant to R.S. 37:1562(C)(1), in the event that the horse owner does not have a veterinarian, the equine dentist shall obtain a referral from a veterinarian licensed by the board who has established a veterinarian-client-patient relationship as defined in LAC 46:LXXXV.700. Such referral must be documented by the veterinarian to include:

1. the establishment of the veterinarian-patient-client relationship as defined in LAC 46:LXXXV.700 prior to referral; and

2. that the referral veterinarian is readily accessible by beeper or cell phone as well as present within a 30 mile radius of and 30 minutes or less travel time from the treatment site;

3. the referral veterinarian must submit a copy of the written referral which must be received by the registered equine dentist within seven days from the referral;

4. such documentation shall be made part of the records maintained by the veterinarian and the registered equine dentist.

D. Pursuant to R.S. 37:1562(C)(2), prior to the initiation of an extraction of first premolar teeth (wolf teeth), the registered equine dentist shall notify and obtain the approval of the equine owner's veterinarian or referral veterinarian.

E. Duties

1. Prohibition on Drugs. A registered equine dentist shall not prescribe, recommend, or administer any legend drug or controlled substance.

2. Record Keeping. A registered equine dentist shall establish and maintain legible records which can provide a veterinarian with a full understanding of the findings concerning and treatment provided to each horse. Each registered equine dentist shall maintain an individual record on each horse to include, but not limited to, the following:

a. owner's name, address, and phone number; identifying information concerning the horse, which shall include name, permanent identification marks, age, sex, and color; nature of dental complaint; method of restraint used during a procedure; type of dental procedure performed;

description of the outcome of the procedure; and recommendations, if any, to the owner following the procedure;

b. original of written notifications submitted to veterinarians regarding treatment;

c. records shall be maintained for at least five years;

d. records are the responsibility and property of the registered equine dentist. The registered equine dentist shall maintain such records and shall not release the records to any person other than the client or a person authorized to receive the records for the client, except that the registered equine dentist shall provide any and all records as requested by the board to the board; and

e. copies of records shall be provided to the client or the client's authorized representative upon written request of the client. A reasonable charge for copying and providing records may be required by the registered equine dentist.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1568.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 26:492 (March 2000).

§1517. Continuing Education

A. Basic Requirements

1. A minimum of six continuing education units is required each fiscal year (July 1 through June 30) as a prerequisite for renewal of certification. A registered equine dentist who fails to obtain a minimum of six continuing education units within the prescribed twelve-month period will not meet the requirements for renewal of his certificate. Notwithstanding the requirements of this section, for the period August 20, 1999 - June 30, 2000, a minimum of six continuing education units is required as a prerequisite for renewal of certification during the July 1, 2000 - September 30, 2000 renewal period.

2. All continuing education programs must be approved by the board prior to attendance.

3. Proof of attendance, which shall include the name of the course, date(s) of attendance, hours attended, and specific subjects attended, shall be attached to the annual certificate renewal form. Proof of attendance must include verification from the entity providing or sponsoring the educational program.

4. All hours shall be obtained in the twelve months preceding the renewal period of the certificate.

5. Each registered equine dentist must fulfill his annual education requirements at his own expense.

B. Failure to Meet Requirements

1. If a registered equine dentist fails to obtain a minimum of six continuing education units within the prescribed twelve-month period, his certificate shall be expired and his certificate shall remain expired until such time as the continuing education requirements have been met and documented to the satisfaction of the board.

2. The board may grant extensions of time for extenuating circumstances. The registered equine dentist must petition the board at least 30 days prior to the expiration of the certificate. The board may require whatever documentation it deems necessary to verify the circumstances necessitating the extension.

3. Failure to comply with the requirements of this section shall be considered unprofessional conduct.

C. Approved Continuing Education Programs
1. It is the responsibility of the registered equine dentist to submit a request for approval of a continuing education program no less than 60 days prior to the program. Information to be submitted shall include:

- a. the name of the proposed program and sponsor organization;
- b. course content;
- c. the number of continuing education units to be obtained by attendees.

2. Continuing education units which are submitted for renewal and were not pre-approved by the board may be reviewed by the board. If the units are not approved, the registered equine dentist will be required to take additional continuing education in an approved program prior to the renewal of his certificate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1568.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 26:492 (March 2000).

§1519. Unprofessional Conduct on Part of the Veterinarian

After due notice and hearing as set forth in the Administrative Procedure Act, LSA R.S. 49:950 et seq. and the board's rules, more particularly section 1401 et seq., a veterinarian who fails to comply with a rule promulgated by the board regarding the practice of equine dentistry shall be subject to disciplinary action and sanction by the board for unprofessional conduct pursuant to the Louisiana Veterinary Practice Act, LSA R.S. 37:1526(A)(14) and the board's rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1526(A)(14), 37:1518(A)(9) and 37:1568.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 26:493 (March 2000).

Kimberly B. Barbier
Administrative Director

0003#021

RULE

**Department of Health and Hospitals
Licensed Professional Counselors Board of Examiners**

Licensure, Continuing Education and Discipline
(LAC 46:LX.111, 503, 705, 801,
803, 1305, 1309, 1325 and 2107)

The Licensed Professional Counselors Board of Examiners, under authority of the Louisiana Mental Health Counselor Licensing Act, R.S. 37:1101-1115, and in accordance with the Administrative Procedure Act, R.S.49:950 et seq., hereby amends the following rules governing the practice of mental health counseling in Louisiana.

**Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS
Part LX. Licensed Professional Counselors
Board of Examiners**

Chapter 1. General Provisions

§111. Notification of Change

Every licensed professional counselor/counselor intern shall immediately notify in writing the Licensed Professional Counselors Board of Examiners of any and all changes in name, address, and phone number. Failure to comply with this rule within 30 days of change will result in a fine as set forth in Chapter 9.D.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 26:493 (March 2000).

Chapter 5. License and Practice of Counseling

§503. Definitions

* * *

Mental Health Counseling Services those acts and behaviors coming within the "practice of mental health counseling" as defined in this Chapter, including diagnosis and treatment of conditions or disorders requiring mental health counseling as defined in R.S.37:1103(4)(a). However, nothing in this Chapter shall be construed to authorize any person licensed hereunder to administer or interpret tests in accordance with the provisions of R.S. 37:2352(5), except as provided by Title 46, Part LXIII, Chapter 17, Section 1702(E) of the Louisiana Administrative Code, or engage in the practice of psychology or to prescribe, either orally or in writing, distribute, dispense, or administer any medications.

* * *

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Examiners of Professional Counselors, LR 14:83 (February 1988), amended by the Department of Health and Hospitals, Board of Examiners of Professional Counselors, LR 16:302 (April 1990), LR 18:51 (January, 1992), amended by Board of Examiners of Professional Counselors, LR 22:103 (February 1996), amended LR 24:437 (March 1998), LR 24:2124 (November 1998), amended by Licensed Professional Counselors Board of Examiners, LR 26:493 (March 2000).

Chapter 7. Requirements for Licensure

§705. Supervision Experience

A. - A.14. ...

B. Qualifications of a Supervisor

1. Those individuals who may provide supervision to counselor interns must meet the following requirements:

a. Licensure Requirements. The supervisor must hold a Louisiana license as a Licensed Professional Counselor.

b. Counseling Practice. The supervisor must have been practicing mental health counseling in their setting (i.e., school, agency, private practice) for at least five years. Two

of the five years experience must be post licensing experience.

c. Training in Supervision. Supervisors must have successfully completed either i or ii below:

i. Graduate-Level Academic Training. At least one graduate-level academic course in counseling supervision. The course must have included at least 45 clock hours (equivalent to a three credit hour semester course) of supervision training.

ii. Professional Training. A board approved professional training program in supervision. The training program must be a minimum of 25 direct clock hours with the trainers and meet presentation standards established by the board.

2. - D.3. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Professional Counselors, LR 18:269 (March, 1992), amended LR 21:466 (May 1995) amended LR 22:102 (February 1996), amended LR 24:1294 (July 1998), amended LR 24:2124 (November 1998), amended by Licensed Professional Counselors Board of Examiners, LR 26:493 (March 2000).

Chapter 8. Renewal of License

§801. Renewal

A licensed professional counselor shall renew his/her license every two years in the month of June by meeting the requirement that 40 clock hours of continuing education be obtained prior to each renewal date every two years in an area of professional mental health counseling as approved by the board and by paying a renewal fee. The licensee should submit a declaration statement only if there has been a change in area of expertise, with the content being subject to board review and approval. The board, at its discretion, may require the licensee to present satisfactory evidence supporting any changes in areas of expertise noted in the declaration statement. The chairman shall issue a document renewing the license for a term of two years. The license of any mental health counselor who fails to have this license renewed biannually during the month of June shall lapse; however, the failure to renew said license shall not deprive said counselor the right of renewal thereafter. A lapsed license may be renewed within a period of two years after the expired renewal date upon payment of all fees in arrears and presentation of evidence of completion of the continuing education requirement. Application for renewal after two years from the date of expiration will not be considered for renewal; the individual must apply under the current licensure guidelines.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Professional Counselors, LR 18:271 (March, 1992), amended by Board of Examiners for Professional Counselors, LR 22:103 (February 1996), LR 24:1294 (July 1998), amended by Licensed Professional Counselors Board of Examiners, LR 26:494 (March 2000).

§803. Continuing Education Requirements

A. General Guidelines

1. A licensee must accrue 40 clock hours of continuing education by every renewal period every two

years, with the exception that a licensee renewing a license which expires on June 30, 2000 must accrue 25 clock hours of continuing education.

2. One continuing education hour (CEH) is equivalent to one clock hour.

3. Accrual of continuing education begins only after the date the license was issued.

4. CEHs accrued beyond the required 40 hours may not be applied toward the next renewal period. Renewal periods run from July 1 to June 30, every two years.

5. The licensee is responsible for keeping a personal record of his/her CEHs until official notification of renewal is received. Do not forward documentation of CEHs to the Board office as they are accrued.

6. At the time of renewal ten percent of the licensees will be audited to ensure that the continuing education requirement is being met. If you are one of the ten percent chosen, you will be requested by letter to submit documentation of your CEHs.

B. Approved Continuing Education

1. Continuing education requirements are meant to encourage personal and professional development throughout the LPC's career. For this reason a wide range of options are offered to accommodate the diversity of counselors' training, experience and geographic locations.

2. An LPC may obtain the 40 CEHs through one or more of the options listed below.

a. Continuing Education Approved by Other Organizations: Continuing education that is approved by either the American Counseling Association (ACA), its divisions, regions and state branches - Louisiana Counseling Association (LCA) or the National Board of Certified Counselors (NBCC) will be accepted by the Board of Examiners. One may contact these associations to find out which organizations, groups or individuals are approved providers. One may receive one clock hour of continuing education for each hour of direct participation in a structured educational format as a learner. Credit cannot be granted for: business/governance meetings; breaks; social activities including meal functions, except for actual time of a content speaker. Credit cannot be given for an approved session to persons who leave early from that session. Verification can consist of copies of certificates of attendance.

b. Continuing Education not Preapproved. For those organizations, groups or individuals that do not carry provider status by one of the above associations, the continuing education hours will be subject to approval by the Board of Examiners at the time of renewal. The Board will not preapprove any type of continuing education. The continuing education must be in one of the twelve approved content areas listed in §803.C, and be given by a qualified presenter. A qualified presenter is considered to be someone at the master's level or above and trained in the mental health field or related services. One may receive one clock hour of continuing education for each hour of direct participation in a structured educational format as a learner. Credit cannot be granted for: business/governance meetings; breaks; social activities including meal functions, except for actual time of a content speaker. Credit cannot be given for an approved session to persons who leave early from that session. Verification for workshops, seminars, or conventions can consist of copies of certificates of attendance. Typically one

Continuing Education Unit (CEU) is equivalent to 10 clock hours.

c. Coursework. CEHs may also be gained by taking coursework (undergraduate or graduate) from a regionally accredited institution in one of the twelve approved content areas for continuing education listed in §803.C. One may take a course for credit or audit a course. In a college or university program, one semester hour is equivalent to 15 clock hours and one quarter hour is equivalent to 10 clock hours. Therefore, 45 CEHs will be given for a three hour university course completed at a regionally accredited university. Verification for coursework can consist of either copies of transcripts for coursework taken for credit or letter of attendance from instructor for courses audited.

d. Home Study. The LCA journal, video presentations and approved teleconferences are all approved home study options. Each option must carry a provider number from either NBCC, LCA or other board approved mental health organizations. Each activity will specify the number of CEHs that will be granted upon completion. Verification consists of a certificate issued by NBCC, LCA or certificates from other professional mental health organizations that will be reviewed by the Board.

e. Presentations. Presenters may get credit for original presentations at a rate of five clock hours per one hour presentation. Presenters must meet the qualifications stated in b above. The presentation must be to the professional community; not to the lay public or a classroom presentation. The presentation must also be in one of the twelve approved content areas listed in §803.C. Verification of your presentation consists of obtaining a letter from the workshop/convention coordinator stating the topic, date, and number of hours of presentation.

f. Publishing. Authors may receive five clock hours per article or chapter in a book. The article must be published in a professional refereed journal. Both articles and chapters must be in one of the twelve approved content areas listed in §803.C. Verification will consist of either a reprint of the article/chapter, or a xeroxed copy of the article/chapter, cover of the book/journal and page listing the editor or publisher.

g. Counseling. (10 Hours Maximum Per Renewal Period) One may receive one clock hour of continuing education per counseling hour as a client. To qualify, one must be a client receiving services from a licensed mental health professional having qualifications equal to or exceeding those currently required of LPC's. Consultation and supervision hours do not qualify. Verification will consist of a letter from the counseling mental health professional verifying client therapy hours.

h. Research. One may receive one clock hour of continuing education per hour of planning or conduct of, or participation in, counseling or counseling-related research. To qualify, this activity must constitute an original and substantive educational experience for the learner. Verification will consist of a letter from the faculty member or researcher.

i. Organizational and Regulatory. One may receive one clock hour of continuing education per hour of service to the LPC Board of Examiners or to a Board-approved counseling service organization. To qualify, this activity must constitute an original and substantive educational

experience for the learner. Verification will consist of a letter or certificate from the Board or from the Board-approved counseling service organization.

C. Approved Content Areas. Continuing Education Hours must be in one of the following 12 content areas:

1. Counseling theory includes a study of basic theories, principles and techniques of counseling and their application in professional settings.

2. Human growth and development includes studies that provide a broad understanding of the nature and needs of individuals at all developmental levels, normal and abnormal human behavior, personality theory and learning theory within appropriate cultural contexts.

3. Social and cultural foundations includes studies that provide a broad understanding of societal changes and trends, human roles, societal subgroups, social mores and interaction patterns, and differing lifestyles.

4. The helping relationship includes studies that provide a broad understanding of philosophic bases of helping processes, counseling theories and their applications, basic and advanced helping skills, consultation theories and their applications, client and helper self-understanding and self-development, and facilitation of client or consultee change.

5. Group dynamics, processing and counseling; includes studies that provide a broad understanding of group development, dynamics, and counseling theories, group leadership styles, basic and advanced group counseling methods and skills, and other group approaches.

6. Lifestyle and career development includes studies that provide a broad understanding of career development theories; occupational and educational information sources and systems; career and leisure counseling, guidance, and education; lifestyle and career decision-making; career development program planning and resources; and effectiveness evaluation.

7. Appraisal of individuals includes studies that provide a broad understanding of group and individual educational and psychometric theories and approaches to appraisal, data and information gathering methods, validity and reliability, psychometric statistics, factors influencing appraisals, and use of appraisal results in helping processes.

8. Research and evaluation includes studies that provide a broad understanding of types of research, basic statistics, research report development, research implementation, program evaluation, needs assessment, publication of research information, and ethical and legal considerations associated with the conduct of research.

9. Professional orientation includes studies that provide a broad understanding of professional roles and functions, professional goals and objectives, professional organizations and associations, professional history and trends, ethical and legal standards, professional preparation standards, professional credentialing and management of private practice and agency settings.

10. Marriage and family includes studies that provide a broad understanding of marriage and family theories and approaches to counseling with families and couples. This includes appraisal of family and couples systems and the application of these to counseling families and/or couples.

11. Chemical dependency includes studies that provide a broad understanding of chemical dependency issues,

theories, and strategies to be applied in the helping relationship for chemical dependency counseling.

12. Supervision includes studies in theory and techniques of supervision as well as ethical and legal issues, case management, and topics relative to the specific supervised setting.

D. Types Of Documentation Needed For Verification

1. Copy of certificate of attendance for workshops, seminars, or conventions.

2. Copy of transcript for coursework taken for credit/letter of attendance from instructor for courses audited.

3. Home Study verification form or certificate issued by LCA/NBCC.

4. Letter from workshop/convention coordinator verifying presentations.

5. Copy of article, cover and editorial board page for publications.

6. Letter from counseling mental health professional verifying number of hours in counseling as a client.

7. Letter from the faculty member or researcher verifying number of hours in research.

8. Letter or certificate from the LPC Board of Examiners, or from the Board-approved counseling service organization, verifying number of hours of service.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Professional Counselors, LR 18:271 (March, 1992), amended by Licensed Professional Counselors Board of Examiners, LR 26:494 (March 2000).

Chapter 13. Disciplinary Proceedings

§1305. Initiation of Complaints

A. - B. ...

C. Pursuant to its authority to regulate this industry, the board through its Ad Hoc Committee on Disciplinary Affairs, may conduct investigations into alleged violations by a licensed professional counselor or applicant of this Chapter or rules and regulations promulgated pursuant thereto, may issue subpoenas to secure evidence of alleged violations of the Louisiana Mental Health Counselor Licensing Act, any of the rules and regulations promulgated by the board, the Code of Ethics of the American Counseling Association, or prior final decisions and/or consent orders involving the licensed professional counselor or applicant for licensure. The confidential or privileged records of a patient or client which are subpoenaed are to be sanitized by the custodian of such records so as to maintain the anonymity of the patient or client.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 25:260 (February 1999), amended LR 26:496 (March 2000).

§1309. Formal Hearing

A. - C.12.a.iii. ...

b. Deliberation

i. the board will deliberate in closed session;

ii. the board will vote on each charge as to whether the charge has been supported by the evidence; (the standard will be "preponderance of the evidence");

iii. after considering and voting on each charge, the board will vote on a resolution to dismiss the charges, withhold, deny, revoke or suspend any license issued or applied for or otherwise discipline a licensed professional counselor or applicant for licensure; and

iv. the board by affirmative vote of a majority of those members voting, shall be needed to withhold, deny, revoke, or suspend any license issued or applied for in accordance with the provisions of this Chapter or otherwise discipline a licensed professional counselor or applicant.

c. Sanctions against the person who is party to the proceeding are based upon findings of fact and conclusion of law determined as a result of the hearing. The party is notified by mail of the final decision of the board.

13. - 14.c.iv. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 25:260 (February 1999), amended LR 26:496 (March 2000).

§1325. Injunction

A. The board may, through the attorney general of the state of Louisiana, apply for an injunction in any court of competent jurisdiction to enjoin any person from committing any act in violation of the provisions of this Chapter, any rules or regulations adopted by the board, and any codes of ethics adopted by the board.

B. If it is established that the defendant has been or is committing an act in violation of this Chapter or of rules or regulations adopted pursuant to this Chapter, including any codes of ethics adopted by the board, the court, or any judge thereof, shall enter a decree enjoining said defendant from further committing such act.

C. In case of violation of any injunction issued under the provision of this Section, this court, or any judges thereof, may summarily try and punish the offender for contempt of court.

D. Such injunctive proceedings shall be in addition to, and not in lieu of, all penalties and other remedies provided in this Chapter.

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

HISTORICAL NOTE: Promulgation by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 25:263 (February 1999), amended LR 26:496 (March 2000).

Chapter 21. Code of Conduct

§2107. Professional Responsibility

A. - D.4. ...

5. Doctoral Degrees from Other Fields

a. Counselors who hold a master's degree in counseling or a closely related mental health field, but hold a doctoral degree from other than counseling or a closely related field shall not use the title, "Dr." in their practices and shall not announce to the public in relation to their practice or status as a counselor that they hold a doctorate.

b. A doctoral degree in counseling or a closely related field is defined as a doctoral degree from a regionally accredited university that shall conform to one of the criteria below:

i. a CACREP accredited doctoral counseling program;

ii. a doctoral counseling program incorporating the word "counseling" or "counselor" in its title;

iii. a doctoral program incorporating a counseling-related term in its title (e.g. "Marriage and Family Therapy"); or

iv. a doctoral program in a behavioral science that would augment the counseling skills of a Licensed Professional Counselor.

E. - F.3. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 15:622 (August 1989), amended LR 24:441 (March 1998), LR 26:496 (March 2000).

Gary S. Grand
Board Chair

0003#027

RULE

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

Disproportionate Share Hospital Payment Methodologies for Small Rural Hospitals

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following rule in the Medical Assistance Program as authorized by R.S. 46:153 and pursuant to Title XIX of the Social Security Act. This proposed rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

Rule

The Department of Health and Hospitals, Office of the Secretary Bureau of Health Services Financing amends the May 20, 1999 rule governing the disproportionate share payment methodologies for hospitals by revising the qualification criteria for small rural hospitals as required by Senate Concurrent Resolution Number 48 and Act 1068 of the 1999 Regular Session of the Louisiana Legislature.

III. Reimbursement Methodologies

B. Small Rural Hospitals

1. A small rural hospital is a hospital (excluding a long-term care hospital, rehabilitation hospital or free-standing psychiatric hospital, but including distinct part psychiatric units) that meets the following criteria:

a. had no more than sixty hospital beds as of July 1, 1994 and is located in a parish with a population of less than fifty thousand or in a municipality with a population of less than twenty thousand; or

b. meets the qualifications of a sole community hospital under 42 C.F.R. §412.92(a); or

c. had no more than sixty hospital beds as of July 1, 1999 and is located in a parish with a population of less than 17,000 as measured by the 1990 census; or

d. had no more than sixty hospital beds as of July 1, 1997 and is a publicly owned and operated hospital that is located in either a parish with a population of less than fifty

thousand or a municipality with a population of less than twenty thousand.

The remainder of the May 20, 1999 rule shall remain in effect as previously promulgated.

David W. Hood
Secretary

0003#031

RULE

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

Durable Medical Equipment for Osteogenic Bone Growth Stimulators

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following rule as authorized by R.S. 46:153 and pursuant to Title XIX of the Social Security Act. This rule is in accordance with the Administrative Procedure Act R.S. 49:950 et seq.

Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing expands coverage under the Durable Medical Equipment Program to include osteogenic bone growth stimulators which are used to augment bone repair associated with either a healing fracture or bone fusion. However, coverage shall be limited to reimbursement for electrical, non-invasive types of bone growth stimulators only. Medicaid will not provide reimbursement for ultrasonic or invasive types of bone growth stimulators.

The following criteria shall be used to determine medical necessity for an osteogenic bone growth stimulator.

Non-Spinal Non-invasive Electrical

Non-spinal non-invasive electrical bone growth stimulators may be considered under the following circumstances:

1. The failure of long bone fractures to heal. A period of six months from the initial date of treatment must elapse before failure is considered to have occurred;

2. The failure of long bone fusions period of nine months from the initial date of treatment must elapse before failure is considered to have occurred; or

3. The treatment of congenital pseudoarthroses. There is no minimal time requirement after the diagnosis.

Spinal Non-invasive Electrical

Spinal non-invasive electrical bone growth stimulators may be considered:

1. when a minimum of nine months has elapsed since the patient had fusion surgery which resulted in a failed spinal fusion; or

2. when there is a history of a previously failed spinal fusion at the same site following spinal fusion surgery (meaning more than nine months has elapsed since fusion surgery was performed at the same level which is being fused again). As long as nine months has passed since the failed fusion surgery, this repeated fusion attempt requires

no minimum passage of time for the application of the device; or

3. following a multi-level spinal fusion (i.e. involving three or more contiguous vertebrae, such as L3-L5 of L4-S1). There is no minimum requirement for application after surgery.

David W. Hood
Secretary

0003#085

RULE

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

Home and Community-Based Services Waiver Program Habilitative/Supported Employment Services

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following rule in the Medical Assistance Program as authorized by R.S. 46:153 and pursuant to Title XIX of the Social Security Act. This rule is adopted in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Rule

A. The Department of Health and Hospitals, Bureau of Health Services Financing amends the July 20, 1990 rule to remove the requirement that states, "To be eligible for Habilitative/Supported Employment services, the individual must have been deinstitutionalized from a SNF, ICF, or ICF/MR."

B. All MR/DD waiver recipients who are in need of these services in order to prevent institutionalization may receive them. However, individuals receiving these services must continue to meet the requirement that:

1. either they are not eligible; or
2. they have been referred and rejected for participation in Section 110 of the Rehabilitation Act of 1973 or programs funded under P.L.94-142.

David W. Hood
Secretary

0003#083

RULE

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

Hospital Prospective Reimbursement Methodology Teaching Hospitals

The Department of Health and Hospital, Office of the Secretary, Bureau of Health Services Financing adopts the following rule in the Medical Assistance Program as authorized by R.S. 46:153 and pursuant to Title XIX of the Social Security Act. This rule is in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the criteria for participation in the peer groups for major and minor teaching hospitals and adopts new criteria for the reimbursement of graduate medical education (GME).

I. Major Teaching Hospitals

A. The Louisiana Medical Assistance Program's recognition of a major teaching hospital is limited to facilities having a documented affiliation agreement with a Louisiana medical school accredited by the Liaison Committee on Medical Education (LCME). These facilities must be a major participant in at least four approved medical residency programs. At least two of the programs must be in medicine, surgery, obstetrics/gynecology, pediatrics, family practice, emergency medicine or psychiatry.

B. For the purposes of recognition as a major teaching hospital, a facility shall be considered a "major participant" in a graduate medical education program if it meets both of the following criteria:

1. the facility must pay for the costs of the training program in the non-hospital or hospital setting including the residents' salaries and fringe benefits, the portion of the cost of teaching physicians' salaries and fringe benefits attributable to direct graduate medical education and other direct administrative costs of the program; and

2. the facility must participate in residency programs that:

a. require residents to rotate for a required experience, or

b. require explicit approval by the appropriate Residency Review Committee (RRC) of the medical school with which the facility is affiliated prior to utilization of the facility, or

c. provide residency rotations of more than one-sixth of the program length or more than a total of six months at the facility and are listed as part of an accredited program in the Graduate Medical Education Directory of the Accreditation Council for Graduate Medical Education (ACGME).

C. Major teaching hospitals must maintain an intern and resident full time equivalency of at least 15 filled positions.

II. Minor Teaching Hospital

A. The Louisiana Medical Assistance Program's recognition of a minor teaching hospital is limited to facilities having a documented affiliation agreement with a Louisiana medical school accredited by the Liaison Committee on Medical Education (LCME). These facilities must participate significantly in at least one approved medical residency program. At least one of these programs must be in medicine, surgery, obstetrics/gynecology, pediatrics, family practice, emergency medicine or psychiatry.

B. For the purposes of recognition as a minor teaching hospital, a facility is considered to "participate significantly" in a graduate medical education program if it meets both of the following criteria:

1. the facility must pay for the costs of the training program in the non-hospital or hospital setting including the

residents' salaries and fringe benefits, the portion of the cost of teaching physicians' salaries and fringe benefits attributable to direct graduate medical education and other direct administrative costs of the program; and

2. the facility must participate in residency programs that:

a. require residents to rotate for a required experience, or

b. require explicit approval by the appropriate Residency Review Committee (RRC) of the medical school with which the facility is affiliated prior to utilization of the facility, or

c. provide residency rotations of more than one-sixth of the program length or more than a total of six months at the facility and are listed as part of an accredited program in the Graduate Medical Education Directory of the Accreditation Council for Graduate Medical Education (ACGME). If not listed, the sponsoring institution must have notified the ACGME, in writing, that the residents rotate through the facility and spend more than one-sixth of the program length or more than a total of six months at the facility.

C. Minor teaching hospitals must maintain an intern and resident full time equivalency of at least six filled positions.

III. Approved Medical Residency Program

A. An approved medical residency program is one that meets one of the following criteria:

1. counts toward certification of the participant in a specialty or sub-specialty listed in the current edition of either The Directory of Graduate Medical Education Programs published by the American Medical Association, Department of Directories and Publications, or The Annual Report and Reference Handbook published by the American Board of Medical Specialties; or

2. is approved by the ACGME as a fellowship program in geriatric medicine;

3. is a program that would be accredited except for the accrediting agency's reliance upon an accreditation standard that requires an entity to perform an induced abortion or require, provide, or refer for training in the performance of induced abortions, or make arrangement for such training regardless of whether the standard provides exceptions or exemptions.

B. A residency program at a non-hospital facility may be counted by a hospital if:

1. there is a written agreement with the non-hospital facility that requires the hospital facility to pay for the cost of the training program; and

2. the agreement requires that the time that residents spend in the non-hospital setting is for patient care.

IV. Graduate Medical Education

A. In addition, the Bureau adopts new criteria for the reimbursement of graduate medical education (GME) in facilities that do not qualify as major or minor teaching facilities. GME recognized by the Medical Assistance Program for reimbursement shall be limited to facilities having a documented affiliation agreement with a Louisiana medical school accredited by the LCME.

B. Payment for GME costs shall be limited to the direct cost of interns and residents in addition to the teaching physician supervisory costs. Teaching physician supervisory costs shall be limited in accordance with the provisions of the Medicare Provider Reimbursement Manual. The GME component of the rate shall be based on hospital specific graduate medical education Medicaid cost for the latest year on which hospital prospective reimbursements are rebased trended forward in accordance with the the prospective reimbursement methodology for hospitals.

C. Hospitals implementing GME programs approved after the latest year on which hospital prospective reimbursements have been rebased shall have a GME component based on the first full cost reporting period that the approved GME program is in existence trended forward in accordance with the prospective reimbursement methodology for hospitals.

V. Requirements for Reimbursements

A. Qualification for teaching hospital status or to receive reimbursement for GME costs shall be reestablished at the beginning of each fiscal year.

B. To be reimbursed as a teaching hospital or to receive reimbursement for GME costs, a facility shall submit the following documentation within thirty days of the beginning of each state fiscal year to the Director, Institutional Reimbursement, P. O. Box 546, Baton Rouge, LA 70821:

1. a copy of the executed affiliation agreement for the time period for which the teaching hospital status or GME reimbursement applies;

2. a copy of any agreements with non-hospital facilities; and

3. a signed Certification For Teaching Hospital Recognition.

C. Each hospital which is reimbursed as a teaching hospital or receives reimbursement for GME costs shall submit the following documentation within 90 days of the end of each state fiscal year to the Director, Institutional Reimbursements, P. O. Box 546, Baton Rouge, LA 70821:

1. a copy of the Intern and Resident Information System (IRIS) report that is submitted annually to the Medicare intermediary; and

2. a copy of any notice given to the ACGME that residents rotate through a facility for more than one sixth of the program length or more than a total of six months.

D. Copies of all contracts, payroll records and time allocations related to graduate medical education must be maintained by the hospital and available for review by the state and federal agencies or their agents.

E. No teaching hospital shall receive a per diem rate greater than 115 percent of its facility specific cost based on the latest rebasing year trended forward to the rate year in accordance with the prospective reimbursement methodology for hospitals.

F. The peer group maximum for minor teaching hospitals shall be the peer group maximum for minor teaching hospitals or the peer group maximum for peer group five, whichever is greater.

G. If it is subsequently discovered that a hospital has been reimbursed as a major or minor teaching hospital and

did not qualify for that peer group for any reimbursement period, retroactive adjustment shall be made to reflect the correct peer group to which the facility should have been assigned. The resulting overpayment will be recovered through either immediate repayment by the hospital or recoupment from any funds due to the hospital from the Department.

David W. Hood
Secretary

0003#024

RULE

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

Medically Needy Program
Service Coverage Restrictions

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following rule in the Medical Assistance Program as authorized by LA. R.S. 46:153 and pursuant to Title XIX of the Social Security Act. This rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:953(B) et seq.

Rule

A. The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the May 20, 1998 rule to remove the restriction on coverage of dental services for EPSDT recipients who are certified for Medicaid under the Medically Needy category.

B. All other provisions of the May 20, 1998 rule governing the Title XIX Medically Needy Program shall remain in force.

David W. Hood
Secretary

0003#084

RULE

**Department of Insurance
Office of the Commissioner**

Regulation 72~~l~~ Commercial Lines
Insurance Policy Form Deregulation
(LAC 37:XIII.Chapter 90)

In accordance with the provisions of LRS 49:950 et seq. of the Administrative Procedures Act the Commissioner of Insurance hereby adopts Regulation 72.

Title 37

INSURANCE

Part XIII. Regulations

**Chapter 90. Regulation 72~~l~~ Commercial Lines
Insurance Policy Form Deregulation**

§9001. Authority

A. This regulation is adopted pursuant to LRS 22:620F.

AUTHORITY NOTE: Promulgated in accordance with LRS 22:620F.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 26:500 (March 2000).

§9003. Purpose

A. The purpose of this regulation is to allow for more flexibility in the placement of insurance with large commercial risks within the parameters of the admitted market by establishing an exemption from the form filing, review and approval requirements of the Louisiana Insurance Code, and to adopt the initial definition of an "exempt commercial policyholder". The exemption implemented under this regulation is experimental. It is predicated upon the continued existence of an open and competitive market and the good faith of insurers in carrying out the fiduciary obligations owed to their insureds.

AUTHORITY NOTE: Promulgated in accordance with LRS 22:620F.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 26:500 (March 2000).

§9005. Scope and Applicability

A. This regulation applies to all authorized insurers engaged in the business of writing commercial risk property and casualty insurance in this state.

B. This regulation governs the circumstances under which an insurer may issue an insurance policy to a policyholder without first filing the forms with and obtaining approval of the Commissioner of Insurance.

C. The exemption granted by this regulation is limited in scope to certain commercial risk insurance issued to special commercial entities as provided for in Sections 9011 and 9013 of this regulation, respectively.

AUTHORITY NOTE: Promulgated in accordance with LRS 22:3, LRS 22:620F.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 26:500 (March 2000).

§9007. Severability

A. If any section or provision of this regulation is held invalid, such invalidity shall not affect other sections or provisions which can be given effect without the invalid section or provision, and for this purpose the sections and provisions of this regulation are severable.

AUTHORITY NOTE: Promulgated in accordance with LRS 22:3 and LRS 22:620F.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 26:500 (March 2000).

§9009. Definitions

A. For the purposes of this regulation the following terms shall have the meaning ascribed herein, unless the context clearly indicates otherwise:

Affiliated Group means two or more persons who are owned or controlled directly or indirectly though one or more intermediaries by, or are under common control with, the person specified (i.e., the named insured) and includes a subsidiary.

Authorized Insurer shall have the meaning found in LRS 22:5(13).

COI means the Commissioner of Insurance for the State of Louisiana.

Commercial Risk means any kind of risk that is not a personal risk.

Competitive Market means a market in which a reasonable degree of competition exists or which has not been found to be in violation of LRS 22:1211 et seq. In determining whether a reasonable degree of competition

exists within a line of insurance, the COI shall consider the following factors:

- a. the number of insurers available to write the coverage;
- b. market shares of the leading writers and the changes in market shares over a reasonable period of time;
- c. existence of financial or economic barriers that could prevent new firms from entering the market;
- d. measures of market concentration and changes of market concentration over time;
- e. whether long-term profitability for insurers in the market is reasonable in relation to industries of comparable business risk; and
- f. the relationship of insurers' cost to revenue over a reasonable period of time.

Insurer shall have the meaning found in LRS 22:5(2).

LDOIC means the Louisiana Department of Insurance.

LIRC means the Louisiana Insurance Rating Commission.

Person means an individual, a corporation, a partnership, an association, a trust, a joint stock company, an unincorporated organization, any similar entity, or any combination of the foregoing acting in concert.

Personal Risk means homeowners, tenants, private passenger nonfleet automobile, mobile home and other property and casualty insurance for personal, family or household needs.

State means the State of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with LRS 22:3 and LRS 22:620F.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 26:500 (March 2000).

§9011. Types of Coverage Exempt from Filing and Approval

A. All kinds of commercial property and casualty insurance, including but not limited to Commercial Property, Boiler and Machinery, Commercial Auto, General Liability, Directors and Officers, Business Owners and Inland Marine insurance, written on commercial risks are exempt from the filing and approval provisions of LRS 22:620 if the policy is issued to an exempt commercial policyholder as defined in Section 9013 of this regulation, except for the following kinds:

1. worker's compensation and employer's liability insurance;
2. professional liability insurance.

B. The exemption provided for in this section only applies to policy forms. Rate and rule filings must be made with the LIRC as required by law.

AUTHORITY NOTE: Promulgated in accordance with LRS 22:3; LRS 22:620F and LRS 22:1403.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 26:501 (March 2000).

§9013. Special Commercial Entities

A. *Special Commercial Entity* means a person who meets the criteria for an *exempt commercial policyholder*.

B. An *Exempt Commercial Policyholder* means any person who applies for or procures commercial risk insurance, of the kinds provided for in Section 9011, and meets the following criteria:

1. Has and maintains aggregate annual commercial insurance premiums, excluding worker's compensation and employer's liability, and professional liability insurance

premiums, of more than two hundred thousand (\$200,000) dollars in the preceding fiscal year. In determining whether this threshold has been met, premiums paid to one or more insurers are to be added together to reach the total aggregate.

2. At the time the policy is issued the policyholder must have

- a. if a single company not less than fifty (50) employees;
- b. if a member of an affiliated group not less than one hundred (100) employees collectively;
- c. if a municipality a population of not less than fifty thousand (50,000); and,
- d. if a public entity an operating budget of not less than twenty (\$20,000,000) million dollars for the most recently completed calendar or fiscal year whichever applies.

3. Has signed the certification form as provided for in Section 9015B of this regulation.

C. Beginning January 1, 2001, the criteria in Subsection B of this Section must be reviewed on an annual basis by the COI for the purposes of determining whether the criteria should be modified. The review must be completed on or before the 31st day of March.

AUTHORITY NOTE: Promulgated in accordance with LRS 22:2, LRS 22:3, LRS 22:620F.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 26:501 (March 2000).

§9015. Disclosure Requirements and Certification Form

A. When soliciting, negotiating or procuring a policy of insurance with an exempt commercial policyholder the agent or broker, or the insurer in cases of direct placement, shall disclose to the policyholder and the policyholder's risk manager, if any, on a form created by the insurer, that a policy form may be used which is exempt from the form filing requirements of the Louisiana Insurance Code.

B. When a policy of insurance is issued or delivered to an exempt commercial policyholder, the insurance agent or broker, or the insurer in cases of direct placement, shall obtain from the policyholder a written certification on the form prescribed below. The certification form must be in not less than ten-point type, and it must be dated and signed by a senior officer or manager of the policyholder and the policyholder's risk manager, if any.

Louisiana Certification of Exempt Commercial Policyholder Status

Pursuant to Louisiana Regulation 72

The undersigned _____, (the Insured) certifies to _____ (the Insurer) that the Insured meets the criteria below and is an Exempt Commercial Policyholder under Louisiana law. The Insurer may issue a commercial risk insurance policy to an Exempt Commercial Policyholder without filing the policy form with the Louisiana Department of Insurance and the Insurer by signing below certifies that it has the necessary expertise to negotiate its own policy language. The policy must still comply with Louisiana law, and complaints or questions about compliance may be directed to the Louisiana Department of Insurance (1-800-259-5300).

In order to be an Exempt Commercial Policyholder, the Insured must:

1. Execute this Certification Form and return it to the Insurer.
2. Acquire the insurance policy through an insurance agent licensed in Louisiana.
3. Meet the following requirements:
 - Have and maintain aggregate annual commercial risk insurance premiums, excluding workers compensation and employer's liability and professional liability insurance premiums of more than two hundred

thousand (\$200,000) dollars in the preceding fiscal year. In determining whether this threshold has been met, premiums paid to one or more insurers are to be added together to reach the total aggregate.

- At the time the policy is issued the policyholder must have (a) if a single company not less than fifty (50) employees; (b) if a member of an affiliated group not less than one hundred (100) employees collectively; (c) if a municipality a population of not less than fifty thousand (50,000); and, (d) if a public entity an operating budget of not less than twenty (\$20,000,000) million dollars for the most recently completed calendar or fiscal year whichever applies.

Signed: _____
Date: _____
Printed: _____
Title: _____
Risk Manager: _____

C. The disclosure notice and certification form required by this section shall be effective for the life of the policy or policies, including renewals, unless the deductible, or policy limits or coverage is significantly modified, in which case a new certification form must be executed.

D. A copy of the certification form shall be maintained by the insurer and by the producing agent or broker in the policyholder's record for a period of five years from the date of issuance of the insurance policy or renewal policy if at renewal a new certification form is executed. The insurer or producing agent or broker shall make such certification forms available for examination by the COI or any person acting on behalf of the COI.

AUTHORITY NOTE: Promulgated in accordance with LRS 22:2, LRS 22:3; LRS 22:620F; LRS 22:1211 et seq. and LRS 22:1301.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 26:501 (March 2000).

§9017. Requirements for Maintaining Records

A. Any insurer who places insurance with an exempt commercial policyholder, pursuant to this regulation, shall maintain a record on the exempt commercial policyholder. The record shall contain, in addition to the certification form, the following information: any data, statistics, rates, rating plans, rating systems and underwriting rules used in underwriting and issuing such policies; a copy of the policy with date of issuance clearly marked; annual experience data on each risk insured, including but not limited to written premiums, written premiums at a manual rate, paid losses, outstanding losses, loss adjustment expenses, underwriting expenses, underwriting profits, and profits from contingencies; and a record of all complaints including the date the complaint was made, the name of the complainant, the nature of the complaint and the final resolution.

B. The record required by this section may be kept in electronic or written form and shall be maintained by the insurer for a period of five (5) years from the date of issuance of the insurance policy or renewal policy if a new certification form is required pursuant to §9015C. Upon request, the insurer shall produce such record for examination by the COI or any person acting on behalf of the COI.

AUTHORITY NOTE: Promulgated in accordance with LRS 22:2, LRS 22:3, LRS 22:1211 et seq. and LRS 22:1301.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 26:502 (March 2000).

§9019. Exempt Policy Forms

A. Commercial risk property and casualty policy forms which would otherwise have to be filed with and approved by the COI are exempt from this requirement if issued to an exempt commercial policyholder. The exemption of the policy form from the requirement that it be filed with and approved by the COI is not to be taken by an insurer to mean that an insurance contract effected by the use of such a policy form, or policy forms, may in any manner be inconsistent with the statutory law of this state or public policy as expressed by the courts of this state.

AUTHORITY NOTE: Promulgated in accordance with LRS 22:2, LRS 22:3, and LRS 22:620, and 22:1211 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 26:502 (March 2000).

§9021. Penalties for Failure to Comply

A. The exemption created by this regulation is a limited one and insurers must strictly comply with the conditions creating the exemption. Failure to comply with the regulation by any person subject to its provisions, after proper notice and a hearing held by the COI, may result in the imposition of such penalties as are authorized by law.

AUTHORITY NOTE: Promulgated in accordance with LRS 22:2, LRS 22:3, LRS 22:620; LRS 22:1211 et seq., LRS 22:1115 and LRS 22:1457.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 26:502 (March 2000).

The regulation takes effect April 1, 2000.

James H. "Jim" Brown
Commissioner of Insurance

0003#087

RULE

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

**Gaming Equipment and Raffles at Trade Shows and
Conventions (LAC 42:II.Chapters 1 and 2)**

The Office of State Police hereby adopts LAC 42:II.101 et seq. in accordance with R.S. 47:7001 et seq., and the Administrative Procedure Act, R.S. 49:950 et seq.

Title 42

LOUISIANA GAMING

**Part II. Gaming Equipment and Raffles at Trade Shows
and Conventions**

Chapter 1. Regulation of Gaming Equipment

§101. Applicability

A. This Chapter shall apply to any person who manufactures, sells, distributes, transports or repairs any gaming equipment within this state for use outside this state or who proposes to engage in the manufacture, sale, distribution, transportation, or repair of any gaming equipment within this state for use outside this state and to any manufacturer or distributor of gaming equipment, whether or not licensed or permitted in the State of Louisiana, who proposes to temporarily display gaming equipment at a trade show or convention in a facility having a legal capacity of 250 or more persons.

B. Except as provided in Section 105, this Chapter shall not apply to:

1. any person authorized in accordance with provisions of the Louisiana Gaming Control Law, R.S. 27:1 et seq., to manufacture, distribute, own, operate, service, repair, maintain or inspect any slot machine, video draw poker device, other gaming device or equipment;

2. any person authorized in accordance with the Charitable Raffles, Bingo and Keno Licensing Law, R.S. 4:701 et seq., to manufacture, distribute, own, operate, service, repair, maintain or inspect any electronic video bingo machine, electronic video pull tab machine, other gaming device or equipment;

3. any person operating amusement games in accordance with the provisions of R.S. 4:10.1 et seq.;

4. any person operating a lottery game or equipment in accordance with the provisions of the Louisiana Lottery Corporation Law, R.S. 47:9001 et seq.;

5. any person operating gaming equipment pursuant to a tribal compact executed between a federally recognized Indian tribe and an authorized representative of the State of Louisiana pursuant to the provisions of the Indian Gaming Regulatory Act; or

6. any person in possession of an antique slot machine as defined in and as provided by La. R.S. 15:31.1.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:7001 and 7003.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 26:502 (March 2000).

§102. Definitions

As used in this Chapter, the following terms shall have the meanings provided below:

Applicant any person which has submitted an application to manufacture, sell, distribute, transport or repair gaming equipment within the state pursuant to the provisions of this Chapter.

Division the Gaming Enforcement Division of the Office of State Police.

Gaming Equipment any mechanical, electrical, or other contrivance used to facilitate the risking of loss of anything of value in order to realize a profit.

Transporter any person primarily engaged in the business of transporting gaming devices or equipment for hire.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:7001 and 7003.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 26:503 (March 2000).

§103. Application; Fees

A. Any applicant for a license or permit pursuant to the provisions of this Chapter shall submit an application to the Division on forms prescribed and provided by the division.

B. The following fees shall apply to each specified type of license or permit and shall accompany each new or renewal application:

Manufacturer	\$2,000
Distributor	\$1,000
Service/Repair Entities, Transporter	\$ 500
Temporary Permits	\$ 100

C. Applicants shall provide additional information and documentation as requested by the division. Failure to

provide requested information and documentation shall render an application incomplete.

D. Applicants, licensees and permittees shall notify the division in writing of all changes to information required in any application within 10 days of the effective date of the change.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:7001 and 7003.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 26:503 (March 2000).

§104. License Expiration and Renewal

A. All licenses issued pursuant to the provisions of this Chapter shall expire on June 30 of each year.

B. A renewal application shall be submitted to the Division on forms prescribed and provided no later than May 1 of the current licensing year.

C. Renewal applications shall be accompanied by the appropriate annual fee as provided in §103.B.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:7001 and 7003.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 26:503 (March 2000).

§105. Temporary Permit and Application

A. A manufacturer or distributor of gaming equipment may apply for a permit to temporarily display gaming equipment at a trade show or convention in a facility with a legal capacity of two hundred fifty or more persons for a period not to exceed fifteen consecutive days by submitting an application to the Division on forms prescribed and provided by the Division.

B. An application for a temporary permit shall be submitted to the Division no later than 30 days prior to the date the applicant proposes to ship or transport gaming equipment into the state.

C. Each application for a temporary license shall contain the following information:

1. description of gaming equipment, including the name of manufacturer, model number, serial numbers, and identification numbers, if applicable;

2. a detailed description of the period of time and purpose for which the gaming equipment will be located within the state;

3. identification of the method to be utilized to transport the gaming equipment into and out of the state, including the name of common carrier or shipper;

4. identification of the locations the gaming equipment will be stored, displayed, repaired or otherwise possessed within the state and a description of the security measures to be implemented at each location;

5. name, address and social security number of any and all employees or agents which will or may be in custody or control of gaming equipment located in the state during the permit period;

6. copies of up to two current gaming licenses or permits from other gaming jurisdictions, if applicable.

D. Upon timely receipt of sufficient information and payment of the appropriate fee, the Division may issue a temporary permit to the applicant for the limited purposes and time periods provided in the application, not to exceed fifteen days.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:7001 and 7003.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 26:503 (March 2000).

§106. General Requirements

A. All applicants, licensees and permittees shall insure that gaming equipment is not used for gambling purposes.

B. Unless necessary for repair, servicing or inspection, no gaming equipment shall be operated in any manner other than a display mode.

C. No gaming equipment shall be operated by persons under 21 years of age.

D. All gaming equipment and all areas where gaming equipment is stored or otherwise located shall be made available for immediate inspection by agents of the Division.

E. Applicants, licensees and permittees shall be and remain in compliance with all applicable local ordinances, state and federal laws, including 15 USC 1171 et seq.

F. Except when on display in a public facility, all gaming equipment shall be stored in a secured location inaccessible to persons other than authorized agents of the licensee or permittee.

G. All gaming equipment on display in a public facility shall be maintained in the immediate custody and control of an authorized agent of the licensee or permittee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:7001 and 7003.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 26:504 (March 2000).

§107. Reporting and Recordkeeping Requirements

A. All licensed manufacturers and distributors shall maintain a current record of gaming equipment received, gaming equipment sold, and gaming equipment in inventory.

B. All licensed manufacturers and distributors shall provide the division with a current list of authorized service entities and other personnel that they have certified. The list, which shall be updated in order to maintain an accurate list of service personnel, shall include, but not be limited to the following information:

1. name and address of service entity and all of its certified technicians;

2. social security number and date of birth of all technicians;

3. date of certification of all technicians; and

4. level(s) of certification of all technicians.

C. Licensed Manufacturers

1. If requested by the division, all licensed manufacturers shall provide a semi-annual report, signed by the licensee or an authorized representative of the licensee, on forms provided by the Division.

2. The semi-annual report shall include, but not be limited to the following information:

a. gross gaming equipment sales for that period;

b. specific delivery location of all gaming equipment and identity of person(s) purchasing and receiving gaming equipment;

c. names and addresses of carriers used in transporting gaming equipment;

d. names and addresses of person to whom the gaming equipment was sold;

e. list of gaming equipment sold to each licensee;

f. if applicable, make, model and serial number of all gaming equipment sold and in inventory.

D. Licensed Distributors

1. If requested by the division, all licensed distributors shall provide a quarterly report, signed by the licensee or an authorized representative of the licensee, on forms provided by the division.

2. The quarterly report shall include, but not be limited to the following information:

a. gross sales for the quarter;

b. make, model, and serial number of all gaming equipment sold or leased;

c. name and address of all persons that the gaming equipment was sold or leased to;

d. description of gaming equipment sold or leased;

e. delivery address of each item of gaming equipment sold or leased; and

f. if requested, copies of invoices, credit memos and/or documents substantiating any transactions and/or sales.

3. In addition, if requested by the division, all licensed distributors shall provide a quarterly inventory report, signed by the licensee or an authorized representative of the licensee, on forms provided by the division.

4. The inventory report shall include, but not be limited to the following information:

a. total number of items of gaming equipment in inventory; and

b. if applicable, make, model, and serial number of all gaming equipment in inventory.

E. Licensed Service or Repair Entities

1. All licensed service or repair entities shall be required to maintain the following records:

a. invoices, of all services and/or repairs to gaming equipment which shall contain, but not be limited to:

i. date gaming equipment was received;

ii. date gaming equipment was serviced;

iii. date gaming equipment was returned;

iv. service or repair entity name and license number;

v. gaming equipment owner name;

vi. manufacturer, make, model and serial number of the gaming equipment, if applicable; and/or

vii. description of service and/or repair performed on the gaming equipment;

viii. name of certified technician performing service and/or repair on the gaming equipment.

b. a list of all certified technicians, including a list of the types of devices and equipment that each technician is certified to service and/or repair.

F. Licensed Transporters. All licensed transporters shall be required to maintain the following records relative to gaming equipment transported within the state:

1. name of manufacturer, serial number, and model number if applicable;

2. date of transport, identification of points of origin and destination;

3. copies of all bills of lading and invoices; and

4. name and address of shipper and recipient.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:7001 and 7003.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 26:504 (March 2000).

§108. Hearings

A. Any person whose license or permit the division proposes to suspend or revoke, other than immediate suspensions as provided in La. R.S. 47:7005 D., may request a hearing by filing a written request with the division. The request shall be filed within 10 days of the date of receipt of the certified mailing or personal service of the notice of proposed action.

B. A hearing shall be conducted in accordance with procedural and evidentiary rules contained in the Administrative Procedure Act, R.S. 49:950 et seq., La. R.S. 47:7001 et seq. and rules promulgated in accordance therewith.

C. No discovery request shall be made within 20 days of the date scheduled for the hearing.

D. Hearing requests shall be promptly docketed and scheduled for hearing.

E. The requesting party shall be notified of the time, date and location of the hearing by certified mail or personal service.

F. Testimony taken at a hearing shall be under oath.

G. Depositions may be used at hearings as provided in the Administrative Procedure Act, R.S. 49:950 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:7001 and 7003.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 26:504 (March 2000).

§109. Record Preparation Fees

A. Any person requesting a hearing, or to whom a hearing is being afforded pursuant to La. R.S. 47:7001 et seq. and rules promulgated in accordance therewith, shall be assessed and pay a fee based upon costs of preparing the administrative record and transcript for submission to the division or the 19th Judicial District Court.

B. No less than 10 days prior to the date scheduled for the administrative hearing, the party shall deposit with the division the sum of \$100 as prepayment of the costs of preparing the administrative record and transcript.

C. Failure to timely pay the \$100 deposit may result in dismissal of the hearing with prejudice.

D. After the hearing has been conducted, the actual costs of preparing the administrative record and transcript will be determined by the division and the party will be notified of such actual costs.

E. In the event actual costs are less than \$100, a refund will be made to the party.

F. Actual costs in excess of \$100 shall be assessed against the party, who shall pay the excess costs within 10 days of the date of receipt of the notice of assessment.

G. Failure to timely pay the excess costs assessed may result in dismissal of the hearing, and shall prevent the record and transcript from being transmitted to the 19th Judicial District Court.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:7001 and 7003.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 26:505 (March 2000).

Chapter 2. Raffles at Trade Shows and Conventions

§201. Applicability

A. This Chapter shall apply to any person conducting a raffle at a trade show or convention having a legal capacity of 250 or more persons pursuant to R.S. 47:7001 et seq.

B. This Chapter shall not apply to:

1. any person or organization conducting a raffle pursuant to the provisions of the Charitable Raffles, Bingo and Keno Licensing Law, La. R.S. 4:701 et seq.;

2. any person conducting a raffle pursuant to the provisions of Acts 1999, No. 1390.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:7001 and 7003.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 26:505 (March 2000).

§202. Definitions

A. As used in this Chapter, the following terms shall have the meanings provided below:

Division The Gaming Enforcement Division of the Office of State Police.

Raffle a game of chance played by drawing for prizes or the allotment of prizes by chance, by the selling of shares, tickets, or rights to participate in such game or games, and by conducting the game or games accordingly.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:7001 and 7003.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 26:505 (March 2000).

§203. Temporary Permit and Application

A. A person may apply for a permit to conduct a raffle at a trade show or convention in a facility having a legal capacity to hold 250 or more persons for a period not to exceed 15 consecutive days by submitting an application to the division on forms prescribed and provided by the division.

B. An application for a temporary permit shall be submitted to the division no later than thirty (30) days prior to the date the applicant proposes to conduct the raffle drawing.

C. Each application for a temporary permit shall contain the following information:

1. name and location of facility where trade show or convention is to be held;

2. dates of trade show or convention, dates raffle tickets will be sold and date and time drawing shall be conducted at the facility;

3. name, address, and social security number of each person which will sell raffle tickets or conduct the raffle drawing;

4. description and reported value of the prize or prizes to be awarded and the amount which will be charged for tickets or, if applicable, a statement that any or all tickets may be given away;

5. cost of tickets or chances to win.

D. Upon timely receipt of sufficient information and payment of a fee in the amount of \$50, the Division may issue a temporary permit to the applicant for the limited purposes and time periods provided in the application, not to exceed 15 days.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:7001 and 7003.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 26:505 (March 2000).

§204. General Requirements

A. Any prize which will be awarded by raffle drawing shall be owned by the applicant or permittee prior to the sale of any tickets or chances to win.

B. No raffle shall be conducted where the winner must be present at the drawing in order to win, unless clearly stated on the raffle ticket.

C. Raffle tickets or chances to win shall be consecutively numbered and designed and constructed to allow the licensee to retain a consecutively numbered stub for each ticket sold and to provide the purchaser with a matching consecutively numbered ticket at the time of purchase.

D. Permittee shall retain the following records and documentation for three years from the date of the raffle drawing:

1. name, address, and social security number of the winner(s);
2. amount received from the sale of all raffle tickets and expenses incurred;
3. stubs of all tickets sold, winning tickets and the unsold tickets; and
4. copies of all records and documentation submitted in conjunction with the raffle to any local, state or federal taxing authority.

E. Permittees shall comply with all applicable local ordinances, and state and federal laws and regulations, including, but not limited to, income withholding and reporting requirements.

F. Permittees shall take steps to insure that each ticket purchaser has an equal chance to win and that the prize winner is selected in an entirely random manner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:7001 and 7003.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 26:506 (March 2000).

W. R. "Rut" Whittington
Superintendent

0003#023

RULE

**Department of Revenue
Tax Commission**

Ad Valorem Taxation

(LAC 61:V.101, 303, 703, 907, 1103, 1305, 1307, 1503, 2503, 2703-2707, 2711, 2713, 2717, 3101-3105, and 3501)

In accordance with provisions of the Administrative Procedure Act (R.S. 49:950, et seq.), and in compliance with statutory law administered by this agency as set forth in R.S. 47:1837, notice is hereby given that the Tax Commission adopted, amended and/or repealed sections of the Louisiana Tax Commission Real/Personal Property Rules and Regulations for use in the 2000 (2001 Orleans Parish) tax year.

Title 61

REVENUE AND TAXATION

Part V. Ad Valorem Taxation

Chapter 1. Constitutional and Statutory Guides to Property Taxation

§101. Constitutional Principles for Property Taxation

A. Assessments. Property subject to ad valorem (property) taxation shall be listed on the assessment rolls at its assessed valuation, which, except as provided in §101.C and §101.F, shall be a percentage of its fair market value. The percentage of fair market value shall be uniform throughout the state upon the same class of property.

B. - E. ...

F. Special Assessment Level. Applies to the assessment of residential property, receiving the homestead exemption, which is owned and occupied by any person(s) 65 years of age or older, who meets all eligibility requirements. (See: Louisiana Constitution of 1974, Article VII, Section 18.G)

AUTHORITY NOTE: Promulgated in accordance with Louisiana Constitution of 1974, Article VII, §18.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 15:1097 (December 1989), amended by the Department of Revenue, Tax Commission, LR 24:477 (March 1998), LR 26:506 (March 2000).

Chapter 3. Real and Personal Property

§303. Real Property

A. - B. ...

1. Improvements shall be added to the rolls on January 1 following the year the improvements are completed (except Orleans Parish). New improvements for Orleans Parish shall be added to the next year's tax roll, using the August 1 assessment date (i.e. an improvement completed before August 1 of a given year (1999), shall be added to the next year's tax roll (2000)). Value of the improvements will be indexed to the date of the last reappraisal.

B.2. - D. ...

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

HISTORICAL NOTE: Promulgated by the Louisiana Tax Commission, LR 7:44 (February 1981), amended by the Department of Revenue and Taxation, Tax Commission, LR 9:69 (February 1983), LR 12:36 (January 1986), LR 13:764 (December 1987), LR 16:1063 (December 1990), LR 17:611 (June 1991), LR 21:186 (February 1995), amended by the Department of Revenue, Tax Commission, LR 25:312 (February 1999), LR 26:506 (March 2000).

Chapter 7. Watercraft

§703. Tables: Watercraft

Table 703.A

Floating Equipment
Motor Vessels

Cost Index (Average)		Average Economic Life 12 Years		
Year	Index	Effective Age	Percent Good	Composite Multiplier
1999	0.997	1	94	.94
1998	1.000	2	87	.87
1997	1.009	3	80	.81
1996	1.025	4	73	.75
1995	1.041	5	66	.69
1994	1.078	6	58	.63
1993	1.109	7	50	.55
1992	1.130	8	43	.49

1991	1.144	9	36	.41
1990	1.167	10	29	.34
1989	1.198	11	24	.29
1988	1.263	12	22	.28
1987	1.317	13	20	.26

Table 703.B
Floating Equipment
Barges (Non - Motorized)

Cost Index (Average)		Average Economic Life 20 Years		
Year	Index	Effective Age	Percent Good	Composite Multiplier
1999	0.997	1	97	.97
1998	1.000	2	93	.93
1997	1.009	3	90	.91
1996	1.025	4	86	.88
1995	1.041	5	82	.85
1994	1.078	6	78	.84
1993	1.109	7	74	.82
1992	1.130	8	70	.79
1991	1.144	9	65	.74
1990	1.167	10	60	.70
1989	1.198	11	55	.66
1988	1.263	12	50	.63
1987	1.317	13	45	.59
1986	1.336	14	40	.53
1985	1.348	15	35	.47
1984	1.368	16	31	.42
1983	1.406	17	27	.38
1982	1.431	18	24	.34
1981	1.498	19	22	.33
1980	1.653	20	21	.35
1979	1.818	21	20	.36

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

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:924 (November 1984), LR 12:36 (January 1986), LR 13:188 (March 1987), LR 13:764 (December 1987), LR 14:872 (December 1988), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 19:212 (February 1993), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), LR 23:204 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:479 (March 1998), LR 25:312 (February 1999), LR 26:506 (March 2000).

Chapter 9. Oil and Gas Properties
§907. Tables: Oil and Gas

Table 907.A-1
Oil, Gas and Associated Wells
Region 1 - North Louisiana

Producing Depths	Cost - New by depth, per foot		15% of Cost - New by depth, per foot	
	\$ Oil	\$ Gas	\$ Oil	\$ Gas
0 - 1,249 ft.	8.49	13.45	1.27	2.02
1,250 - 2,499 ft.	8.74	9.97	1.31	1.50
2,500 - 3,749 ft.	10.62	10.73	1.59	1.61
3,750 - 4,999 ft.	13.26	13.49	1.99	2.02
5,000 - 7,499 ft.	19.66	20.17	2.95	3.03
7,500 - 9,999 ft.	21.17	28.31	3.18	4.25
10,000 - 12,499 ft.	31.61	37.05	4.74	5.56
12,500 - Deeper ft.	N/A	76.06	N/A	11.41

Table 907.A-2
Oil, Gas and Associated Wells
Region 2 - South Louisiana

Producing Depths	Cost - New by depth, per foot		15% of Cost - New by depth, per foot	
	\$ Oil	\$ Gas	\$ Oil	\$ Gas
0 - 1,249 ft.	21.11	69.69	3.17	10.45
1,250 - 2,499 ft.	24.36	54.53	3.65	8.18
2,500 - 3,749 ft.	36.24	48.58	5.44	7.29
3,750 - 4,999 ft.	35.81	41.40	5.37	6.21
5,000 - 7,499 ft.	33.57	42.42	5.04	6.36
7,500 - 9,999 ft.	38.41	43.54	5.76	6.53
10,000 - 12,499 ft.	42.73	54.19	6.41	8.13
12,500 - 14,999 ft.	60.77	74.95	9.12	11.24
15,000 - 17,499 ft.	81.43	99.33	12.21	14.90
17,500 - 19,999 ft.	94.38	145.13	14.16	21.77
20,000 - Deeper ft.	110.48	209.13	16.57	31.37

Table 907.A-3
Oil, Gas and Associated Wells
Region 3 - Offshore State Waters*

Producing Depths	Cost - New by depth, per foot		15% of Cost - New by depth, per foot	
	\$ Oil	\$ Gas	\$ Oil	\$ Gas
0 - 1,249 ft.	N/A	137.38	N/A	20.61
1,250 - 2,499 ft.	265.05	258.34	39.76	38.75
2,500 - 3,749 ft.	104.21	279.24	15.63	41.89
3,750 - 4,999 ft.	226.15	129.75	33.92	19.46
5,000 - 7,499 ft.	152.73	137.89	22.91	20.68
7,500 - 9,999 ft.	130.49	130.12	19.57	19.52
10,000 - 12,499 ft.	126.06	130.55	18.91	19.58
12,500 - 14,999 ft.	123.64	150.98	18.55	22.65
15,000 - 17,499 ft.	158.55	164.46	23.78	24.67
17,500 - Deeper ft.	462.60	270.83	69.39	40.63

4. Instructions for Use of Tables 907.A-1, 907.A-2 and 907.A-3 and Procedure for Arriving at Assessed Value
- a. Determine if well is located in Region 1 by reference to Table 907.B-1. See note for Region 2 or Region 3 (offshore - state waters) wells.

Table 907.B-1
Parishes Considered to be Located in Region 1

Note: All wells in parishes not listed above are located in Region 2 or Region 3.

Table 907.B-2
Serial Number to Percent Good Conversion Chart

Year	Beginning Serial Number	Ending Serial Number	25 Year Life Percent Good
1999	222882	Higher	96
1998	221596	222881	92
1997	220034	221595	88
1996	218653	220033	84
1995	217588	218652	80
1994	216475	217587	76
1993	215326	216474	72
1992	214190	215325	68
1991	212881	214189	64
1990	211174	212880	60
1989	209484	211173	56
1988	207633	209483	52

1987	205211	207632	48
1986	202933	205210	44
1985	197563	202932	40
1984	189942	197562	36
1983	184490	189941	32
1982	Lower	184489	30*
VAR.	900000	Higher	50

* Reflects residual or floor rate.

3. Adjustments for Allowance of Economic Obsolescence

a. All wells producing 10 bbls oil or 250 mcf gas, or less, per day, as well as all active service wells (i.e. injection, salt water disposal, water source, etc.) shall be allowed a 40 percent reduction. Taxpayer shall provide the assessor with proper documentation to claim this reduction.

b. All inactive (shut-in) wells shall be allowed a 90 percent reduction.

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

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 12:36 (January 1986), LR 13:188 (March 1987), LR 13:764 (December 1987), LR 14:872 (December 1988), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 19:212 (February 1993), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), LR 23:205 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:480 (March 1998), LR 25:313 (February 1999), LR 26:507 (March 2000).

Chapter 11. Drilling Rigs and Related Equipment §1103. Drilling Rigs and Related Equipment Tables

Table 1103.A

Land Rigs

Depth "0" to 7,000 Feet

Depth (ft.)	Fair Market Value	Assessment
3,000	\$119,700	\$18,000
4,000	160,700	24,100
5,000	203,200	30,500
6,000	245,300	36,800
7,000	278,400	41,800

Depth 8,000 to 10,000 Feet

Depth (ft.)	Fair Market Value	Assessment
8,000	\$308,500	\$46,300
9,000	339,200	50,900
10,000	371,300	55,700

Depth 11,000 to 15,000 Feet

Depth (ft.)	Fair Market Value	Assessment
11,000	\$403,400	\$60,500
12,000	458,100	68,700
13,000	520,200	78,000
14,000	584,800	87,700
15,000	657,000	98,600

Depth 16,000 to 20,000 Feet

Depth (ft.)	Fair Market Value	Assessment
16,000	\$729,100	\$109,400
17,000	786,200	117,900
18,000	838,300	125,700
19,000	902,500	135,400
20,000	1,002,600	150,400

Depth 21,000 + Feet

Depth (ft.)	Fair Market Value	Assessment
21,000	\$1,102,700	\$165,400
25,000 +	1,503,300	225,500

Table 1103.D Well Service Rigs Land Only (Good Condition)

Engine Rated H.P.	Fair Market Value	Assessment
220	\$79,200	\$11,900
300	89,100	13,400
400	113,850	17,100
500 +	148,500	22,300

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

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:939 (November 1984), LR 12:36 (January 1986), LR 13:188 (March 1987), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 22:117 (February 1996), LR 23:205 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:487 (March 1998), LR 25:315 (February 1999), LR 26:508 (March 2000).

Chapter 13. Pipelines

§1305. Reporting Procedures

E. Refer to current cost tables (1307.A and 1307.B) and depreciation guidelines (Table 1307.C) adopted by the Louisiana Tax Commission. Yearly depreciation will be allowed, according to actual age, on an economic life of 25 years, however, as long as pipeline is in place and subject to operation, the remaining percent good shall not be lower than that allowed for the maximum actual age shown in Table 1307.C.

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

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:940 (November 1984), LR 17:1213 (December 1991), amended by the Department of Revenue, Tax Commission, LR 24:488 (March 1998), LR 25:316 (February 1999), LR 26:508 (March 2000).

§1307. Pipeline Transportation Tables

Table 1307.C
Pipeline Transportation
Allowance for Physical Deterioration
(Depreciation)

Actual Age	Percent Good
18 and older	30*

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

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:941 (November 1984), LR 12:36 (January 1986), LR 16:1063 (December 1990), amended by the Department of Revenue, Tax Commission, LR 24:489 (March 1998), LR 25:316 (February 1999), LR 26:509 (March 2000).

Chapter 15. Aircraft

§1503. Aircraft (Including Helicopters) Table

Table 1503
Aircraft (Including Helicopters)

Cost Index (Average)		Average Economic Life (10 Years)		
Year	Index	Effective Age	Percent Good	Composite Multiplier
1999	0.997	1	92	.92
1998	1.000	2	84	.84
1997	1.009	3	76	.77
1996	1.025	4	67	.69
1995	1.041	5	58	.60
1994	1.078	6	49	.53
1993	1.109	7	39	.43
1992	1.130	8	30	.34
1991	1.144	9	24	.27
1990	1.167	10	21	.25
1989	1.198	11	20	.24

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

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:943 (November 1984), LR 12:36 (January 1986), LR 13:188 (March 1987), LR 13:764 (December 1987), LR 14:872 (December 1988), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 19:212 (February 1993), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), LR 23:206 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:490 (March 1998), LR 25:316 (February 1999), LR 26:509 (March 2000).

Chapter 25. General Business Assets

§2503. Tables Ascertain Economic Lives, Percent Good and Composite Multipliers of Business and Industrial Personal Property

Table 2503.A
Suggested Guidelines For Ascertain
Economic Lives of Business and Industrial
Personal Property

Business Activity/Type of Equipment	Average Economic Life in Years
***	***

Banks:	
Automatic Teller Machines (ATM's)	8
Furniture & Fixtures	12
Safety Deposit Boxes	25

Table 2503.B
Cost Indices

Year	Age	National Average 1926 = 100	January 1, 1999 = 100*
1999	1	1065.0	0.997
1998	2	1061.8	1.000
1997	3	1052.7	1.009
1996	4	1036.0	1.025
1995	5	1020.4	1.041
1994	6	985.0	1.078
1993	7	958.0	1.109
1992	8	939.8	1.130
1991	9	928.5	1.144
1990	10	910.2	1.167
1989	11	886.5	1.198
1988	12	841.4	1.263
1987	13	806.9	1.317
1986	14	795.4	1.336
1985	15	787.9	1.348
1984	16	776.4	1.368
1983	17	755.8	1.406
1982	18	742.4	1.431
1981	19	709.2	1.498
1980	20	642.8	1.653
1979	21	584.4	1.818
1978	22	534.7	1.987
1977	23	497.1	2.137
1976	24	472.1	2.250
1975	25	444.3	2.391
1974	26	398.4	2.666

*Reappraisal Date: January 1, 1999 - 1062.3 (Base Year)

Table 2503.C
Percent Good

Age	3 Yr	5 Yr	8 Yr	10 Yr	12 Yr	15 Yr	20 Yr	25 Yr
1	.70	.85	.90	.92	.94	.95	.97	.98
2	.49	.69	.79	.84	.87	.90	.93	.95
3	.34	.52	.67	.76	.80	.85	.90	.93
4	.20	.34	.54	.67	.73	.79	.86	.90
5		.23	.43	.58	.66	.73	.82	.87
6		.20	.33	.49	.58	.68	.78	.84
7			.26	.39	.50	.62	.74	.81
8			.22	.30	.43	.55	.70	.78
9			.20	.24	.36	.49	.65	.75
10				.21	.29	.43	.60	.71
11				.20	.24	.37	.55	.68
12					.22	.31	.50	.64
13					.20	.26	.45	.60
14						.23	.40	.56
15						.21	.35	.52
16						.20	.31	.48

17							.27	.44
18							.24	.39
19							.22	.34
20							.21	.30
21							.20	.26
22								.23
23								.21
24								.20
25								.20
26								.20

Table 2503.D
Composite Multipliers
2000 (2001 Orleans Parish)

Age	3 Yr	5 Yr	8 Yr	10 Yr	12 Yr	15 Yr	20 Yr	25 Yr
1	.70	.85	.90	.92	.94	.95	.97	.98
2	.49	.69	.79	.84	.87	.90	.93	.95
3	.34	.52	.68	.77	.81	.86	.91	.94
4	.21	.35	.55	.69	.75	.81	.88	.92
5		.24	.45	.60	.69	.76	.85	.91
6		.22	.36	.53	.63	.73	.84	.91
7			.29	.43	.55	.69	.82	.90
8			.25	.34	.49	.62	.79	.88
9			.23	.27	.41	.56	.74	.86
10				.25	.34	.50	.70	.83
11				.24	.29	.44	.66	.81
12					.28	.39	.63	.81
13					.26	.34	.59	.79
14						.31	.53	.75
15						.28	.47	.70
16						.27	.42	.66
17							.38	.62
18							.34	.56
19							.33	.51
20							.35	.50
21							.36	.47
22								.46
23								.45
24								.45
25								.48
26								.53

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

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 9:69 (February 1983), LR 10:944 (November 1984), LR 12:36 (January 1986), LR 13:188 (March 1987), LR 13:764 (December 1987), LR 14:872 (December 1988), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 19:212 (February 1993), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), LR 23:207 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:490 (March 1998), LR 25:317 (February 1999), LR 26:509 (March 2000).

Chapter 27. Guidelines for Application, Classification and Assessment of Land Eligible to be Assessed at Use Value

§2703. Eligibility Requirements and Application for Use Value

Assessment

C. The assessor shall keep the application on file from the date of the application until December 31 of the year following expiration of the last year included in the application (Jefferson and Orleans parishes only) or, loss of eligibility (all parishes), whichever comes sooner.

Form 2703

Application For Use Value Assessment

This application, if filed in Jefferson or Orleans Parish, shall apply for the four year period indicated below. If filed for any other parish, it shall apply for the year indicated in the first space and, shall be permanent thereafter.

AUTHORITY NOTE: Promulgated in accordance with LSA - Constitution of 1974, Article VII, §18, R.S. 47:2302, R.S. 47:2303 and R.S. 47:2304.

HISTORICAL NOTE: Promulgated by the Louisiana Tax Commission, LR 3:289 (June 1977), amended by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), LR 15:1097 (December 1989), LR 19:212 (February 1993), amended by the Department of Revenue, Tax Commission, LR 25:318 (February 1999), LR 26:510 (March 2000).

§2705. Classification

A. The Modern Soil Surveys published by the U.S. Department of Agriculture, Natural Resources Conservation Service, in cooperation with the Louisiana Agricultural Experiment Station, listed in Map Index, together with the conversion legends prepared and distributed by the Natural Resources Conservation Service, shall be used for determining the use value classification of agricultural, horticultural and timberland. The parishes in which Modern Soil Surveys have been completed and published are indicated in Table 2707.

B. The General Soil Maps, published by the U.S. Department of Agriculture, Natural Resources Conservation Service, listed in Map Index, together with the conversion legends prepared and distributed by the Natural Resources Conservation Service, shall be used for determining use value classifications in all parishes until the time that the Modern Soil Surveys for such parishes are completed. On January 1 of the year after which the Modern Soil Survey for any parish is completed, such Modern Soil Survey shall then be used for determining use value classifications for said parish and the use of the General Soil Map in said parish shall thereafter be discontinued. The parishes in which Modern Soil Surveys have not been completed and published are as follows:

Beauregard	Jefferson Davis	West Feliciana
Bienville	Plaquemines	Winn
East Feliciana	Vernon	

AUTHORITY NOTE: Promulgated in accordance with LSA - Constitution of 1974, Article VII, §18, R.S. 47:2302, R.S. 47:2303 and R.S. 47:2304.

HISTORICAL NOTE: Promulgated by the Louisiana Tax Commission, LR 3:289 (June 1977), amended by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), LR 15:1097 (December 1989), LR 19:212 (February 1993), LR 21:186 (February 1995), LR 22:117 (February 1996), LR 23:208 (February 1997), amended by the Department of Revenue, Tax Commission, LR 25:318 (February 1999), LR 26:510 (March 2000).

§2707. Map Index Table

Table 2707
Map Index

Listing of General Soil Maps & Modern Soil Surveys for the State of Louisiana Published by U.S. Dept. of Agriculture, Natural Resources Conservation Service in Cooperation with Louisiana Agricultural Experiment Station

Parish	Date (General)	Map No. (General)	Date Published or Status (Modern)
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Jackson	Jan., 1971	4-R-16811-A	July, 1999
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Webster	Nov., 1971	4-R-27092-A	Feb., 1999
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AUTHORITY NOTE: Promulgated in accordance with R.S. 47:2301 and R.S. 47:2308.

HISTORICAL NOTE: Promulgated by the Louisiana Tax Commission, LR 3:290 (June 1977), amended by the Department of Revenue and Taxation, Tax Commission, LR 10:946 (November 1984), LR 12:36 (January 1986), LR 13:188 (March 1987), LR 13:764 (December 1987), LR 14:872 (December 1988), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 19:212 (February 1993), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), LR 23:208 (February 1997), amended by the Department of Revenue, Tax Commission, LR 25:319 (February 1999), LR 26:511 (March 2000).

§2711. Tables: Agricultural and Horticultural Lands

Table 2711.A
Weighted Average Income Per Acre
1995 - 1998

Commodity	Acres	Percent	Net Income	Weighted Fractional
Beef	2,335,838	34.654	(76.70)	-0-
Soybeans (Wheat)*	1,310,000	19.435	6.84	132.93
Cotton	785,000	11.646	1.16	13.51
Rice (Crawfish)*	571,250	8.475	41.66	353.06
Corn	491,250	7.288	(28.30)	-0-
Sugarcane	403,750	5.990	316.89	1,898.17
Idle Cropland**	362,516	5.378	-----	-0-
Dairy	171,466	2.544	(9.78)	-0-
Conservation Reserve***	148,619	2.205	43.06	94.95
Sorghum Grain	118,000	1.751	7.67	13.43
Sweet Potatoes	21,500	0.319	540.36	172.37
Catfish	16,888	0.251	438.69	110.11
Watermelon	2,820	0.042	(250.83)	-0-
Strawberries	725	0.011	(652.90)	-0-
Irish Potatoes	590	0.009	1,447.18	13.02
Tomatoes	318	0.005	1,394.34	6.97
Totals	6,740,530	100.000	---	2,808.52

Weighted Average Net Income - \$28.09

*Wheat is normally grown as a double crop with soybeans. Crawfish is normally double cropped with rice.

**Idle cropland includes cropland used for soil improvement crops, crop failure, cultivated summer fallow and idle cropland as reported by the 1997 Census of Agriculture.

Table 2711.B
Suggested Capitalization Rate for Agricultural and Horticultural Lands

Risk Rate	2.33%
Illiquidity Rate	0.16%
Safe Rate*	6.45%
Capitalization Rate**	8.94%

*Safe Rate is four year average of 30 year U.S. Treasury securities.

**Statutory minimum capitalization rate of 12 percent used in calculations instead of actual rate as developed above.

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

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 9:69 (February 1983), LR 12:36 (January 1986), LR 13:764 (December 1987), LR 17:1213 (December 1991), LR 22:117 (February 1996), amended by the Department of Revenue, Tax Commission, LR 26:511 (March 2000).

§2713. Assessment of Timberland

A. Use Value Table 2717.B presents the assessed value of all bona fide timberland.

D. Production Costs of Timberland. The average timberland production costs are hereby established to be \$7.46/acre/year.

E. Gross Returns of Timberland. The gross value per cubic foot of timber production is hereby established to be \$0.694/cubic foot.

F. Capitalization Rate for Timberland. The capitalization rate for determining use value of timberlands is hereby established to be as follows:

	Timberland Class 1, 2, and 3	Timberland Class 4
Risk Rate	2.33%	5.83%
Illiquidity Rate	0.16%	3.66%
Safe Rate	6.45%	6.45%
Other Factors	2.76%	2.76%
Capitalization Rate	11.70%	18.70%

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

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 9:69 (February 1983), LR 12:36 (January 1986), LR 13:248 (April 1987), LR 14:872 (December 1988), LR 17:1213 (December 1991), LR 22:117 (February 1996), amended by the Department of Revenue, Tax Commission, LR 26:511 (March 2000).

§2717. Tables: Use Value

Table 2717.A
Average Assessed Value Per Acre of Agricultural and Horticultural Land, By Class

Class	Assessed Value Per Acre Upper	Assessed Value Per Acre Lower
Class I	\$38.15	\$32.07
Class II	\$31.83	\$23.64
Class III	\$23.18	\$20.37
Class IV	\$19.90	\$12.88

Table 2717.B
Average Assessed Value Per Acre
of Timberland, By Class

Class	Assessed Value Per Acre
Class 1	\$37.75
Class 2	\$27.74
Class 3	\$13.85
Class 4	\$ 8.67

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

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 9:69 (February 1983), LR 12:36 (January 1986), LR 13:248 (April 1987), LR 13:764 (December 1987), LR 14:110 (February 1988), LR 17:1213 (December 1991), LR 22:117 (February 1996), LR 23:208 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:491 (March 1998), LR 26:511 (March 2000).

Chapter 31. Public Exposure of Assessments; Appeals
§3101. Public Exposure of Assessments, Appeals to the Board of Review and Board of Review Hearings

F. The Parish Police Jury or Parish Council shall sit as a Board of Review for a period of 10 days (beginning on the eighth day and concluding on the eighteenth day following the final assessment lists exposure date.) The Board of Review may have only one hearing date or as many hearing dates as may be required within its 10 day review period. The Orleans Parish Board of Review shall convene hearings on or before September 15.

G. The Board of Review shall hear the complaint of qualified persons as provided by R.S. 47:1992, who have provided a written appeal (Form 3101) to the Board of Review, no later than the seventh day after the final assessment lists exposure date, either through appearing in person at its office or by filing such appeal by means of certified mail. Orleans Parish appellants shall submit a written appeal directly to the municipal district assessor within three regular work days of August 15; which appeals shall then be filed to the Orleans Parish Board of Review within seven regular work days of August 15. At the public hearing/s, the Board of Review shall determine if an assessment of real or personal property should be changed and determine the amount of any change, whether an increase or a decrease and change the assessment lists accordingly. The Board of Review shall certify the parish assessment lists, including any changes thereon, to the Tax Commission no later than the 21st day after the final public exposure date. The Orleans Parish Board of Review shall certify the assessment lists to the Tax Commission on or before October 20 of each year. If the Board of Review has satisfied all legal requirements, protecting the taxpayer's appeal rights, and, the Board of Review hearing(s) is/are completed prior to the 10 day deadline, the Tax Commission will accept an earlier certification of the assessment lists.

Form 3101
Exhibit A
Appeal to Board of Review by Taxpayer
for Real and Personal Property

I feel that the Fair Market Value of this real property as of January 1, 1999, the official reappraisal valuation date on which assessments are currently based, was:

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1992.

HISTORICAL NOTE: Promulgated by the Louisiana Tax Commission, LR 4:339 (September 1978), amended by the Department of Revenue and Taxation, Tax Commission, LR 13:188 (March 1987), LR 13:764 (December 1987), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 23:208 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:492 (March 1998), LR 25:319 (February 1999), LR 26:512 (March 2000).

§3103. Appeals to the Louisiana Tax Commission

N. Hearings may be conducted by a hearing officer selected and appointed by the commission. The hearing officer shall have the authority to administer oaths, may examine witnesses, and rule upon the admissibility of evidence and amendments to the pleadings. The hearing officer shall have the authority to recess any hearing from day to day.

O. The hearing officer shall have the responsibility and duty of assimilating testimony and evidence, compiling a written summary of the testimony and evidence, and presenting a proposed order to the commission.

P. At the close of evidence, each side will be allowed a reasonable amount of time to argue its case. This time will be allotted by the chairman or hearing officer.

Q. The taxpayer/taxpayer agent and the assessor shall be notified in writing, either by facsimile transmission, certified mail or certificate of mailing, of the final decision by the Tax Commission. The dated facsimile transaction report or postmarked certificate of mailing shall serve as the date whereby the taxpayer/assessor shall have the right to institute suit within the 30 day prescription period.

R. The commission may, at its discretion, grant the request of a taxpayer or assessor for a rehearing; provided the rehearing request is made in accordance with the Administrative Procedure Act.

S. Subpoenas for the attendance of witnesses or for the production of books, papers, accounts or documents for a hearing may be issued by the commission upon its own motion, or upon the written motion of the taxpayer or assessor showing that there is good cause for the issuance of same. No subpoena shall be issued until the party who wishes to subpoena the witness first deposits with the agency a sum of money sufficient to pay all fees and expenses to which a witness in a civil case is entitled pursuant to R.S. 13:3661 and R.S. 13:3671. Any subpoena duces tecum shall allow no less than five days to assimilate and to deliver said documents subpoenaed by the subpoena recipient.

T. The word "commission", as used herein, refers to the chairman and the members or its delegate appointed to conduct the hearing.

Form 3103.A
Exhibit A
Appeal To Louisiana Tax Commission
By Taxpayer or Assessor
For Real and Personal Property

* * *

I understand that property is assessed at a percentage of fair market value, which means the price for the property which would be agreed upon between a willing and informed buyer and a willing and informed seller, under usual and ordinary circumstances, the highest price the property would bring on the open market, if exposed for sale for a reasonable time. I feel that the fair market value of this real property, as of January 1, 1999, the official reappraisal valuation date on which assessments are based, was:

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837, R.S. 47:1989 and R.S. 47:1992.

HISTORICAL NOTE: Promulgated by the Louisiana Tax Commission, LR 4:339 (September 1978), amended by the Department of Revenue and Taxation, Tax Commission, LR 10:947 (November 1984), LR 15:1097 (December 1989), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), amended by the Department of Revenue, Tax Commission, LR 24:492 (March 1998), LR 25:319 (February 1999), LR 26:512 (March 2000).

§3105. Practice and Procedure for Public Service Properties Hearings

A. The Tax Commission or its designated representative, as provided by law (that is a hearing officer), shall conduct hearings to consider the written protest of an appellant taxpayer. The appeal shall be filed within 30 days of the Tax Commission's dated Certificate of Value to the taxpayer. The taxpayer shall also submit an "Exhibit B, Appointment of Taxpayer Agent", Form 3103.B, for any attorney or other representative of the taxpayer, who is not a full time employee of the taxpayer.

* * *

R. Following the completion of the hearing, the commission shall notify the company in writing, either by facsimile transmission, certified mail or certificate of mailing, of its final determination. The dated facsimile transaction report or postmarked certificate of mailing shall serve as the date whereby the taxpayer/assessor shall have the right to institute suit within the 30 day prescription period.

* * *

Form 3105.A
Exhibit A

Appeal To Louisiana Tax Commission by Taxpayer or Assessor for Public Service Property

* * *

I feel that the fair market value of this real property, as of January 1, 1999, the official reappraisal valuation date on which assessments are currently based, was:

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:1856.

HISTORICAL NOTE: Promulgated by the Louisiana Tax Commission, LR 4:339 (September 1978), amended by the Department of Revenue and Taxation, Tax Commission, LR 10:947 (November 1984), LR 15:1097 (December 1989), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 23:209 (February 1997), amended by the Department of Revenue, Tax Commission,

LR 24:493 (March 1998), LR 25:320 (February 1999), LR 26:513 (March 2000).

Chapter 35. Miscellaneous

§3501. Service Fees Tax Commission

A. The Tax Commission is authorized by R.S. 47:1838 to levy and collect fees on an interim basis for the period beginning on July 1, 1999, and ending on June 30, 2001, in connection with services performed by the Tax Commission as follows:

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1835 and R.S. 47:1838.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 19:212 (February 1993), amended LR 20:198 (February 1994), amended by the Department of Revenue, Tax Commission, LR 24:494 (March 1998), LR 25:320 (February 1999), LR 26:513 (March 2000).

Malcolm B. Price, Jr.
Chairman

0003#030

RULE

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

Crab Trap Marking (LAC 76:VII.345)

The Wildlife and Fisheries Commission hereby amends the following rule on the marking of crab traps.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sports and Commercial Fishing

§345. Crab Trap Marking

A. Each crab trap shall be marked with a 1/2-inch stainless steel self-locking tag attached to the center of the trap ceiling, or a durable plastic bait-box cover. Said tags shall be supplied by the fishermen and shall have the commercial fisherman's license number (not the commercial gear license) or the recreational crab trap gear license number legibly embossed or engraved thereon.

B. For the purposes of R.S. 56:8(28.1) which specifies that a serviceable trap must be "legally marked with a float", each trap shall be attached by a 1/4 inch minimum diameter, non-floating line to a solid float six inches minimum diameter, or equivalent. Crab traps attached to a trotline must also have such a float and line attached to at least one end. For the purposes of R.S. 56:332.G, a common float is defined as a 1 gallon or larger all-white plastic bleach bottle.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:8(28.1), R.S. 56:332.D and R.S. 56:332.G.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 18:199 (February 1992), amended LR 26:513 (March 2000).

James H. Jenkins, Jr.
Secretary

0003#050

Notices of Intent

NOTICE OF INTENT

Department of Agriculture and Forestry Seed Commission

Virus-Tested Sweet Potato Certification Standards (LAC 7:XIII.222)

In accordance with the provisions of the Administrative Procedure Act, La. R.S. 49:950 et. seq., The Department of Agriculture & Forestry, Office of the Louisiana Seed Commission, proposes to amend regulations regarding virus-tested sweet potato certification standards.

The Department of Agriculture and Forestry, Louisiana Seed Commission intends to amend these rules and regulations for the purpose of setting tolerances for specific sweet potato pests. These tolerances, which were inadvertently omitted from the original standards, will provide a mechanism to maintain the physical quality of virus-tested sweet potato plants and seed. These rules are enabled by R.S. 3:1433.

Title 7

AGRICULTURE AND ANIMALS

Part XIII. Seeds

Chapter 1. Louisiana Seed Law

Subchapter C. Certification of Specific Crops/Varieties

§222. Virus-Tested Sweet Potato Certification Standards

A. - B. 3. a. iii. ...

b. Specific Greenhouse Requirements

Presence or Symptoms of:	Maximum Tolerance Allowed	
	Foundation (LAES)	Certified GO
Bacterial Stem Rot (<i>Erwinia chrysanthemi</i>)*	0	0
Black Rot (<i>Ceratocystis fimbriata</i>)*	0	0
Scurf (<i>Monilochaetes infuscans</i>)*	0	0
Root-Knot Nematode (<i>Meloidogyne</i> spp.)	0	0
Feathery Mottle (sweet potato feathery mottle virus [SPFMV])*	0	0
Russet Crack (a strain of SPFMV)*	0	0
Internal Cork (a virus)*	0	0
Wilt (<i>Fusarium oxysporum</i> f. sp. <i>batatas</i>)*	0	0
Sweet potato Weevil (<i>Cylas formicarius</i> var. <i>elegantulus</i>)	0	0
Exotic or hazardous pests	0	0
Variety mixture	0	0
Off-types (mutations)	0	0

* Plants or mini-roots exhibiting symptoms

C. - 3a.iv. ...

b. Specific Field Requirements (vine inspection):

Maximum Tolerance Allowed

Presence or symptoms of:	Certified G1	Certified G2	Certified G3
	Bacterial Stem Rot (<i>Erwinia chrysanthemi</i>)	none	none
Wilt (<i>Fusarium oxysporum</i> f. sp. <i>batatas</i>)	none	none	none
Exotic or Hazardous Pests	none	none	none
Variety Mixture	none	none	none
Off-types (mutations)	0.05%	0.05%	0.10%

D.- E. 2b. ...

c. Specific Seed Root Standards:

Maximum Tolerance Allowed

Presence or symptoms of:	Certified GI	Certified G2	Certified G3
	Surface rots (<i>Fusarium</i> spp.) & Soft Rots (<i>Rhizopus</i> spp.)	5%	5%
Bacterial Root Rot (<i>Erwinia</i> spp.)	none	none	none
Black Rot (<i>Ceratocystis fimbriata</i>)	none	none	none
Scurf (<i>Monilochaetes infuscans</i>)	1.0%	1.0%	2.0%
Streptomyces soil rot (<i>Streptomyces ipomoeae</i>)	2.5%	2.5%	5.0%
Root-Knot Nematode (<i>Meloidogyne</i> spp.)	5.0%	5.0%	5.0%
Russet Crack (a strain of SPFMV)	none	none	none
Internal Cork (a virus)	none	none	none
Wilt (<i>Fusarium oxysporum</i> f. sp. <i>batatas</i>)	none	none	none
Sweet potato Weevil (<i>Cylas formicarius</i> var. <i>elegantulus</i>)	none	none	none
Exotic or hazardous pests	none	none	none
Variety Mixture	none	none	none
Off-types (mutations)	0.20%	0.20%	0.50%

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

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Seed Commission, LR 25: 1617 (September 1999), amended LR 26:

Family Impact Statement

The proposed amendments to rule 7:XIII.222 regarding Virus-tested standards for sweet potatoes should not have any known or foreseeable impact on any family as defined by R. S. 49:972 D or on family formation, stability and autonomy. Specifically there should be no known or foreseeable effect on:

1. the stability of the family;
2. the authority and rights of parents regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform the function as contained in the proposed rule.

All interested persons may submit written comments on the proposed rules through April 24, 2000, to Eric Gates, Department of Agriculture and Forestry, 5825 Florida Blvd., Baton Rouge, Louisiana 70806. All interested persons will be afforded an opportunity to submit data, views or arguments in writing at the address above. No preamble concerning the proposed rules is available.

Bob Odom
Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Virus-Tested Sweet Potato
Certification Standards**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no implementation costs or savings to state or local governmental units. The Louisiana Seed Commission intends to amend these rules and regulations for the purpose of having them accurately reflect the intent of the original rule. These amendments will add the pest tolerances that were inadvertently omitted from the adopted 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 NONGOVERNMENTAL GROUPS (Summary)

The impact on receipts or income of the Louisiana Certified Sweet potato seed producers can not be determined at this time. These changes however, will enable the certified sweet potato seed producers to obtain the highest market price for their sweet potato seed. The use of this program will also help maintain their competitive advantage.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

These proposed amendments will have no significant effect on competition and employment.

Skip Rhorer
Assistant Commissioner
0003#035

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Economic Development
Economic Development Corporation**

**BIDCO Investment and Co-Investment Program
(LAC 19:VII.Chapter 71)**

In accordance with La. R.S. 49:950, et seq., the Administrative Procedure Act, notice is hereby given that the Louisiana Department of Economic Development, intends to promulgate revisions, in its entirety, *Louisiana Administrative Code* Title 19, Corporations and Business; Part VII, Economic Development Corporation; Subpart 6, Louisiana Economic Development Corporation; Chapter 71, BIDCO Investment and Co-Investment Program. The Department of Economic Development, Economic Development Corporation, hereby issues its Family Impact Statement: The promulgation of these rules will have no

known effect on family formation, stability, and autonomy as set forth in La. R.S. 49:972.

The proposed rules are scheduled to become effective upon final promulgation, or as soon thereafter as is practical, upon publication in the *Louisiana Register*. Interested persons may submit written comments within 30 days from the date of this publication, to Dennis Manshack, Executive Director, Economic Development Corporation, P.O. Box 44153, Baton Rouge, LA 70804.

Title 19

CORPORATIONS AND BUSINESS

**Part VII. Economic Development Corporation
Subpart 6. Louisiana Economic Development Corporation**

Chapter 71. BIDCO Investment and Co-investment Program

§7101. Definitions

A. BIDCO means a business and industrial development corporation licensed by the Louisiana Office of Financial Institutions (OFI) with its business consisting of providing non-traditional capital and/or debt funding for Qualified Louisiana Businesses.

B. Qualified Louisiana Business means any enterprise with its primary operations in Louisiana, or with substantially all of its production in Louisiana, and which has no more than 500 employees and has annual business receipts not in excess of \$7,000,000.

C. Definitions of other terms used herein are provided in the legislation which is reflected in Chapter 39-A of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:2386 through 2398.

D. Private Capital is defined as paid in cash from non-LEDC sources, available for investment in assets of the BIDCO. These non-LEDC sources may include other non-state governmental sources provided the non-state governmental funds do not exceed 50 percent of the private capital, and provided the non-state governmental funds are not directly or indirectly derived from state sources. For purposes of calculating the eligibility of a request for matching equity capital, components other than paid in cash will not be considered.

E. A Specialty BIDCO shall be defined in accordance with the Office Of Financial Institution's BIDCO policy.

F. Seed Investor is an investor in the start-up stages of the BIDCO, prior to certification by OFI and LEDC.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312 (A) (7), (B) (1) and (B) (3).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 18:1357 (December 1992), amended LR 26:

§7103. Eligibility for Submission of an Application

A. In order to be eligible for consideration to receive a matching or co-investment equity capital investment by LEDC, the Applicant must fulfill the following eligibility requirements:

1. It must have obtained a license from OFI.
2. It must be a for profit Louisiana corporation.
3. In order to be eligible to receive an investment from LEDC, as described in Section 109, it must have raised a minimum of \$1,000,000 of private capital, exclusive of LEDC funds. These private capital funds must be actual cash contributions. (Pursuant to R.S. 51:2392 (B) (2) (d)(2).)

4. Its Management must be experienced in debt and/or capital financing of the types and volume contemplated by the applicant BIDCO.

5. LEDC may consider applications from BIDCOs which have a businesslike mission but with special circumstances or specialized opportunities (herein "Specialty BIDCOs").

6. Owners and Investors cannot be in conflict with the Code of Governmental Ethics R.S. 42:1112. BIDCO's shall not invest in a company in which a principal or officer of the BIDCO also has an interest in the company.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312 (A) (7), (B) (1) and (B) (3).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 18:1357 (December 1992), amended LR 23:554 (May 1997), LR 26:

§7105. Application

A. An application fee of \$500 shall be submitted at the time of application.

B. Applications will be processed for a matching equity capital investment or for a co-investment as follows:

1. Applications will be processed in the order in which they are received.

2. LEDC staff will conduct an initial screening of the application for completeness.

3. An incomplete application will be returned to the submitter. A previously incomplete application may be resubmitted, which will establish a new time and date received for that application.

4. An incomplete application not resubmitted within 30 days will forfeit the application fee.

5. LEDC staff will begin the evaluation process within 30 days of receipt.

C. Information submitted with the Application either for a match investment or co-investment representing the Applicant's business plan, financial position, financial projections, personal financial statements and background checks will be kept confidential to the extent allowed under the Public Records Law, La. R.S. 44:1 et seq. Confidential information in the files of LEDC and its accounts acquired in the course of duty will be used solely by and for LEDC. However, in the event of a BIDCO's licensure surrender, dissolution, bankruptcy, or other indication of insolvency previously confidential information shall be disclosable under the Public Records Law.

D. A BIDCO shall submit to LEDC evidence of its OFI approval with the application.

E. Application for a matching investment will contain the following information. The Applicant may provide other information which it believes relevant. LEDC may request further information beyond what is specified below :

1. Name of BIDCO, address (mailing and physical)

2. Specify the amount of LEDC investment/commitment requested.

3. Specify the minimum and maximum amounts of non-LEDC capital to be raised if the LEDC makes the requested investment/commitment .

4. Specify Applicant's projected timetable, with milestones for completion of the fund raising.

5. Specify whether applicant anticipates taking in all of the committed capital investment at closing, or whether applicant plans a phase in. If a phase-in is planned, specify

the proposed schedule. It is permissible to have different scenarios based on the actual amount of capital raised.

6. Market - Identify the proposed market of the Applicant.

a. Describe and discuss the types of businesses that the BIDCO will finance. Discuss the extent to which the BIDCO intends to specialize in certain industries, or if special circumstances will be addressed.

b. Describe the size range of businesses that it is contemplated the BIDCO will finance, with a general indication of where most of the focus is expected.

c. Discuss the life cycle stage or stages of the companies which the BIDCO will likely finance, with an indication of where most of the focus is contemplated, i.e., start-up, expansion.

d. Discuss the geographic area in which the BIDCO plans to focus. Specify the city or parish in which the BIDCO's principal office will be located, and discuss intentions, if any, to establish any additional offices.

7. Management Assistance - Discuss the plans of the BIDCO to provide management and/or technical assistance to companies for which the BIDCO provides financing. Discuss the BIDCO's plans for monitoring its financing, and enforcing provisions of loan or investment agreements. Discuss how the BIDCO plans to handle problem loans and investments.

8. Idle Funds - Describe plans for the management of the idle funds of the BIDCO.

9. Realization of Returns By Investors - Discuss long term plans and strategies for providing a tangible return to the investors in the BIDCO including dividend policy, public markets, future mergers and acquisitions, sinking funds, etc.

10. Tax and Accounting Issues - Discuss relevant tax and accounting issues for the BIDCO.

11. Submit business and professional references for all stockholders, members of the Board and corporate officers.

12. Management Structure - Describe the proposed management structure for the BIDCO.

13. Describe the proposed responsibilities of each of the members of the management team. If any of these people will not be full time, describe their other activities.

14. Describe the responsibilities of any management position for which a person has not been identified.

15. Specify any other key people including any advisors, consultants, attorneys and accountants, and submit resumes and/or descriptions of firms. LEDC reserves the right to perform general and criminal background checks on these key people.

16. Identify all "principal shareholders" (i.e. owning directly or indirectly, or controlling directly or indirectly, 10 percent or more of the voting stock of the BIDCO), by name with specific ownership identified.

17. Financial Projections - Provide the following financial projections:

a. Returns-on-Average assets and Returns-on-Capital Performance projections, year by year, for a 10 year period. These projections should show summary cash flow, summary income and expense (including taxes), and summary balance sheet data. For these performance projections, operating income and expenses can be grouped by category. Emphasis must be placed on a specific exit strategies including provisions for a sinking fund to buy out

LEDC's position. Specify the assumptions used for the performance projections.

b. Specify computer programs used for projections, if any, and specify formulas used.

F. A business plan which contains the following information shall be submitted for either a match investment or a co-investment request:

1. Provide a market analysis that the Applicant deems relevant.

2. Marketing Strategy - Describe the BIDCO's plans and approach to marketing its services, including methods of identifying potential applicants for financing assistance.

3. Screening Process and Evaluation Criteria - Discuss the anticipated number of business firms that will be reviewed for possible financing assistance, in comparison with the number that will actually be financed. Discuss the approach to screening business firms, and the evaluation criteria for deciding whether, and under what terms and conditions, to provide financing assistance.

4. Financing - Describe and discuss the financing instruments that are intended to be used by the BIDCO (e.g. debt with capital features, royalty, capital, pure debt (with SBA or not), etc.). Discuss the anticipated mix of the various types of financing instruments. Discuss the anticipated size range of loans/investments to be made, and information regarding pricing, term, and other conditions. Discuss risk/return expectations on projects. Discuss methods of exit from investments.

5. Specify applicant's start-up budget, including funds already expended and a detailed projected budget for completion of the fund raising. Specify the person or persons who will be working on the start-up phase, including how much of their time they will spend; how, if at all, they will be compensated; and their resumes and references. List applicant's seed investors, if any, with amount invested and number of shares of stock owned. Specify any additional amount of seed capital applicant is seeking, including a discussion of possible sources.

6. Describe and discuss the Applicant's fund raising strategy for raising the private capital.

7. Specify the principal investor sources that the Applicant will be targeting.

8. Attach all specific financing commitments already obtained, including documentation for each. This should include the evidence of the initial required capital.

9. Describe specific demonstrations of interest from private investor sources, including documentation where possible.

10. Capital Structure - Leverage - Discuss the BIDCO's plans and prospects for leveraging its capital by borrowing money, use of the SBA guarantee secondary market, or other approaches. With respect to borrowing money, describe the degree of leverage the BIDCO will seek and over what time period? Identify sources of debt financing the Applicant plans to utilize? Describe how the Applicant plans to structure the debt? If use of the SBA program is contemplated, discuss Applicant's approach to this activity and analyze its potential profitability. If Applicant is relying heavily on the SBA guarantee program, describe its alternate course of action if the SBA guarantee program is eliminated or its effectiveness significantly curtailed.

11. Financial Projections - Provide the following financial projections:

a. Returns-on-Average assets and Returns-on-Capital Performance projections, year by year, for a 10 year period. These projections should show summary cash flow, summary income and expense (including taxes), and summary balance sheet data. For these performance projections, operating income and expenses can be grouped by category. Specify the assumptions used for the performance projections.

b. Specify computer programs used for projections, if any, and specify formulas used.

12. Fee Income - Discuss the potential for fee income, and any plans that the BIDCO might have for generating fee income.

13. Complementary and Affiliate Relationships - Discuss the nature of complementary or affiliate relationships that are anticipated with banks, commercial lenders, investment bankers, venture capitalist and other institutions. This discussion can be based on general types of institutions and should identify specific institutions where complementary or affiliate relationships have already been discussed or arranged.

G. Application for a co-investment will contain the following information. The Applicant may provide other information which it believes relevant. LEDC may request further information beyond what is specified below :

1. The proposed amount, terms, and conditions of the investment

2. A business and funding plan for the recipient completed in accordance with the standards outlined in LEDC program material for all other LEDC programs.

3. Identify all "principal shareholders" (i.e. owning directly or indirectly, or controlling directly or indirectly, 10 percent or more of the voting stock of the BIDCO), by name with specific ownership identified.

4. The recipient must have its primary operating activities located in Louisiana, and the application of the funding must result in meaningful economic impact to the area of Louisiana where its activities are conducted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312 (A) (7), (B) (1) and (B) (3).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 18:1357 (December 1992), amended LR 23:554 (May 1997), LR 26:

§7107. Amount of Investment

A. Co-Investment

1. If a non-specialty BIDCO can show cash of at least \$1 MM but less than \$2,000,000, LEDC may co-invest \$1 for each \$2 for each LEDC approved project submitted to it by the BIDCO. The LEDC investment will participate pro-rata with the BIDCO share of the investment. The LEDC investment will not exceed thirty-three percent of any project nor will LEDC funding exceed \$1 for each \$2 of the BIDCO's total capital. On each project submitted for review, an application fee of \$250 is required.

2. If a specialty BIDCO can show cash of at least \$500K plus enough operating capital to administer ongoing investments, but less than \$1,000,000, LEDC may co-invest \$1 for each \$1 for each LEDC approved project submitted to it by the BIDCO. The LEDC investment will participate

pro-rata with the BIDCO share of the investment. The LEDC investment will not exceed fifty percent of any project nor will LEDC funding exceed \$1 for each \$1 of other BIDCO capital committed.

3. On each project submitted for reviewed, an application fee of \$250 is required.

B. Match Investment

1. Each request should be accompanied by a \$500 application fee.

2. If a non-specialty BIDCO can show cash, of \$2,000,000, exclusive of any previous investments by LEDC, the BIDCO may request a matching equity capital contribution from LEDC subject to availability of funds and a determination by LEDC management that the BIDCO business plan is consistent with investment targets of LEDC. If the BIDCO is considered an acceptable risk, based upon LEDC review of its credentials, performance, and business plan, or some combination thereof, LEDC may make a matching cash contribution on the basis of \$1 for each \$2 of the BIDCO capital not to exceed \$2,500,000, reduced for any previous LEDC capital contributions. LEDC will base its matching equity capital contribution on the amount of capital as calculated in accordance with 103 D. Thereafter it will participate in all future BIDCO investments on a pro-rata basis with all other BIDCO funds. Any BIDCO which has received a LEDC match investment is ineligible to present portfolio projects to LEDC for assistance through any of LEDC's other programs.

3. If a specialty BIDCO can show capital contributions, as defined in Section 103, of \$1,000,000, exclusive of any previous investments by LEDC, the BIDCO may request a matching equity capital contribution from LEDC. Each request should be accompanied by a \$500 application fee. If the BIDCO is considered an acceptable risk, based upon LEDC review of its credentials, performance, and business plan, or some combination thereof, LEDC may make a matching cash contribution on the basis of \$1 for each \$1 of the BIDCO capital not to exceed \$1,000,000 subject to availability of funds and a determination by LEDC management that the BIDCO business plan is consistent with investment targets of LEDC reduced for any previous LEDC capital contributions. LEDC will base its matching equity capital contribution on the amount of non-LEDC capital as calculated in accordance with 103 D. Thereafter it will participate in all future BIDCO investments on a pro-rata basis with all other BIDCO funds. Any BIDCO which has received a LEDC match investment is ineligible to present portfolio projects to LEDC for assistance through any of LEDC's other programs.

4. All funding of BIDCOs is subject to the availability of resources as allocated by the LEDC Board of Directors.

5. The consolidated dollar total of all LEDC investments authorized under §109 A. through D. shall not exceed \$2,500,000 to any one BIDCO.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312 (A) (7), (B) (1) and (B) (3).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Louisiana Economic Development Corporation, LR 18:1358 (December 1992), amended LR 26:

§7109. Terms of Investment

A. Founders stock and or investment given in exchange for services shall be subordinate to LEDC's investment unless LEDC determines that the pricing of such founders

investment and or stock is commensurate with the services performed or risks taken, in comparison with the pricing of LEDC investment.

B. LEDC will have the right to appropriate representation on the board in the BIDCO. This may include but not be limited to board seat/seats; veto authority or supermajority requirements for key management and financial decisions; board visitation rights.

C. LEDC's stock may be repurchased by the BIDCO or, secondarily, by its private-capital stockholders at any time beginning with the end of the third year based on the then-current book value or market value, whichever is higher, subject to LEDC's concurrence on the valuation methodology. However, the BIDCO shall establish a sinking fund beginning in year three so that the LEDC investment is returned by the end of year ten.

D. LEDC may negotiate additional operating requirements with individual applicant BIDCOs on a case by case basis, as needed to safeguard the quality of LEDC's investment or to promote achievement of the objectives of the program or LEDC.

E. All agreements will be executed by duly authorized persons outlining the details of the transaction.

F. The LEDC's funding under its commitment will be made on a quarterly basis subject to verification of non-LEDC funds received by the BIDCO and availability of LEDC funds.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312 (A) (7), (B) (1) and (B) (3).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 18:1357 (December 1992), amended LR 23:554 (May 1997), LR 26:

§7111. Operating Requirements

A. During the period when LEDC owns an investment in a BIDCO, the BIDCO shall operate in accordance with the following parameters:

1. The BIDCO shall provide financing assistance to Qualified Louisiana Businesses or to firms who will become Qualified Louisiana Businesses as a result of the funding by the BIDCO. If the business firm has multi-state operations, the criterion that shall be used by the BIDCO is whether or not Louisiana is the state where the primary economic benefit of the financing transaction is likely to occur. The BIDCO shall refrain from purchasing corporate stocks or other capital positions unless such investments are part of the BIDCO's funding plan for the Qualified Louisiana Business entity.

2. The BIDCO shall maintain as its primary focus the markets which it identifies in its initial business plan. The BIDCO shall not engage in operations outside the State of Louisiana while LEDC is an investor.

3. The BIDCO shall invest in or lend to Qualified Louisiana Businesses an amount at least equal to the sum of LEDC's funds plus the matching private-capital funds. For examples:

a. if LEDC invests \$2.5 million to match \$5 million of private capital funds, the BIDCO shall invest in or lend to Qualified Louisiana Businesses a minimum of \$7.5 million of its total portfolio exclusive of operating expenses and minimum capital reserve requirements as set out by the Office of Financial Institutions;

b. if LEDC invests \$1 million to \$2 million of private capital, the BIDCO shall invest/lend to Qualified Louisiana Businesses a minimum of \$3 million of its total portfolio exclusive of operating expenses and minimum capital reserve requirements as set out by the Office of Financial Institutions.

4. Without the consent of LEDC, the BIDCO shall not apply to OFI to surrender its license, provided, however, that if LEDC is not a stockholder no consent of LEDC is necessary. If LEDC grants its consent for such license-surrender application, the application shall state the commitment of the BIDCO to repurchase LEDC's stock at the time of license surrender for its then-current book value or market value, whichever is greater, or, if discounted pursuant to these rules, for the agreed-upon discounted price. If OFI requires surrender of license, the BIDCO must immediately notify LEDC to review the future plans of operation.

5. LEDC may negotiate additional operating requirements or material changes in the business plan with individual applicant BIDCOs on a case by case basis, as needed to safeguard the quality of LEDC's investment or to promote achievement of the objectives of the program or LEDC.

6. Reporting requirements shall include the following:
a. annual audited financial statements in accordance with GAAP, quarterly financial statements, and minutes of all regular and special board meetings.

b. timely advice of all management and board member changes with reasons for the changes and submission of new members' resumes showing experience and qualifications.

c. reports of activity including client businesses' names, addresses, employment levels before and after funding, and other information required for LEDC's annual legislative report.

d. the BIDCO shall provide LEDC with complete copies of OFI's annual audit report.

e. if the BIDCO is also a CAPCO, it must be in compliance with all CAPCO regulations

f. the BIDCO's officers shall provide LEDC annual certification that BIDCO investments are consistent with their business plan and that they are in compliance with the Code of Governmental Ethics, R.S. 42:1112 et seq.

7. The failure of a BIDCO to comply with these operating requirements will constitute violation of the premise(s) on which LEDC relied in making its investment and will be just cause for LEDC to demand and require that its investment be immediately repurchased in whole or in part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312 (A) (7), (B) (1) and (B) (3).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 18:1357 (December 1992), amended LR 23:555 (May 1997), LR 26:

Dennis Manshack
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: BIDCO Investment and Co-investment
Program**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There are no anticipated costs or savings to state or local governmental units associated with these rules, other than those one-time costs directly associated with the publication of these rule changes.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no estimated effect on revenue collections of state or local governmental units associated with this proposed rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Not-for-profit and nonprofit Louisiana corporations would be directly effected by the proposed rules. These groups would no longer be eligible for consideration under the proposed changes to these rules.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated net effect on competition or employment associated with this proposed rule change.

Dennis Manshack
Executive Director
0003#061

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Economic Development
Economic Development Corporation**

Capital Access Program (LAC 19:VII.Chapter 72)

In accordance with R.S. 49:950, et seq., the Administrative Procedure Act, notice is hereby given that the Louisiana Department of Economic Development, intends to promulgate, in its entirety, Louisiana Administrative Code, Title 19, Corporations and Business; Part VII, Economic Development Corporation; Subpart 6, Louisiana Economic Development Corporation; Chapter 72, Capital Access Program.

The Department of Economic Development, Louisiana Economic Development Corporation, hereby issues its Family Impact Statement: The promulgation of these rules will have no known effect on family formation, stability, and autonomy as set forth in La. R.S. 49:972.

The proposed rules are scheduled to become effective upon final promulgation, or as soon thereafter as is practical, upon publication in the *Louisiana Register*. Interested persons may submit written comments within 30 days from the date of this publication, to Dennis Manshack, Executive Director, Louisiana Economic Development Corporation, P.O. Box 44153, Baton Rouge, LA 70804.

Title 19
CORPORATIONS AND BUSINESS
Part VII. Economic Development Corporation
Subpart 6. Louisiana Economic Development Corporation

Chapter 72. Capital Access Program

§7201. Purpose

The Capital Access Program is designed to be a flexible and non-bureaucratic program to assist Louisiana financial institutions to make loans that carry a higher risk than conventional loans in a manner consistent with sound banking regulations. The purpose of the Capital Access Program is to increase the loan capital available to small business in Louisiana through a public/private loan portfolio insurance fund.

AUTHORITY NOTE: R.S. 51:2312 (A)(7), (B)(1) and (B)(3).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Louisiana Economic Development Corporation, LR 26:

§7203. Definitions

A. The following terms shall have the following definitions, unless the context otherwise requires.

Agreement a contract between a Financial Institution and the Louisiana Economic Development Corporation authorizing the Financial Institution to participate in the Program under the terms and conditions specified in the Agreement.

Borrower a Qualified Business that has received or been approved for a Qualified Loan from a Lender.

a. If the Lender is a banking institution, national bank, international institution or foreign institution a Borrower may not be an executive officer, director, or principal shareholder of the Lender, or a member of the immediate family of an executive officer, director or principal shareholder of the Lender or a related interest of any such executive officer, director, principal shareholder or member of the immediate family.

b. If the Lender is a federal credit union, a credit union or an out-of-state credit union doing business in Louisiana, a Borrower may not be an official, immediate family member of an official or any individual having a common ownership, investment or other pecuniary interest in a business enterprise with an official or with an immediate family member of an official. For the purposes of this subsection an "official" shall mean any member of the board of directors, credit committee or supervisory committee of the Lender and "immediate family member" shall mean his/her children, brothers, sisters, parents, spouse, and the parents of his/her spouse.

Common Enterprise any business with common or joint ownership.

Enrolled Loan a Qualified Loan enrolled in the Program.

Fees a non-refundable fee of no less than 2 percent and no more than 3 1/2 percent of the principal amount of the Qualified Loan charged by the Lender to the Borrower. The Lender shall pay a non-refundable fee equal to the fee paid by the Borrower. LEDC shall contribute a match to the fee equal to the contribution of the Lender, but not to exceed \$105,000 for a single Borrower and not to exceed 10 percent of a Lenders total Enrolled Loans.

Financial Institution any Louisiana commercial financial institution regulated by either the Louisiana Office of Financial Institutions, the Federal Depository Insurance Corporation, or the Federal Reserve.

LEDC the Louisiana Economic Development Corporation.

Lender a Participating Financial Institution that has enrolled one or more Qualified Loans under the Program.

Loss any principal amount due and not paid, accrued interest due and not paid, and documented out of pocket collection expenses, at the time the Lender determines, in a manner consistent with its normal method and time table for making such determinations that a Qualified Loan is uncollectible and is to be charged off as a loss. The amount of principal and interest included in the Loss shall not exceed the principal amount of the Enrolled Loan, plus accrued and unpaid interest on such covered principal amount, from the date the Qualified Loan is made.

Loss Reserve Account separate accounts held and maintained by the Participating Financial Institution and the Louisiana Economic Development Corporation (LEDC), to cover Losses sustained by the Participating Financial Institution on Enrolled Loans.

Participating Financial Institution a Financial Institution that has executed an Agreement with the Louisiana Economic Development Corporation to participate in the Program.

Primary Economic Effect the majority of economic benefit resulting from a business activity occurs in Louisiana. It shall be conclusively presumed that the Primary Economic Effect is in Louisiana if the following conditions exists:

a. at least 51 per cent of the total jobs of the Qualified Business are created or retained in Louisiana; and

b. the Borrower's domicile and principal place of business is located in Louisiana.

Program the Capital Access Program.

Qualified Business a Louisiana corporation, partnership, joint venture, sole proprietorship, cooperative, or other entity, and a small business as defined by the SBA doing business for profit which is authorized to conduct business in the state.

Qualified Loan a loan, specified portion of a loan, the amount of a loan or additional loan in excess of a loan that is refinanced, or the maximum amount that may be drawn down against a line of credit (not to exceed five (5) years) and its interest rate does not exceed 3.5% above New York Prime , extended by a Lender to a Qualified Business, for any business activity which has its Primary Economic Effect in Louisiana. Excluded from the term are:

a. a loan for the construction or purchase of residential housing of any kind;

b. a loan for the purchase or construction of real property that is not used for the business operations of the Borrower, including real estate owned for the purpose of deriving income from speculation, trade, lease or rental;

c. a loan for the refinancing of the remaining principal balance of an existing loan;

d. unsecured loans.

AUTHORITY NOTE: R.S. 51:2312 (A)(7), (B)(1) and (B)(3).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Louisiana Economic Development Corporation, LR 26:

§7205. Authority To Implement Agreement

The Executive Director or the President, and the Secretary Treasurer of the Louisiana Economic Development Corporation are authorized to execute any document reasonably necessary or convenient to implement the Agreement.

AUTHORITY NOTE: R.S. 51:2312 (A)(7), (B)(1) and (B)(3).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Louisiana Economic Development Corporation, LR 26:

§7207. Program Registration Procedure

A. A Financial Institution wishing to participate in the Program will complete a program registration application on a form provided by LEDC. LEDC shall determine the Financial Institution's eligibility to participate in the Program from the information provided, or from such other information as LEDC may deem necessary.

B. A Financial Institution that is eligible to participate in the Program shall enter into an Agreement with the LEDC on a form provided by the LEDC.

AUTHORITY NOTE: R.S. 51:2312 (A)(7), (B)(1) and (B)(3).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Louisiana Economic Development Corporation, LR 26:

§7209. Agreement

A. The Agreement entered into by the Participating Financial Institution and the LEDC shall provide for:

1. a Loss Reserve Account by LEDC, owned by LEDC and for the benefit of the Participating Financial Institutions;

2. the creation of a Loss Reserve Account by the Participating Financial Institution with contributions from the Participating Financial Institution and the Borrower;

3. the liability of LEDC to the Participating Financial Institution is limited to the balance of the contributed amount in the LEDC Loss Reserve Account attributed to Enrolled Qualified Loans for the Participating Financial Institution;

4. the terms and conditions of Qualified Loans to be determined solely by agreement of the Lender and Borrower;

5. the enrollment of Qualified Loans in the Program;

6. the deposit of funds by the Borrower and the Lender into the Loss Reserve Account when the Lender makes a Qualified Loan to the Borrower;

7. the deposit of funds by LEDC into its Loss Reserve Account set up in LEDC for its match;

8. a deposit of \$50,000 seed by LEDC into the LEDC Loss Reserve Account for each Participating Financial Institution which will be reimburse as loans are enrolled;

9. a claims process for reimbursement of Losses that have been incurred from defaults on Qualified Loans;

10. payment by the LEDC from its Loss Reserve Account to a Lender to reimburse it for any Loss;

11. disposition of any recoveries from a Borrower made by the Lender subsequent to being reimbursed for any Loss by LEDC;

12. conditions for subrogation of LEDC, at LEDC's request, to the rights of the Lender in collateral, personal guarantees, and all other forms of security for the Qualified Loan;

13. conditions for decreases by LEDC of excess balances in the LEDC Loss Reserve Account;

14. termination by LEDC of the obligation to enroll Qualified Loans under the Program;

15. conditions for termination of the Agreement, and disposition by the lender and LEDC of any remaining balance in the Loss Reserve Accounts;

16. withdrawal by a Lender from the Program, and disposition by the lender and LEDC of any remaining balance in the Loss Reserve Accounts;

17. periodic reporting to LEDC by the Lender as required;

18. inspection by LEDC of the pertinent files of the Lender relating to Enrolled Loans;

19. transmittal to LEDC by the applicable state or federal regulatory body of the Lender of any public information directly relating to the Lenders participation in Program;

20. such other terms and conditions as LEDC may require.

AUTHORITY NOTE: R.S. 51:2312 (A)(7), (B)(1) and (B)(3).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Louisiana Economic Development Corporation, LR 26:

§7211. Establishing a Loss Reserve Account

A. Upon the execution of the Agreement with the Participating Financial Institution, the Lender shall establish a Loss Reserve Account to receive all fees from the Borrower and the Lender. The lender's Loss Reserve Account shall be domiciled with a financial Institution in the form of an insured, interest-baring deposit in accordance with statutory requirements.

B. LEDC's Loss Reserve Account will be established as an account controlled by LEDC.

AUTHORITY NOTE: R.S. 51:2312 (A)(7), (B)(1) and (B)(3).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Louisiana Economic Development Corporation, LR 26:

§7213. Ownership, Control, Investment of Loss Reserve Account

A. All moneys in a Loss Reserve Account held at and by the bank are to be used exclusively for this program by the bank. The LEDC may withdraw funds from a Loss Reserve Account only as provided for in these Rules.

B. Any earnings on the balance in a Loss Reserve Account are deemed to be part of the Loss Reserve Account up to 10 percent above the present maximum portfolio exposure.

C. The LEDC may withdraw at any time and for use as deemed appropriate by the LEDC a maximum of 100 percent of all earnings that have been credited to the Loss Reserve Account over the present portfolio exposure, with such withdrawal limited to a maximum of 100 percent of earnings credited to the Loss Reserve Account since the last such withdrawal.

D. Should the bank opt to terminate the program, LEDC will be entitled to and claim ownership of all funds in the Loss Reserve Account held by the bank. However, any enrolled loans which are still outstanding at the time of termination will be covered by the Loss Reserve Account.

AUTHORITY NOTE: R.S. 51:2312 (A)(7), (B)(1) and (B)(3).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Louisiana Economic Development Corporation, LR 26:

§7215. Loan Loss Contributions

When making an Enrolled Loan, the Lender shall charge the Borrower no less than 2 percent and no more than 3.5 percent of the loan amount for their contribution to the Loan Loss Fund and the Lender shall match the contribution with a like percentage. The bank shall deposit the contributions in the Loan Loss Fund at closing. LEDC will contribute the same percentage of the loan amount as the bank at the time it is notified of the enrollment of the loan.

AUTHORITY NOTE: R.S. 51:2312 (A)(7), (B)(1) and (B)(3).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Louisiana Economic Development Corporation, LR 26:

§7217. Procedure for Enrollment of a Qualified Loan

A. A Lender shall enroll a Qualified Loan under the Program:

1. by notifying LEDC in writing, on a form prescribed by LEDC and within ten (10) days after the Qualified Loan is made, that it is enrolling a Qualified Loan. For purposes of this section, the date on which the Lender makes a Qualified Loan is the earlier of the date on which the Lender first disburses proceeds of the Qualified Loan to the Borrower, or the date on which the loan documents have been executed and the Lender has obligated itself to disburse proceeds of the loan; and

2. by transmitting to LEDC a deposit receipt of the contributions collected from the Lender and the Borrower in connection with the Qualified Loan.

B. LEDC shall, upon receipt of documentation from the Lender, enroll the Qualified Loan if LEDC is satisfied that the Qualified Loan is eligible. LEDC shall notify the Lender of enrollment within ten business days from receipt of documentation, in such form as will be determined by LEDC.

C. When the requirements of a Qualified Loan are met, LEDC shall also transfer funds to the LEDC Loss Reserve Account an amount equal to the banks contributed percentage of the enrolled loan amount but not to exceed \$105,000 for a single Borrower and not to exceed 10 percent of a Lenders total Enrolled Loans.

D. Prior to making a loan a Lender may request that LEDC certify that the proposed loan is an eligible loan. The lender must submit all information required in A above with such request. LEDC will certify within 10 days of receipt of the request that the loan is eligible or is not eligible. Such certification shall be binding for 30 days if no change in a material representation has occurred.

AUTHORITY NOTE: R.S. 51:2312 (A)(7), (B)(1) and (B)(3).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Louisiana Economic Development Corporation, LR 26:

§7219. Procedure for Making Claim for Reimbursement of Loss

A. At the time a Lender charges off all or part of an Enrolled Loan as a result of a default by the Borrower, the Lender may make a claim for reimbursement for all or part of the Loss incurred by notifying LEDC of the claim in writing on a form provided by LEDC within three calendar months of the date a loss has occurred with respect to the Enrolled Loan.

B. A Lender may make a claim for reimbursement of a Loss prior to the liquidation of collateral, or to realization on personal or their financial guarantees or from other sources,

subject however to the provision in §123 on Recoveries on Loans Subsequent to Payment of Claims.

C. The Lender shall retain documentation in its files substantiating all claims.

AUTHORITY NOTE: R.S. 51:2312 (A)(7), (B)(1) and (B)(3).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Louisiana Economic Development Corporation, LR 26:

§7221. Payment of Claims by LEDC

A. LEDC shall pay Loss claims as submitted, except LEDC may reject a claim when the representations and warranties provided by the Lender at the time of enrolling the Qualified Loan were false.

B. Lender shall send evidence that a withdrawal of an amount equal to 66.66 percent of the loan loss has been made from the lenders Loss Reserve Account with the payment request from LEDC.

C. LEDC shall pay Loss claims in the order it receives them. If two or more Loss claims are filed simultaneously by the Lender and there are insufficient funds in the Loss reserve Account to pay them, the Lender may designate the order the Loss claims are paid by LEDC.

AUTHORITY NOTE: R.S. 51:2312 (A)(7), (B)(1) and (B)(3).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Louisiana Economic Development Corporation, LR 26:

§7223. Recoveries on Loans Subsequent to Payment of Claim

If subsequent to the payment of a Loss claim by LEDC the Lender recovers from the Borrower, from liquidation of collateral or from any other source, any amount for which Lender was reimbursed by LEDC, the Lender shall promptly pay to LEDC its 33.33 percent of the amount received that in aggregate exceeds the amount needed to fully cover the Lender's Loss on the Enrolled Loan, for deposit in the Loss Reserve Account.

AUTHORITY NOTE: R.S. 51:2312 (A)(7), (B)(1) and (B)(3).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Louisiana Economic Development Corporation, LR 26:

§7225. Available Collateral, Guarantees and Other Security not Realized

After LEDC has paid a Loss claim to the Lender from the Loss Reserve Account, and the Lender has terminated its lending relationship with the Borrower, the Lender shall, at LEDC's request, provide LEDC with details and copies of any collateral, guarantee, or other security documents which secured the Qualified Loan and which remain available.

AUTHORITY NOTE: R.S. 51:2312 (A)(7), (B)(1) and (B)(3).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Louisiana Economic Development Corporation, LR 26:

§7227. Subrogation

A. At LEDC's request, LEDC will be subrogated to the rights of the Lender in collateral, personal guarantees, and all other forms of security for the Qualified Loan that have not been realized upon by the Lender, when the Lender's Loss has been fully or partially covered by payment of a Loss claim, or by a combination of payment of a Loss claim and recovery from the Borrower, liquidation of collateral, or from other sources, and the Lender has stated to LEDC that it will not take action to realize on remaining available sources of collateral or other security for recovery.

B. At the time of subrogating its rights, the Lender shall provide LEDC with all original security agreements, any documents evidencing title to real property, certificates of title, guarantees, and any other documents representing security for the Qualified Loan, duly recorded and perfected, and accompanied by enforceable assignments and conveyances to LEDC.

C. If the lender chooses not to institute proceedings and/or recover from the borrower, through the liquidation of collateral or from any other source and was reimbursed by LEDC, then LEDC will have the authority to do so and retain any and all funds recovered.

AUTHORITY NOTE: R.S. 51:2312 (A)(7), (B)(1) and (B)(3).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Louisiana Economic Development Corporation, LR 26:

§7229. Reporting

A. The Lender shall provide LEDC with a monthly statement providing details of the balance and the payment and receipts activity in the Loss Reserve Account for the prior month.

B. To assist LEDC in determining the progress of the program and in identifying excesses in Loss Reserve Accounts, the Lender shall on or before February 15, May 15, August 15, and November 15 of each year file a report with LEDC indicating the number and aggregate outstanding balance of all Enrolled Loans as of the previous December 31 in the case of the report due February 15, as of the previous March 31 in the case of the report due May 15, as of the previous June 30 in the case of the report due August 15, and as of the previous September 30 in the case of the report due November 15. In computing the aggregate outstanding balance of all Enrolled Loans, the balance of any Enrolled Loan shall in no event be considered to be greater than the covered amount of the Enrolled Loan.

AUTHORITY NOTE: R.S. 51:2312 (A)(7), (B)(1) and (B)(3).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Louisiana Economic Development Corporation, LR 26:

§7231. Withdrawal of Excess Deposits in Loss Reserve Accounts

LEDC may withdraw any excess deposits in its Loss Reserve Account if the balances in a Loss Reserve Account have exceeded the aggregate outstanding balances of Enrolled Loans continuously for a period of six calendar months. LEDC may withdraw the excess of the balance of the Loss Reserve Account over the total balance of Enrolled Loans on the last day of the sixth calendar month of such excesses, and on the last day of each calendar quarter thereafter, so long as an excess continues to exist.

AUTHORITY NOTE: R.S. 51:2312 (A)(7), (B)(1) and (B)(3).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Louisiana Economic Development Corporation, LR 26:

§7233. Termination of and Withdrawal from Program

A. LEDC may terminate its obligation to enroll Qualified Loans under the Program for a Lender on the date specified in LEDC's notice of termination to the Lender, or for all participating Lenders under the Program upon 90 days notice, or such earlier date should the balance in LEDC's available budget reach zero, or should LEDC anticipate that the balance in the available budget will reach zero.

Termination shall not apply to any Qualified Loans made before the date of termination.

B. Should the balance of a Lender's Loss Reserve Account be reduced to zero, LEDC may, at its sole discretion, terminate the Agreement.

C. A Participating Financial Institution may withdraw from the Program after giving written notice to LEDC. After receipt of this notice, LEDC shall, at its sole discretion, determine the disposition of any remaining balance in the Loss Reserve Account.

AUTHORITY NOTE: R.S. 51:2312 (A)(7), (B)(1) and (B)(3).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Louisiana Economic Development Corporation, LR 26:

§7235. Inspection of Files

LEDC may inspect the files of the Lender relating to the Enrolled Loans at any time during normal business hours.

AUTHORITY NOTE: R.S. 51:2312 (A)(7), (B)(1) and (B)(3).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Louisiana Economic Development Corporation, LR 26:

§7237. Reports Of Regulatory Agencies

LEDC may apply to the applicable state or federal regulatory body of the Lender for information directly related to the Lender's participation in the program. LEDC shall, to the extent permitted by law, hold any information acquired from regulators in confidence.

AUTHORITY NOTE: R.S. 51:2312 (A)(7), (B)(1) and (B)(3).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Louisiana Economic Development Corporation, LR 26:

Dennis Manshack
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Capital Access Program

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The program is anticipated to utilize \$500,000 the first year, \$1,000,000 the second year, and \$1,500,000 the third year from LEDC's statutorily dedicated fund. Other costs associated with the rules are those one-time costs directly associated with the publication of these rules. There is no anticipated impact on local governmental units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that this program will generate a revenue stream each year. Each investment will generate revenue according to the individual structure of the investment. It is anticipated that the target rate of return will be in the 20 percent to 30 percent range. A typical investment structure applied to the total investments anticipated on an annual basis will generate approximately \$33,361 the first year, \$100,472 the second year and \$267,666 the third year.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The economic benefit will be derived by the privately owned business that receive the investments. The amount of benefit is incalculable because the businesses are unknown at this point. However, without this program the businesses seeking investment would have to go wanting or seek investment other sources.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)

There is no estimated net effect on competition or employment associated with this proposed rule.

Dennis Manshack
Executive Director
0003#076

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Economic Development
Economic Development Corporation**

Seed Capital Program (LAC 19:VII.Chapter 77)

In accordance with La. R.S. 49:950, et seq., the Administrative Procedure Act, notice is hereby given that the Department of Economic Development, intends to promulgate revisions, in its entirety, *Louisiana Administrative Code*, Title 19, Corporations and Business; Part VII, Economic Development Corporation; Subpart 11, Economic Development Corporation; Chapter 77, Seed Capital Program. The Department of Economic Development, Economic Development Corporation, hereby issues its Family Impact Statement: The promulgation of these rules will have no known effect on family formation, stability, and autonomy as set forth in La. R.S. 49:972.

The proposed rules are scheduled to become effective upon final promulgation, or as soon thereafter as is practical, upon publication in the *Louisiana Register*. Interested persons may submit written comments within 30 days from the date of this publication, to Dennis Manshack, Executive Director, Economic Development Corporation, P.O. Box 44153, Baton Rouge, LA 70804.

Title 19

CORPORATIONS AND BUSINESS

Part VII. Economic Development Corporation

Subpart 11. Louisiana Seed Capital Program

Chapter 77. Seed Capital Program

§7701. Purpose

The purpose of this program is to encourage the formation of Louisiana-based seed capital funds. Funding under this program shall be limited to those qualified organizations who agree to invest such funds exclusively in companies based in Louisiana for the purpose of financing any process, technique, product, or device which is or may be exploitable commercially, which has advanced beyond the theoretical state, and which is capable of being or has been reduced to practice without regard to whether a patent has or could be granted. Not intended for retail or professional services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 26:

§7703. Definitions

A. For the purposes of this program Seed Capital will be defined as:

1. An amount no less than \$25,000 of capital provided to an inventor or entrepreneur to prove a concept and to qualify for start-up capital. This may involve product

development and market research as well as building a management team and developing a business plan, if the initial steps are successful.

2. Research and development financing to finance product development for start-up as well as more mature companies.

3. Start-up financing to companies completing product development and initial marketing. Companies may be in the process of organizing or they may already be in business for one year or less, but have sold their product commercially.

4. First-Stage financing to companies that have expended their initial capital and require funds to initiate full-scale manufacturing and sales.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 26:

§7705. Eligibility

A. Applicant organization must be a Louisiana-based fund organized for the sole purpose of making seed investments in businesses.

B. Must be organized for profit.

C. The applicant must demonstrate that its management personnel have at least three years of experience in managing investments in individual, privately-held companies, utilizing funds provided by others to make said investments.

D. Have raised a minimum of \$250,000 to be eligible for co-investments or raised a minimum of \$500,000 to be eligible for a match investment. The minimum funds may be in cash and commitments.

E. A minimum cash investment sufficient to cover the general and administrative costs for the first year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 26:

§7707. Application for Co-Investment

A. Prior to a Seed Capital Fund submitting a request to be considered for co-investment by LEDC the Seed Capital Fund must submit an application for the Fund to be considered qualified. The application for qualification to the Economic Development Corporation shall consist of detailed information covering two main categories:

1. experience and qualifications of the proposed management team, and

2. the business plan for the Seed Capital Fund. The following sections specify in more detail the information that should be covered. While these sections provide a possible format, the applicant should in no way feel bound by this format. The applicant can use its own format, as long as the basic information is provided. Moreover, the applicant should feel free to provide additional information which is viewed as relevant. The Economic Development Corporation may request additional information beyond what is specified below.

B. The completed application will be submitted to the next scheduled Screening Committee meeting for recommendations. The recommendations of the Screening Committee will be submitted to the full Board of Directors at their next scheduled meeting for final approval.

C. Experience and Qualifications

1. Submit resumes, references, and personal financial statements for all principal members of the management team that are identified.

Note: Louisiana Economic Development Corporation reserves the right to perform criminal background checks on the principal members of management.

2. Describe the responsibilities of each of the principal members of the management team that have been identified. If any of these people are not full time, describe their other activities.

3. Describe the responsibilities of any principal management position for which a person has not been identified.

4. Specify any directors that have been identified, and submit resumes.

5. Specify any other key people that have been identified, including any advisors, consultants, attorneys and accountants, and submit resumes and/or descriptions of firms.

Note: Louisiana Economic Development Corporation reserves the right to perform criminal background checks on these key people.

D. Business Plan

1. Market

a. Describe and discuss the types of businesses that the Seed Capital Fund will finance. Discuss the extent to which the Seed Capital Fund intends to specialize in certain industries, or whether a more broad based approach is planned.

b. Describe the size range of businesses that it is contemplated the Seed Capital Fund will finance, with a general indication of where most of the focus is expected.

c. Discuss the life cycle stage or stages of the companies which the Seed Capital Fund will likely finance, with an indication of where most of the focus is contemplated.

d. Discuss the geographic area in which the Seed Capital Fund plans to focus. Specify the city or parish in which the Seed Capital Fund's principal office is planned to be located, and discuss intentions, if any, to establish any additional offices.

e. Provide any market analysis that you deem relevant.

2. Financing - Describe and discuss the financing instruments that are intended to be used by the Seed Capital Fund. Discuss the anticipated mix of the various types of financing instruments. Discuss the anticipated size range of investments to be made, and information regarding pricing, term, and other conditions. Discuss risk/return expectations on projects. Discuss methods of exit from investments.

3. Marketing Strategy - Describe the Seed Capital Fund's plans and approach to marketing its services, including the identification of potential applicants for financing assistance.

4. Screening Process and Evaluation Criteria - Discuss the anticipated number of business firms that will be reviewed for possible investment, in comparison with the number that will actually be invested in. Discuss the approach to screening business firms, and the evaluation criteria for deciding whether, and under what terms and conditions, to provide investment.

5. Fee Income - Discuss the potential for fee income, and any plans that the Seed Capital Fund might have for generating fee income.

6. Management Assistance - Discuss the plans of the Seed Capital Fund to provide management and/or technical assistance to companies for which the Seed Capital Fund provides investment. Discuss the Seed Capital Fund's plans for monitoring its investments, and enforcing provisions of investment agreements. Discuss how the Seed Capital Fund plans to handle problem investments. Discuss the Seed Capital Fund's plans to provide management assistance to companies that the Seed Capital Fund is not investing in.

7. Complementary Relationships - Discuss the nature of complementary relationships that are anticipated with banks, commercial lenders, investment bankers, venture capitalist and other institutions. This discussion can be based on general types of institutions and/or can identify specific institutions where complementary relationships have already been discussed.

8. Management Structure - Describe the proposed management structure for the Seed Capital Fund, and anticipated compensation for principal members of the management team.

9. Idle Funds - Describe plans for the management of the idle funds of the Seed Capital Fund.

10. Tax and Accounting Issues - Discuss relevant tax and accounting issues for the Seed Capital Fund.

12. Financial Projections

a. Provide a detailed operating budget for the first three years of the Seed Capital Fund's operation. The first year shall be month by month. The second and third years may be presented on an annual basis.

b. Provide performance projections, year by year, for a 5 year period. These projections should show cash flow, income and expense (including taxes), and balance sheet data. For these performance projections, operating expenses can be consolidated into one line item.

c. Specify the assumptions used for the performance projections. It is permissible to submit several sets of performance projections based on differing assumptions. However, if applicant submits several sets of projections based on differing assumptions, specify which set of assumptions are applicant's primary assumptions.

d. Specify computer programs used for projections, and specify formulas used.

E. The application for the co-investment project shall contain but not be limited to the identical information provided to the eligible Seed Capital Fund requesting the co-investment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 26:

§7709. Application Requirements for Match Investment

A. To apply to the Economic Development Corporation for a commitment to invest, a prospective Seed Capital Fund shall submit detailed information covering three main categories:

1. fund raising;
2. experience and qualifications of the proposed management team; and

3. the business plan for the Seed Capital Fund. The following sections specify in more detail the information that should be covered. While these sections provide a possible format, the applicant should in no way feel bound by this format. The applicant can use its own format, as long as the basic information is provided. Moreover, the applicant should feel free to provide additional information which is viewed as relevant. The Louisiana Economic Development Corporation may request additional information beyond what is specified below.

B. All completed applications will be acted on by the requisite loan committee of the Louisiana Economic Development Corporation..

C. Fund Raising

1. Specify the amount of LEDC commitment sought.
2. Provide evidence of the amount of private capital that has been raised. Specify the ratio of actual cash to commitments raised.
3. Describe the basic legal structure of the Seed Capital Fund.
4. Describe and discuss the applicant's fund raising strategy for raising of any additional private capital.
5. Specify the principal investor sources that the applicant will be targeting.
6. What is applicant's basic proposal to prospective private investors. What expectations and objectives are the applicant specifying. This includes, for example, representations regarding reasonably expected returns on private equity investment, indirect financial benefits, if any, and social purposes, if applicable.
7. List all specific investors and financing commitments already obtained, including documentation for each. This should include the evidence of the initial \$500,000 required capital.
8. Specify whether applicant anticipates taking in all of the LEDC equity investment at closing, or whether applicant plans a phase in. If a phase-in is planned, specify the proposed schedule. It is permissible to have different scenarios based on the actual amount of equity capital raised.

D. Experience and Qualifications

1. Submit resumes, references, and personal financial statements for all principal members of the management team that are identified.

Note: Louisiana Economic Development Corporation reserves the right to perform criminal background checks on the principal members of management.

2. Describe the responsibilities of each of the principal members of the management team that have been identified. If any of these people are not full time, describe their other activities.
3. Describe the responsibilities of any principal management position for which a person has not been identified.
4. Specify any directors that have been identified, and submit resumes.
5. Specify any other key people that have been identified, including any advisors, consultants, attorneys and accountants, and submit resumes and/or descriptions of firms.

Note: Louisiana Economic Development Corporation reserves the right to perform criminal background checks on these key people.

E. Business Plan

1. Market

- a. Describe and discuss the types of businesses that the Seed Capital Fund will finance. Discuss the extent to which the Seed Capital Fund intends to specialize in certain industries, or whether a more broad based approach is planned.
- b. Describe the size range of businesses that it is contemplated the Seed Capital Fund will finance, with a general indication of where most of the focus is expected.
- c. Discuss the life cycle stage or stages of the companies which the Seed Capital Fund will likely finance, with an indication of where most of the focus is contemplated.
- d. Discuss the geographic area in which the Seed Capital Fund plans to focus. Specify the city or parish in which the Seed Capital Fund's principal office is planned to be located, and discuss intentions, if any, to establish any additional offices.
- e. Provide any market analysis that you deem relevant.

2. Financing - Describe and discuss the financing instruments that are intended to be used by the Seed Capital Fund. Discuss the anticipated mix of the various types of financing instruments. Discuss the anticipated size range of investments to be made, and information regarding pricing, term, and other conditions. Discuss risk/return expectations on projects. Discuss methods of exit from investments.

3. Marketing Strategy - Describe the Seed Capital Fund's plans and approach to marketing its services, including the identification of potential applicants for financing assistance.

4. Screening Process and Evaluation Criteria - Discuss the anticipated number of business firms that will be reviewed for possible investment, in comparison with the number that will actually be invested in. Discuss the approach to screening business firms, and the evaluation criteria for deciding whether, and under what terms and conditions, to provide investment.

5. Fee Income - Discuss the potential for fee income, and any plans that the Seed Capital Fund might have for generating fee income.

6. Management Assistance - Discuss the plans of the Seed Capital Fund to provide management and/or technical assistance to companies for which the Seed Capital Fund provides investment. Discuss the Seed Capital Fund's plans for monitoring its investments, and enforcing provisions of investment agreements. Discuss how the Seed Capital Fund plans to handle problem investments. Discuss the Seed Capital Fund's plans to provide management assistance to companies that the Seed Capital Fund is not investing in.

7. Complementary Relationships - Discuss the nature of complementary relationships that are anticipated with banks, commercial lenders, investment bankers, venture capitalist and other institutions. This discussion can be based on general types of institutions and/or can identify specific institutions where complementary relationships have already been discussed.

8. Management Structure - Describe the proposed management structure for the Seed Capital Fund, and anticipated compensation for principal members of the management team.

9. Idle Funds - Describe plans for the management of the idle funds of the Seed Capital Fund.

10. Tax and Accounting Issues - Discuss relevant tax and accounting issues for the Seed Capital Fund.

11. Financial Projections

a. Provide a detailed operating budget for the first three years of the Seed Capital Fund's operation. The first year shall be month by month. The second and third years may be presented on an annual basis.

b. Provide performance projections, year by year, for a 5 year period. These projections should show cash flow, income and expense (including taxes), and balance sheet data. For these performance projections, operating expenses can be consolidated into one line item.

c. Specify the assumptions used for the performance projections. It is permissible to submit several sets of performance projections based on differing assumptions. However, if applicant submits several sets of projections based on differing assumptions, specify which set of assumptions are applicant's primary assumptions.

d. Specify computer programs used for projections, and specify formulas used.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 26:

§7711. Application Process

A. Applications for funding under this program must be submitted to the Executive Director, Economic Development Corporation, P.O. Box 44153, Baton Rouge, 70804.

1. Co-Investment application

a. The application for eligibility of the Seed Capital Fund and the co-investment project may be submitted simultaneously for consideration.

b. Once a Seed Capital Fund is deemed eligible, the Fund is not required to resubmit an eligibility application for subsequent co-investment requests.

2. All completed applications will be acted on by the requisite loan committee of the Economic Development Corporation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 26:

§7713. Investment

A. Co-Investment

1. An eligible fund that has not received a match investment from the Economic Development Corporation may apply for Co-Investment funds on a case by case basis. The co-investment of Economic Development Corporation shall not exceed the lesser of 50 percent of the total round of investment needed or \$250,000.

2. Only investments in Louisiana businesses are eligible for co-investments.

3. Co-Investments will be on the same terms and conditions as the seed capital fund has negotiated with the business.

B. Match Investment

1. An eligible fund may receive a match investment equal to \$1.00 of LEDC funds for each \$2.00 of privately

raised funds. The maximum LEDC investment shall not to exceed \$1,000,000.

2. An eligible fund shall be a Louisiana organized and based Seed Capital Fund. For purposes of this program, "organized and based" means the seed capital applicant is registered with the Secretary of State's office and that it maintains a staffed office in Louisiana where investments may be initiated and closed.

3. The method of investment will be equal to the method of the other investors i.e. committed capital for committed capital; cash investment for cash investment, or cash and commitment for cash and commitment.

4. The terms of the investment will be negotiated on a case by case basis.

C. Closing

1. Prior to disbursement of funds, the secretary-treasurer and one of the following; president, chairman or executive director of the corporation, shall execute all necessary legal instruments after certification by counsel that all legal requirements have been met.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 26:

§7715. Reporting

A. Each year, on the anniversary date of the initial disbursement of funds, or on such date as may be authorized by the corporation, each recipient of funds shall provide the following:

1. list of all investors in the fund, including the amounts of investment and nature of the investment;

2. a statement of financial condition of the fund including, but not limited to, a balance sheet, profit and loss statement and changes in financial condition;

3. current reconciliation of the fund's net worth;

4. annual audited financial statement prepared by a certified public accountant (prepared within 120 days of the end of the fund's fiscal year).

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 26:

Dennis Manshack
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Seed Capital Program**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There will be no additional staff, supplies, travel, professional services or other administrative costs as a result of this rule. The program is anticipated to utilize \$500,000 the first year, \$1,000,000 the second year, and \$1,500,000 the third year from LEDC's statutorily dedicated fund. Other costs associated with the rules are those one-time costs directly associated with the publication of these rules. There is no anticipated impact on local governmental units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that this program will generate a revenue stream each year. Each investment will generate revenue according to the individual structure of the investment. It is anticipated that the target rate of return will be in the 20 percent to 30 percent range. A typical investment structure applied to the total investments anticipated on an annual basis will generate approximately \$33,361 the first year, \$100,472 the second year and \$267,666 the third year.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The economic benefit will be derived by the privately owned businesses that receive the investments. The amount of benefit is incalculable because the businesses are unknown at this point. However, without this program the businesses seeking investment would have to go wanting or seek investment from other sources.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated net effect on competition or employment associated with this proposed rule.

Dennis Manshack
Executive Director
0002#060

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Economic Development
Economic Development Corporation**

Small Business Loan Program
(LAC 19:VII.Chapter 1)

In accordance with R.S. 49:950, et seq., the Administrative Procedure Act, notice is hereby given that the Department of Economic Development, intends to promulgate revisions, in its entirety, *Louisiana Administrative Code*, Title 19, Corporations and Business; Part VII, Economic Development Corporation; Subpart 1, Louisiana Economic Development Corporation; Chapter 1, Louisiana Small Business Loan Program. The Department of Economic Development, Louisiana Economic Development Corporation, hereby issues its Family Impact Statement: The promulgation of these rules will have no known effect on family formation, stability, and autonomy as set forth in La. R.S. 49:972.

The proposed rules are scheduled to become effective upon final promulgation, or as soon thereafter as is practical, upon publication in the *Louisiana Register*. Interested persons may submit written comments within 30 days from the date of this publication, to Dennis Manshack, Executive Director, Louisiana Economic Development Corporation, P.O. Box 44153, Baton Rouge, LA 70804.

Title 19

CORPORATIONS AND BUSINESS

Part VII. Economic Development Corporation

Subpart 1. Louisiana Small Business Loan Program

Chapter 1. Loan Policies

§101. Purpose

A. The Louisiana Economic Development Corporation (LEDC) wishes to stimulate the flow of private capital, long-term loans, and other financial assistance for the sound

financing of the development, expansion, and retention of small business concerns in Louisiana, as a means of providing high levels of employment, income growth, and expanded economic opportunities, especially to disadvantaged persons and within distressed and rural areas.

B. The Corporation will consider sound loans so long as resources permit. The Board of the Corporation recognizes that guaranteeing, participating, or lending money carries certain risks and is willing to undertake reasonable exposure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 15:445 (June 1989), amended LR 26:

§103. Definitions

Disabled Person's Business Enterprise means a small business concern which is at least 51 percent owned and controlled by a disabled person as defined by the federal Americans With Disabilities Act of 1990.

Economically Disadvantaged Business is a Louisiana business certified as economically disadvantaged by the Department of Economic Development's Division of Economically Disadvantaged Business Development.

Small Business Concern is defined by SBA for purposes of size eligibility as set forth by 13 CFR121.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 15:456 (June 1989), amended LR 26:

§105. Application Process

A. Any applicant(s) applying for either a loan guaranty or a loan participation will be required first to contact a financial lending institution that is willing to entertain such a loan with the prospect of a guaranty or a participation the bank will then contact LEDC for qualification and submit a complete application.

B. Information submitted to LEDC with the application representing the applicant's business plan, financial position, financial projections, personal financial statements and background checks will be kept confidential to the extent allowed under the Public Records Law, La. R.S. 44:1 se seq. Confidential information in the files of LEDC and its accounts acquired in the course of duty will be used solely by and for LEDC.

C. Submission and Review Policy

1. A completed Louisiana Economic Development Corporation application form to LEDC.

2. Economically disadvantaged businesses applying for assistance under that provision will have to submit certification from the Division of Economically Disadvantaged Business Development of the Department of Economic Development along with the request for financial assistance.

3. Businesses applying for consideration under the Disabled Person's provision shall submit adequate information to support the disabled status.

4. The lending institution will submit to LEDC its complete analysis, proposed structure, and commitment letter. LEDC staff may do analysis, independent of the lending institution's analysis.

5. The lending institution will submit to LEDC the same pertinent data that it did to the lending institution's loan

committee, whatever pertinent data the lending institution can legally supply.

6. LEDC staff will review the application and analysis, then make recommendations. The staff will work with the lending institution on terms of the loan and LEDC loan stipulations.

7. The LEDC's Board Screening Committee or designated loan committee will review only the completed applications submitted by staff and will make recommendations to the board.

8. The applicant(s) or their designated representative, and the loan officer or a representative of the lending institution are not required to attend the Screening Committee meeting.

9. LEDC's Board of Directors or designated loan committee has the final approval authority for applications.

10. The applicant will be notified within five working days by mail of the outcome of the application.

11. A LEDC commitment letter will be mailed to the bank within five working days of approval by the Board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 15:446 (June 1989), amended LR 26:

§107. Eligibility

A. Small business concerns domiciled in Louisiana whose owner(s) or principal stockholder(s) shall be a resident of Louisiana.

B. Certified economically disadvantaged businesses.

C. Disabled person's business enterprises domiciled in Louisiana whose owner(s) or principal stockholder(s) shall be a resident of Louisiana.

D. Funding requests for all but the following may be considered:

1. restaurants, except for regional or national franchises;

2. bars;

3. any project established for the principal purpose of dispensing alcoholic beverages;

4. any establishment which has gaming or gambling as its principal business;

5. any establishment which has consumer or commercial financing as its business;

6. funding for the acquisition, renovation, or alteration of a building or property for the principal purpose of real estate speculation;

7. funding for the principal purpose of refinancing existing debt;

8. funding for the purpose of buying out any stockholder or equity holder by another stockholder or equity holder in a business;

9. funding for the purpose of establishing a park, theme park, amusement park, or camping facility.

10. funding for the purpose of buying out any family member or reimbursing any family member.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 15:447 (June 1989), amended LR 26:

§109. General Loan Provisions

A. The Louisiana Economic Development Corporation will be guided by the following general principles in making loans:

1. The Corporation shall not knowingly approve any loan guarantee, loan participation or loan if the applicant has presently pending or outstanding any claim or liability relating to failure or inability to pay promissory notes or other evidence of indebtedness, including state or federal taxes, or bankruptcy proceeding; nor shall the Corporation approve any loan or guarantee if the applicant has presently pending, at the federal, state, or local level, any proceeding concerning denial or revocation of a necessary license or permit. Further, the Corporation shall not approve any loan or guarantee if the applicant or principle management have a criminal record.

2. The terms or conditions imposed and made part of any loan or loan guaranty authorized by vote of the Corporation Board shall not be amended or altered by any member of the Board or employee of the Department of Economic Development except by subsequent vote of approval by the Board or designated loan committee at the next meeting of the Board in open session with full explanation for such action.

3. The Corporation shall not subordinate its position.

B. Interest Rates

1. On all loan guarantees, the interest rate is to be negotiated between the borrower and the bank but may not exceed two and one half percent above New York prime as published in the Wall Street Journal at either a fixed or variable rate.

2. On all participation loans, the rate shall be determined by utilizing the rate for a U.S. Government Treasury security for the time period that coincides with the term of the participation and adding between one and two and a half percentage points.

3. The bank may apply for a linked deposit under the Small Business Linked Deposit Program on the term portion of either a guaranteed loan or a participated loan.

C. Collateral

1. Collateral-to-loan ratio will be no less than one-to-one.

2. Collateral position may be negotiated, but will be no less than a sole second position.

3. Collateral value determination.

a. the appraiser must be certified by recognized organization in area of collateral;

b. the appraisal cannot be over 90 days old.

4. Acceptable collateral may include, but not be limited to, the following:

a. fixed assets - business real estate, buildings, fixtures;

b. equipment, machinery, inventory;

c. personal guarantees may be used only as additional collateral and does not count towards the 1:1 coverage; if used, there must be signed and dated Personal Financial Statements;

d. accounts receivable with supporting aging schedule. Not to exceed 90 percent of receivable value (used with guarantee only).

5. Unacceptable collateral may include, but not be limited to the following:

- a. stock in applicant company and/or related companies;
- b. personal items or personal real estate;
- c. intangibles.

D. Equity

1. Will be 20 percent of the loan amount for a start-up operation or acquisition and no less than 15 percent for an expansion. However, if 20 percent is not available for a guarantee the following chart may be applied which provides for an annual guarantee fee attached to a lesser equity position:

Equity %	Guarantee Fee
19%	2.20%
18%	2.40%
17%	2.60%
16%	2.80%
15%	3.00%
14%	3.20%
13%	3.40%
12%	3.60%
11%	3.80%
10%	4.00%

*In no case shall the equity position be less than 10%.

2. Equity is defined to be:

- a. cash;
- b. paid-in capital;
- c. paid-in surplus and retained earnings;
- d. partnership capital and retained earnings.

3. No research, development expense nor intangibles of any kind will be considered equity.

E. Amount

1. For small businesses, the Corporation's guarantee shall be:

- a. no greater than 75 percent of a loan up to \$650,000; or
- b. no greater than 70 percent of a loan up to \$1,100,000; or
- c. no greater than 65 percent of a loan up to \$2,300,000;
- d. if the loan request exceeds \$2,300,000 the guaranty shall not exceed \$1,500,000.

2. For certified economically disadvantaged businesses, or disabled person's business enterprises, the Corporation's guarantee shall be:

- a. no greater than 90 percent of a loan up to \$560,000; or
- b. no greater than 85 percent of a loan up to \$875,000; or
- c. no greater than 75 percent of a loan up to \$2,000,000;
- d. if the loan request exceeds \$2,000,000, the guaranty shall not exceed \$1,500,000.

3. For small businesses, the Corporation's participation shall be no greater than 40 percent, but in no case shall it exceed \$1,500,000.

4. For certified economically disadvantaged businesses, or disabled person's business enterprises, the

Corporation's participation shall be no greater than 50 percent, but in no case shall it exceed \$1,000,000.

F. Terms

1. Terms may be negotiated with the bank, but in no case shall the terms exceed 20 years.

G. Fees

1. LEDC will charge a guaranty fee on the guaranteed amount up to a maximum amount of four percent.

2. LEDC will charge a \$100 application fee.

3. LEDC will share in a pro-rata position in any fees assessed by the bank on a participation.

H. Use of Funds

1. Purchase of fixed assets, including buildings that will be occupied by the applicant to the extent of at least 51 percent.

2. Purchase of equipment, machinery, or inventory.

3. Line of credit for accounts receivable or inventory.

4. Debt restructure may be considered by LEDC but will not be considered when the debt:

a. exceeds 25 percent of total loan with the following exception:

i. a maximum of 35 percent may be considered on a guaranteed loan but the guarantee percent will be decreased by 5 percent; and/or

b. pays off a creditor or creditors who are inadequately secured; and/or

c. provides funds to pay off debt to principals of the business; and/or

d. provides funds to pay off family members.

5. Funds may not be used to buy out stockholders or equity holders of any kind, by any other stockholder or equity holder.

6. Funds may not be used to purchase any speculative investment or real estate development.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 15:448 (June 1989), amended LR 26:

§111. General Agreement Provisions

A. Guaranty Agreement

1. The bank is responsible for proper administration and monitoring of loan and proper liquidation of collateral in case of default.

2. The loan shall not be sold, assigned, participated out, or otherwise transferred without prior written consent of the LEDC Board.

3. If liquidation through foreclosure occurs, the bank will sell collateral and handle the legal proceedings.

4. There will be a reduction of the guarantee:

a. in proportion to the principal reduction of the amortized portion of the loan;

b. if no principal reduction has occurred in any annual period of the loan, a reduction in the guarantee amount will be made proportional to the remaining guarantee life.

5. The guarantee will cover the unpaid principal amount owed only.

6. Delinquency will be defined according to the bank's normal lending policy and all remedies will be outlined in the guarantee agreement. Notification of delinquency will be made to the corporation in writing and verbally in a time

satisfactory to the bank and the corporation as stated in the guarantee agreement.

B. Participation Agreement

1. The bank is responsible for administration and monitoring of the loan.

2. The lead bank will hold no less participation in the loan than that equal to LEDC's, but not to exceed its legal lending limit.

3. The lead bank may sell other participation with LEDC's consent.

4. Should liquidation through foreclosure occur, the bank will sell the collateral and handle the legal proceedings.

5. The bank is able to set its rate according to risk, and may blend its rate with the LEDC rate to yield a lower overall rate to a project.

6. Delinquency will be defined according to the bank's normal lending policy and all remedies will be outlined. Notification of delinquency will be made to the Corporation in writing and verbally in a time satisfactory to the bank and the Corporation.

C. Borrower Agreement

1. At the discretion of LEDC, the borrower will agree to strengthen management skills by participation in a form of continuing education acceptable to LEDC.

2. The borrower shall provide initial proof as well as an annual report of job creation, including the number of jobs, job titles and salaries.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 15:448 (June 1989), amended LR 26:

§113. Confidentiality

Confidential information in the files of the Corporation and its accounts acquired in the course of duty is to be used solely for the Corporation. The Corporation is not obliged to give credit rating or confidential information regarding applicant. Also see Attorney General Opinion #82-860.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 15:449 (June 1989), amended LR 26:

§115. Conflict of Interest

No member of the Corporation, employee thereof, or employee of the Department of Economic Development, members of their immediate families shall either directly or indirectly be a party to or be in any manner interested in any contract or agreement with the Corporation for any matter, cause, or thing whatsoever by reason whereof any liability or indebtedness shall in any way be created against such corporation. If any contract or agreement shall be made in violation of the provisions of this Section, the same shall be null and void and no action shall be maintained thereon against the Corporation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 15:449 (June 1989), amended LR 26:

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Louisiana Small Business Loan Program

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There are no anticipated costs or savings to state or local governmental units associated with these proposed rule changes, other than those one-time costs directly associated with the publication of these rules.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is estimated that an increase in revenue might result from the rule changes that allow for a loan recipient to qualify with less equity in exchange for a higher guarantee fee. The anticipated is \$15,907 increase in fee revenues annually. There is no estimated effect on revenue collections of local governmental units associated with this proposed rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Those businesses that will be affected are those businesses that will qualify with less equity and pay higher guarantee fees under the proposed rule changes. It has been estimated that these new fees will cost businesses approximately \$15,907. These businesses would not have qualified under the previous rules because they would not have met the minimum eligibility.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated net effect on competition or employment associated with this proposed rule change.

Dennis Manshack
Executive Director
0003#044

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Regional Economic Development
Alliance Program (LAC 13: Part VII)

In accordance with R.S. 49:950, et seq., the Administrative Procedure Act, notice is hereby given that the Louisiana Department of Economic Development intends to repeal, in its entirety, *Louisiana Administrative Code* Title 13, Economic Development; Part VII, Regional Economic Development Alliance Program. The Department of Economic Development, Office of Commerce and Industry, hereby issues its Family Impact Statement: The repeal of these rules will have no known effect on family formation, stability, and autonomy as set forth in R.S. 49:972.

Title 13

ECONOMIC DEVELOPMENT

**Part VII. Regional Economic Development Alliance
Program**

Repealed

Acts 1995, No. 165, ' 2 repealed R.S. 36:108(E) relative to the Regional Economic Development Alliance Program. The

repeal of this legislation renders the Louisiana Department of Economic Development without the authority to administer the rules pertaining to the Regional Economic Development Alliance Program.

The proposed repeal of these rules are scheduled to become effective upon final promulgation, or as soon thereafter as is practical, upon publication in the *Louisiana Register*. Interested persons may submit written comments within 30 days from the date of this publication, to Harold Price, Assistant Secretary, Louisiana Department of Economic Development, P.O. Box 94185, Baton Rouge, LA 70804.

Kevin P. Reilly, Sr.
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Regional Economic Development
Alliance Program**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

There are no significant implementation costs to state or local governmental units anticipated due to the repeal of these Rules. The enabling legislation authorizing the Program was repealed in its entirety by Acts 1995, No. 165, §2.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE
OR LOCAL GOVERNMENTAL UNITS (Summary)**

No effect on revenue collections is anticipated.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL
GROUPS (Summary)**

There are no anticipated costs and/or economic benefits to directly affected or non-governmental groups as a result of repealing these Rules.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

No effect on competition and/or employment is anticipated.

Kathy Blankenship
Accountant Administrator 3
0003#002

Robert E. Hosse
General Government Section
Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Economic Development
Office of Commerce and Industry
Division of Business Incentives**

**Mississippi River Bridge Relocation
Tax Exemption Program (LAC 13:I.Chapter 27)**

In accordance with R.S. 49:950, et seq., the Administrative Procedure Act, notice is hereby given that the Louisiana Department of Economic Development, intends to repeal, in its entirety, *Louisiana Administrative Code* Title 13, Economic Development; Part I, Financial Incentive Programs; Chapter 27, Mississippi River Bridge

Relocation Tax Exemption Program. The Department of Economic Development, Office of Commerce and Industry, hereby issues its Family Impact Statement: The repeal of these rules will have no known effect on family formation, stability, and autonomy as set forth in R.S. 49:972.

Title 13

ECONOMIC DEVELOPMENT

Part I. Financial Incentive Programs

**Chapter 27. Mississippi River Bridge Relocation Tax
Exemption Program**

Repealed

Acts 1986, No. 361, '1 repealed R.S. 47:4201-4205 relative to the Mississippi River Bridge Relocation Tax Exemption Program. The repeal of this legislation renders the Louisiana Department of Economic Development without the authority to administer the rules pertaining to the Mississippi River Bridge Relocation Tax Exemption Program.

The proposed repeal of these rules are scheduled to become effective upon final promulgation, or as soon thereafter as is practical, upon publication in the *Louisiana Register*. Interested persons may submit written comments within 30 days from the date of this publication, to R. Paul Adams, Director, Louisiana Department of Economic Development, P.O. Box 94185, Baton Rouge, LA 70804.

Kevin P. Reilly, Sr.
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Mississippi River Bridge Relocation
Tax Exemption Program**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

There are no significant implementation costs to state or local governmental units anticipated due to the repeal of these Rules. The enabling legislation authorizing the Program was repealed in its entirety by Acts 1986, No. 361, §1.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE
OR LOCAL GOVERNMENTAL UNITS (Summary)**

No effect on revenue collections is anticipated.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL
GROUPS (Summary)**

There are no anticipated costs and/or economic benefits to directly affected or non-governmental groups as a result of repealing these Rules.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

No effect on competition and/or employment is anticipated.

Kathy Blankenship
Accountant Administrator 3
0003#001

Robert E. Hosse
General Government Section
Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Economic Development
Office of Commerce and Industry
Division of Business Incentives**

**Sales and Use Tax Exemption on Energy
Conservation Property (LAC 13:I.Chapter 29)**

In accordance with R.S. 49:950, et seq., the Administrative Procedure Act, notice is hereby given that the Louisiana Department of Economic Development intends to repeal, in its entirety, *Louisiana Administrative Code* Title 13, Economic Development; Part I, Financial Incentive Programs; Chapter 29, Sales and Use Tax Exemptions on Energy Conservation Property. The Department of Economic Development, Office of Commerce and Industry, hereby issues its Family Impact Statement: The repeal of these rules will have no known effect on family formation, stability, and autonomy as set forth in R.S. 49:972.

**Title 13
ECONOMIC DEVELOPMENT**

Part I. Financial Incentive Programs

**Chapter 29. Sales and Use Tax Exemption on Energy
Conservation Property**

Repealed

The enabling legislation imposed at time frame within which this Program was available for use. Under the law, no establishment was eligible to participate in the Program after December 31, 1989. R.S. 47:305.31. The legislation renders the Department of Economic Development without the authority to administer the rules pertaining to the sales and use tax exemption on energy conservation property.

The proposed repeal of these rules are scheduled to become effective upon final promulgation, or as soon thereafter as is practical, upon publication in the *Louisiana Register*. Interested persons may submit written comments within 30 days from the date of this publication, to R. Paul Adams, Director, Louisiana Department of Economic Development, P.O. Box 94185, Baton Rouge, LA 70804.

Kevin P. Reilly, Sr.
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Sales and Use Tax Exemption on
Energy Conservation Property**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO
STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There are no significant implementation costs or savings to the state or local governmental units anticipated as a result of the repeal of these rules. No manufacturing establishment has been eligible for participation in the Program since December 31, 1989. (La. R.S. 47:305.31).

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE
OR LOCAL GOVERNMENTAL UNITS (Summary)**

No effect on revenue collections is anticipated.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL
GROUPS (Summary)**

There are no anticipated costs and/or economic benefits to directly affected persons or non-governmental groups as a result of repealing these Rules.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

No effect on competition and employment is anticipated.

Kathy Blankenship
Accountant Administrator 3

0003#003

Robert E. Hosse
General Government Section
Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741~~c~~ Louisiana Handbook for School
Administrators~~s~~ Policy for Louisiana~~s~~ Public Education
Accountability System~~c~~ Business Education (LAC 28:I.901)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement an amendment to Bulletin 741, referenced in LAC 28:I.901.A, promulgated by the Board of Elementary and Secondary Education in LR 1:483 (November 1975). In April, 1998 BESE approved Business Education Guidelines which outline new Business Education course requirements. The rule change is necessary to align the Business Education Program of Studies with the new Business Education Guidelines.

**Title 28
EDUCATION**

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

Subchapter A. Bulletins and Regulations

§901. School Approval Standards and Regulations

A. Bulletin 741

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AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), (15); R.S. 17:7 (5), (7), (11); R.S. 17:10, 11; R.S. 17:22 (2).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education LR 1:483 (November 1975), amended LR 24:1085 (June 1998), LR 26:

**Bulletin 741~~c~~ Louisiana Handbook for
School Administrators**

**Business Education Program of Studies
Business Education**

2.105.02 Computer/technology education course offerings shall be as follows:

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741C Louisiana Handbook for School Administrators
 Policy for Louisiana's Public Education Accountability System
 Distance Education Programs (LAC 28:1.901)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement an amendment to Bulletin 741, referenced in LAC 28:1.901.A, promulgated by the Board of Elementary and Secondary Education in LR 1:483 (November 1975). The availability of technology in schools and the explosion of courses offered through emerging technologies such as the Internet and video conferencing have increased curricular opportunities for schools and students. The current Standard 2.105.42 limits distance education opportunities for schools and districts to those programs approved by the Louisiana Department of Education. The proposed Standard 2.105.42 provides guidance and rigorous standards for districts to follow in choosing high quality programs that will expand the course offerings for students in Louisiana.

Title 28

EDUCATION

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

**§901. School Approval Standards and Regulations
 A. Bulletin 741**

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A) (10), (11), (15); R.S. 17:7 (5), (7), (11); R.S. 17:10, 11; R.S. 17:22 (2).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education LR 1:483 (November 1975), amended LR 24:1085 (June 1998), LR 26:

Distance Education Programs

2.105.42 A school system choosing to implement a distance education program shall establish policy and procedures for reviewing and approving programs that meet State Standards for Distance Education as established by the State Board of Elementary and Secondary Education.

Interested persons may submit written comments until 4:30 p.m., May 10, 2000, to Nina A. Ford, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
 Executive Director

<u>Course Title</u>	<u>Recommended Grade Level</u>	<u>Units</u>
Accounting	10-12	1
Administrative Support Occupations	10-12	1
Advanced/Computerized Accounting	11,12	1
Business Computer Applications I & II	10-12	1
Business English	11,12	1
Business Law	10-12	.5
Business Machines	9-12	.5
Cooperative Office Education	12	3
Computer Multimedia Presentations	11,12	.5
Desktop Publishing	10-12	.5
Economics	9-12	1
Education for Careers	6-8	.5
	9-12	.5
Entrepreneurship	9-12	1
Financial Math	11-12	1
Introduction to Business	9-12	1
Introduction to Management	10-12	1
Keyboarding/Keyboarding Applications	6-12	1
Records Management	9-12	1
Telecommunications	9-12	.5
Word Processing	10-12	1

Keyboarding and Keyboarding Applications shall be a pre-requisite to Administrative Support Occupations and Word Processing. Level I courses shall be pre-requisite to Level II courses. Cooperative Office Education shall be limited to seniors. The students shall have successfully completed Keyboarding and have maintained an overall "C" average. Student attendance records should also be considered. Additional pre-requisites may be required by the individual school system.

Interested persons may submit written comments until 4:30 p.m., May 10, 2000, to Nina A. Ford, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
 Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
 FOR ADMINISTRATIVE RULES**

RULE TITLE: Bulletin 741C Louisiana Handbook for School Administrators' Policy for Louisiana's Public Education Accountability System

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The implementation of changes requires no cost or savings to state or local governmental units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There are no effects on costs or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There are no effects on competition and employment.

Marlyn Langley
 Deputy Superintendent
 0003#081

H. Gordon Monk
 Staff Director
 Legislative Fiscal Office

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Bulletin 741~~0~~ Louisiana Handbook for
School Administrators~~0~~ Policy for Louisiana's Public
Education Accountability System**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The implementation of changes requires no cost or savings to state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
There are no effects on costs or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There are no effects on competition and employment.

Marlyn Langley
Deputy Superintendent
0003#077

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741~~0~~ Louisiana Handbook for School Administrators~~0~~ Policy for Louisiana's Public Education Accountability System~~0~~ Growth Targets, Performance Labels, and Inclusion of Schools with Very Low Numbers of Students (LAC 28:I.901)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education approved for advertisement an amendment to Bulletin 741, referenced in LAC 28:I.901A, promulgated by the Board of Elementary and Secondary Education in LR 1:483 (November, 1975). The proposed changes more clearly explain and refine existing policy as it pertains to the formula for computing Growth Targets, performance labels for schools scoring above and below the state average, and the minimum number of CRT units required for test data to be statistically significant.

**Title 28
EDUCATION**

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

**§901. School Approval Standards and Regulations
A. Bulletin 741**

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3761-3764.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 1:483 (November, 1975), amended LR 25:2160 (November, 1999), LR 26:

Growth Targets

2.006.05 Each school shall receive a Growth Target that represents the amount of progress it must make every two years to reach the state 10- and 20-Year Goals.

In establishing each school's Growth Target, the SPS inclusive of students with disabilities shall be used as the baseline. However, the percentage of students with disabilities varies significantly across schools and the rate of growth for such students, when compared to regular education students, may be different. Therefore, the proportion of students with disabilities eligible to participate in the CRT or NRT test in each school will be a factor in determining the Growth Target for each school.

Growth Targets
During the first ten years, the formula is the following:
 $[PropRE * (100 - SPS)/N] + [PropSE * (100 - SPS)/(N + 5)]$, or 5 points, *whichever is greater*
where
PropSE = the number of special education students in the school who are eligible to participate in the NRT or CRT tests, divided by the total number of students in the school who are eligible to participate in the NRT or CRT tests. For purposes of this calculation, gifted, talented, speech or language impaired, and 504 students shall not be counted as special education students, but shall be included in the calculations as regular education students.
PropRE = 1-PropSE. PropRE is the proportion of students not in special education.
SPS = School Performance Score
N = Number of remaining accountability cycles in the 10-Year Goal period
During the second ten years, the formula is the following:
 $[PropRE * (150 - SPS)/N] + [PropSE * (150 - SPS)/(N + 5)]$, or 5 points, *whichever is greater*

Performance Labels

2.006.07 A Performance Label shall be given to a school that qualifies, in addition to Growth Labels.

A school with an SPS of 30 or below shall be identified as an Academically Unacceptable School. This school immediately enters Corrective Actions.

For purpose of determining Academically Unacceptable Schools, during the summer of 1999 for K-8 schools and during the summer of 2001 for 9-12 schools, the SPS that includes only regular education students shall be used. Any school with an SPS of 30 or less, based on the test scores of regular education students only, shall be deemed an Academically Unacceptable School.

A school with an SPS of 30.1 - state average shall be labeled Academically Below the State Average.
A school with an SPS of state average-99.9 shall be labeled Academically Above the State Average.
* The state average is recalculated every growth cycle.
**A school with an SPS of 100.0-124.9 shall be labeled a *School of Academic Achievement*.
**A school with an SPS of 125.0-149.9 shall be labeled a *School of Academic Distinction*.
**A school with an SPS of 150.0 or above shall be labeled a *School of Academic Excellence* and shall have no more Growth Targets.
**A school with these labels shall no longer be subject to Corrective Actions and shall not receive "negative" growth labels, i.e., School in Decline and Minimal Academic Growth. This school shall continue to meet or exceed Growth Targets to obtain "positive" growth labels, recognition, and possible rewards.

Inclusion of Schools with Very Low Numbers of Students

2.006.19 A minimum number of testing units shall be required for School Accountability calculations. All schools shall have a minimum number of 80 testing units to include one or all four parts of the statewide criterion-referenced test. All schools shall have a minimum number of 20 students with complete composite scores on the statewide norm-referenced test.

Interested persons may submit written comments until 4:30 p.m., May 10, 2000 to Nina Ford, State Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Bulletin 7410 Louisiana Handbook for School Administrators; Policy for Louisiana's Public Education Accountability System; Growth Targets, Performance Labels, and Inclusion of Schools with Very Low Numbers of Students

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There are no estimated implementation costs to state governmental units. The proposed changes refine and clarify the existing accountability policy and facilitate phase-in of all components of the LEAP 21 test.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections by state/local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There will be no estimated costs and/or economic benefits to persons or non-governmental groups directly affected.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Marlyn Langley
Deputy Superintendent
0003#078

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 7410 Louisiana Handbook for School Administrators; Policy for Louisiana's Public Education; Transfer Policy, Nonpublic Schools and Home School Programs (LAC 28:I.901)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement, an amendment to Bulletin 741, referenced in LAC 28:I.901.A, promulgated by the Board of Elementary and Secondary Education in LR 1:483 (November 1975).

The proposed amendment relates to students transferring into public schools from in-state nonpublic schools and home schooling programs. School systems will implement the new change with the 2000-2001 school year.

Title 28

EDUCATION

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

Subchapter A. Bulletins and Regulations

§901. School Approval Standards and Regulations

A. Bulletin 741

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A) (10), (11), (15); R.S. 17:7 (5), (7), (11); R.S. 17:10, 11; R.S. 17:22 (2).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education LR 1:483 (November 1975), amended LR 24:1085 (June 1998), LR 26:

Transfer of Student Records from Approved School

2.026.06 A student transferred from a state-approved school, in- or out-of state, shall be allowed credit for work completed in the former school. When a student transfers from one school to another, a properly certified transcript, showing the student's record of attendance, achievement, immunization records, and the units if credit earned, shall be required.

Effective with the 2000-2001 school year, students in grades 5 and 9 transferring to the public school system from any in-state nonpublic school (state approved and unapproved), any out-of-state school or home schooling program shall be required to pass the English language arts and Mathematics portions of the state-developed LEAP 21 placement test.

Transfer of Student Records from Schools that are Not State Approved

2.026.08 Local school officials from any state approved school receiving a student from an unapproved school, in- or out-of state, will determine the placement and/or credits for the student. The principal and /or superintendent may require the student to take an entrance examination on any subject matter for which credit is claimed. The school issuing the high school diploma shall account for all credits required for graduation, and its records will show when and where the credit was earned.

Effective with the 2000-2001 school year, students in grades 5 and 9 transferring to the public school system from any in-state unapproved school, any out-of-state school or home schooling program shall be required to pass the English language arts and Mathematics portions of the state-developed LEAP 21 placement test.

Students Transferring from Home Schooling

2.026.09 The school shall adhere to the policies and procedures established by the school system for students re-entering the system from home schooling.

Effective with the 2000-2001 school year, students in grades 5 and 9 transferring to the public school system from in-state or out-of-state home schooling shall be required to pass the English language arts and Mathematics portions of the state-developed LEAP 21 placement test.

Interested persons may submit written comments until 4:30 p.m., May 10, 2000, to Nina A. Ford, Board of

Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Bulletin 741~~0~~ Louisiana Handbook for
School Administrators~~0~~ Transfer Policy~~0~~ Nonpublic
Schools and Home School Programs**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

There will be an increase in state expenditures of approximately \$60,000. The cost will be based upon the number of nonpublic and homestudy students requesting to take the LEAP 21 as a requirement for entrance into grades five and nine. It is estimated that approximately 3,000 students, 1,000 grade four and 2,000 grade eight, may take the tests. The tests are \$10 apiece. Each student takes two parts of the test, therefore it will be approximately \$20 per student.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE
OR LOCAL GOVERNMENTAL UNITS (Summary)**

There is no estimated effect on revenue collections of state or local governmental units.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL
GROUPS (Summary)**

Benefits to schools and students include better accountability and increased student achievement.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

There should be no impact on competition and employment.

Marlyn Langley
Deputy Superintendent
0003#080

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 1566~~0~~ Guidelines for Pupil Progression
(LAC 28:XXXIX.503 and 505)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the State Board of Elementary and Secondary Education approved for advertisement an amendment to Bulletin 1566, Guidelines for Pupil Progression. The guidelines for Pupil Progression incorporate the High Stakes Testing Policy that was approved by the Board of Elementary and Secondary Education in January, 1999 and revised at its September and December, 1999 meetings as well as other policies related to the promotion and retention of students. The September revisions changed the current policy by allowing 4 percent of the students with disabilities (special education) to be tested out-of-level for the 1999-2000 school year. Prior to this version all students with disabilities except the estimated 1.5 percent of students that may be tested using alternate assessment were tested using LEAP 21. The December revisions extended the appeals process to eighth grade students in addition to the fourth grade. School systems will

implement the new guidelines with the 1999-2000 school session.

Title 28

EDUCATION

**Part XXXIX. Bulletin 1566~~0~~ Guidelines for Pupil
Progression**

**Chapter 5. Placement Policies; State Requirements
§503. Regular Placement¹**

A.1.a.-A.1.b.ii(a) ...

(b). Exceptions. This state policy may be overridden by the School Building Level Committee (and therefore the student may be promoted) only under the following conditions:

(i). if a given student scores at the "Unsatisfactory" level in English language arts or mathematics and scores at the "Proficient" or "Advanced" level in the other and participates in the summer school and retest offered by the LEA;

(ii). if a student with disabilities (excluding students with only a Speech or Language Impairment) participates in on-level testing, the SBLC may consider the override only if the student has participated in the summer school and retest offered by the LEA's;

(iii). if a student with disabilities (excluding students with only a Speech or Language Impairment) participates in out-of-level testing, promotion decisions shall be determined by the SBLC;

(iv). if a student with disabilities participates in an alternative assessment, promotion decisions shall be determined by the SBLC.

iii. Summer school and end-of-summer retest must be offered by school systems at no costs to all students who score at the "Unsatisfactory" level on LEAP 21.

iv. ...

v. A school system, through its superintendent, may grant an appeal on behalf of individual fourth and eighth grade students who have not scored above the "Unsatisfactory" level after retesting provided that certain criteria are met.

vi. School systems must develop and implement uniform policies to determine placement of 8th grade students who have not scored ~~AA~~Approaching Basic~~@~~ or above on LEAP 21 into Options 1, 2, and 3.

vii. Eighth grade students who are 16 years of age on or before September 30 must enroll in an alternative program or setting, Option 2 or Option 3.

* * *

D. Transfer Students

1. The local school board shall establish written policies for the placement of students transferring from all other systems and home schooling programs (public, nonpublic, (both in and out-of-state), and foreign countries).

a. Effective with the 2000-2001 school year, students in grades 5 and 9 transferring to the public school system from any in-state nonpublic school state approved and unapproved), any home schooling program or Louisiana resident transferring from any out-of-state school shall be required to pass the English language arts and Mathematics portions of the state-developed *LEAP 21* placement test.

¹Schools can only make recommendations to parents regarding student enrollment in kindergarten, since kindergarten is not mandatory.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2171, amended LR 26:

§505. Progression of Students Participating in Alternate Assessment

A.1.a.-d. ...

2. For the 1999-2000 school year only, students with disabilities who participate in the alternate assessment shall have promotion decisions determined by SBLCs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2172, amended LR 26:

Interested persons may submit written comments until 4:30 p.m., May 10, 2000 to Nina A. Ford, State Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Bulletin 1566 Guidelines for Pupil Progression

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There will be an increase in state expenditures, but the exact cost is not available at this time. The cost will be based upon the number of students requesting to take the out-of-level tests as well as the Individual Education Plan (IEP) development and revision process. The increase may be off-set by the possible reduction in cost of the LEAP 21 tests that these students will no longer take. There will be no increase in state expenditures to extend the appeals process.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no estimated effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Benefits to schools and students include better accountability and increased student achievement.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There should be no impact on competition and employment. Teachers currently employed will test these students. There will be no impact on summer employment because students tested off level are not required to attend summer remediation.

Marlyn Langley
Deputy Superintendent
0003#079

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Student Financial Assistance Commission
Office of Student Financial Assistance**

Tuition Opportunity Program for Students (TOPS)
Agency Decisions Subject to Appeal
(LAC 28:IV.2109)

The Louisiana Student Financial Assistance Commission (LASFAC) advertises its intention to revise the provisions of the Tuition Opportunity Program for Students (TOPS).

The full text of these proposed rules may be viewed in the emergency rule section of this issue of the *Louisiana Register*.

The proposed rule has no known impact on family formation, stability or autonomy, as described in R.S. 49:972.

Interested persons may submit written comments on the proposed changes until 4:30 p.m., April 20, 2000, to Jack L. Guinn, Executive Director, Office of the Student Financial Assistance, Box 91202, Baton Rouge, LA 70821-9202.

Melanie Amrhein
Assistant Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Tuition Opportunity Program for Students (TOPS)

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The implementation cost associated with publishing these rule revisions in the *Louisiana Register* as emergency, notice and rule is approximately \$100. The purpose of this action is to clarify existing rule, therefore costs for funding additional TOPS awards are not anticipated to increase as a result of this rule change. There are no costs inconsistent with current budgetary appropriations for this purpose.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

No impact on revenue collections is anticipated to result from this rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Recipients of awards and scholarships administered by the agency will be provided with clarified rules relative to the appeal of agency decisions.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No impact on competition and employment is anticipated to result from this rule.

Melanie Amrhein
Assistant Executive Director
0003#018

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Student Financial Assistance Commission
Office of Student Financial Assistance**

Tuition Opportunity Program for
Students (TOPS) Eligible Student
(LAC 28:IV.301, 701)

The Louisiana Student Financial Assistance Commission (LASFAC) advertises its intention to revise the provisions of the Tuition Opportunity Program for Students (TOPS).

The full text of these proposed rules may be viewed in the emergency rule section of this issue of the *Louisiana Register*.

The proposed rule has no known impact on family formation, stability, or autonomy, as described in R.S. 49:972.

Interested persons may submit written comments on the proposed changes until 4:30 p.m., April 20, 2000, to Jack L. Guinn, Executive Director, Office of the Student Financial Assistance, Box 91202, Baton Rouge, LA 70821-9202.

Melanie Amrhein
Assistant Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Tuition Opportunity Program for
Students (TOPS)**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The implementation cost associated with publishing these rule revisions in the *Louisiana Register* as emergency, notice and rule is approximately \$100. The purpose of this action is to clarify existing rule, therefore costs for funding additional TOPS awards are not anticipated to increase as a result of this rule change. There are no costs inconsistent with current budgetary appropriations for this purpose.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE
OR LOCAL GOVERNMENTAL UNITS (Summary)**

No impact on revenue collections is anticipated to result from this rule change.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL
GROUPS (Summary)**

Students enrolled simultaneously in two or more institutions of higher education will have clear definitions and award procedures for their TOPS awards.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

No impact on competition and employment is anticipated to result from this rule.

Melanie Amrhein
Assistant Executive Director
0003#016

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Student Financial Assistance Commission
Office of Student Financial Assistance**

Tuition Opportunity Program for Students
(TOPS) Establishing Eligibility
(LAC 28:IV.703)

The Louisiana Student Financial Assistance Commission (LASFAC) advertises its intention to revise the provisions of the Tuition Opportunity Program for Students (TOPS).

The full text of these proposed rules may be viewed in the emergency rule section of this issue of the *Louisiana Register*.

The proposed rule has no known impact on family formation, stability, or autonomy, as described in R.S. 49:972.

Interested persons may submit written comments on the proposed changes until 4:30 p.m., April 20, 2000, to Jack L. Guinn, Executive Director, Office of the Student Financial Assistance, Box 91202, Baton Rouge, LA 70821-9202.

Melanie Amrhein
Assistant Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Tuition Opportunity Program for
Students (TOPS)**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The implementation cost associated with publishing these rule revisions in the *Louisiana Register* as emergency, notice and rule is approximately \$100. The purpose of this action is to clarify existing rule, therefore costs for funding additional TOPS awards are not anticipated to increase as a result of this rule change. There are no costs inconsistent with current budgetary appropriations for this purpose.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE
OR LOCAL GOVERNMENTAL UNITS (Summary)**

No impact on revenue collections is anticipated to result from this rule change.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL
GROUPS (Summary)**

TOPS applicants who have taken high school courses that have been approved as substitutes for the core curriculum courses requirements for TOPS may use those courses to establish eligibility for an award.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

No impact on competition and employment is anticipated to result from this rule.

Melanie Amrhein
Assistant Executive Director
0003#017

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Tuition Trust Authority Office of Student Financial Assistance

Student Tuition and Revenue Trust
(START Saving) Program
(LAC 28:VI.307 and 315)

The Louisiana Tuition Trust Authority (LATTA) announces its intention to amend rules of the Student Tuition and Revenue Trust (START Savings) Program (R.S. 3091-3099.2).

The full text of these proposed rules may be viewed in the emergency rule section of this issue of the *Louisiana Register*.

This proposed rule has no known impact on family formation, stability, or autonomy, as described in R.S. 49:972.

Interested persons may submit written comments on the proposed changes until 4:30 p.m., April 20, 2000, to Jack L. Guinn, Executive Director, Office of Student Financial Assistance, Box 91202, Baton Rouge, LA 70821-9202.

Melanie Amrhein
Assistant Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Student Tuition and Revenue Trust (START Saving) Program

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The implementation cost associated with publishing revisions to the START Program rules is approximately \$100. These program revisions are not expected to impact program costs. Postage savings from mailing statements annually, rather than quarterly, should be balanced by costs for increases in the number of accounts from anticipated intensive marketing of the program.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

No impact on revenue collections is anticipated to result from the revision in statement preparation and distribution.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

These changes will require that the START saving program provide statements annually, rather than quarterly.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No impact on competition and employment is anticipated to result from this rule.

Melanie Amrhein
Assistant Executive Director
0003#015

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Environmental Quality Office of Environmental Assessment Environmental Planning Division

Emissions Control from Motor Vehicles and Related Fees
(LAC 33:III.223; 1901-1935)(AQ200)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air Quality regulations at LAC 33:III.223 and repeal LAC 33:III.1901-1935 and Chapter 19.Appendix (Log #AQ200).

The existing regulations at LAC 33:III.1901-1935 and the appendix at the end of Chapter 19 are being repealed, and the fees at LAC 33:III.223 are being amended, because the enhanced Motor Vehicle Inspection/Maintenance (I/M) Program was never implemented and was not reauthorized by the Louisiana Legislature in 1997. Although these regulations were promulgated in 1995, vehicle testing was not to begin until 1999, and only after reauthorization by the Legislature in 1997. As the Legislature did not reauthorize this enhanced program, the program was never implemented, and thus, these regulations are moot and obsolete and need to be repealed. The Legislature, by Act 576 of the 1999 Regular Session, did authorize a low enhanced, less stringent, less costly program for the control and abatement of motor vehicle emissions to include new evaporative system pressure tests. A gas cap pressure test was implemented effective January 1, 2000, and a fuel inlet pressure test is scheduled to be implemented later in the year. The new emissions testing will be performed as part of annual vehicle safety inspections, and thus, enforcement of program provisions and collection of fees for this new low enhanced vehicle inspection/maintenance (I/M) program will be governed by the Department of Public Safety and Corrections, Office of State Police, Safety Enforcement Section (DPS), with DEQ providing oversight, data collection support, and liaison activities. In accordance with R.S. 32:1306(C), DPS has promulgated a final rule on December 20, 1999, necessary to implement the new requirements of this recently authorized low enhanced vehicle emissions I/M program. The basis and rationale for this proposed rule are to repeal the regulations for control of emissions from motor vehicles that are now moot and obsolete.

This proposed rule meets an exception listed in R.S. 30:2019 (D) (3) and R.S.49:953 (G) (3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

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

**Chapter 2. Rules and Regulations for the Fee System
of the Air Quality Control Programs
§223. Fee Schedule Listing**

Fee Schedule Listing						
Fee Number	Air Contaminant Source	SICC	Annual Maintenance Fee	New Permit Application	Modified Permit Fees	
					Major	Minor
* * *						
[See Prior Text in Fee No. 0010-1720]						

Additional Fees		
Fee Number	Fee Description	Amount
* * *		
[See Prior Text in Fee No. 2000-2300]		
2400	An application approval fee for Stage II Vapor Recovery	100.00
	An annual facility inspection fee for Stage II Vapor Recovery	150.00
2600 *NOTE 16*	Accident Prevention Program Annual Maintenance Fee: Program 1	200.00
* * *		
[See Prior Text in Fee No. 2620-2914]		

Explanatory Notes for Fee Schedule

[See Prior Text in Notes 1-17]

Note 18. Reserved.

[See Prior Text in Note 19 – Processing Timelines Table]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054, 30:2341 and 30:2351 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 14:613 (September 1988), LR 15:735 (September 1989), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1205 (December, 1991), repromulgated LR 18:31 (January 1992), amended LR 18:706 (July 1992), LR 18:1256 (November 1992), LR 19:1373 (October 1993), LR 19:1420 (November 1993), LR 19:1564 (December 1993), LR 20:421 (April 1994), LR 20:1263 (November 1994), LR 21:22 (January 1995), LR 21:782 (August 1995), LR 21:942 (September 1995), repromulgated LR 21:1080 (October 1995), amended LR 21:1236 (November 1995), LR 23:1496 (November 1997), LR 23:1499 (November 1997), LR 23:1662 (December 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

**Chapter 19. Repealed
Subchapter A. Repealed
§1901. Repealed**

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:1224 (November 1995), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

§1903. Repealed

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:1224 (November 1995),

repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

§1905. Repealed

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:1224 (November 1995), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

§1907. Repealed

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:1225 (November 1995), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

§1909. Repealed

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:1226 (November 1995), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

§1911. Repealed

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:1227 (November 1995), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

§1913. Repealed

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:1228 (November 1995), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

§1915. Repealed

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:1228 (November 1995), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

§1917. Repealed

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:1228 (November 1995), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

§1919. Repealed

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:1229 (November 1995), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

§1921. Repealed

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:1229 (November 1995), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

§1923. Repealed

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:1231 (November 1995), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

§1925. Repealed

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:1232 (November 1995), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

§1927. Repealed

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:1232 (November 1995), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

§1929. Repealed

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:1233 (November 1995), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

§1931. Repealed

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:1233 (November 1995), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

§1933. Repealed

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:1234 (November 1995), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

§1935. Repealed

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:1234 (November 1995), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

Appendix Repealed

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:1234 (November 1995), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

A public hearing will be held on April 24, 2000, at 1:30 p.m. in the Trotter Building, Second Floor, 7290 Bluebonnet Boulevard, Baton Rouge, LA 70810. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Patsy Deaville at the address given below or at (225) 765-0399.

All interested persons are invited to submit written comments on the proposed regulations. Commentors should reference this proposed regulation by AQ200. Such comments must be received no later than May 1, 2000, at 4:30 p.m., and should be sent to Patsy Deaville, Regulation Development Section, Box 82178, Baton Rouge, LA 70884-2178 or to fax (225) 765-0486. Copies of this proposed regulation can be purchased at the above referenced address. Contact the Regulation Development Section at (225) 765-0399 for pricing information. Check or money order is required in advance for each copy of AQ200.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810; 804 Thirty-first Street, Monroe, LA 71203; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 3519 Patrick Street, Lake Charles, LA 70605; 3501 Chateau Boulevard, West Wing, Kenner, LA 70065; 100 Asma Boulevard, Suite 151, Lafayette, LA 70508; 104

Lococo Drive, Raceland, LA 70394 or on the Internet at <http://www.deq.state.la.us/planning/regs/index.htm>.

James H. Brent, Ph.D.
Assistant Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Control of Emissions from Motor
Vehicles and Related Fees**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

No effect of this proposed rule on state or local governmental expenditures is anticipated. Since this enhanced Motor Vehicle Inspection/Maintenance program was never implemented and was not reauthorized by the Louisiana Legislature, these regulations are now moot and obsolete and need to be repealed.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE
OR LOCAL GOVERNMENTAL UNITS (Summary)**

No effect of this proposed rule on state or local governmental revenue collections is anticipated.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL
GROUPS (Summary)**

No costs and/or economic benefits to directly affected persons or non-governmental groups are anticipated.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

No effect of this proposed rule on competition and employment is anticipated.

James H. Brent, Ph.D.
Assistant Secretary
0003#069

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Environmental Quality
Office of Environmental Assessment
Environmental Planning Division**

Radiation Protection Determination of Fee
(LAC 33:XV.2508)(NE024)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Radiation Protection regulations, LAC 33:XV.2508 (Log #NE024).

This proposed rule will amend the regulations so that if a registrant is no longer in possession of an X-ray unit for which he is being billed, and written documentation is received in the department by the due date on the invoice, the registrant will not have to pay the assessed fee. The written documentation shall include the name, address, and

telephone number of transferee. If a registrant sells, donates, or transfers an X-ray unit for which a fee is being assessed, this rule will apply. The basis and rationale for this proposed rule are to prevent the registrant from having to pay a fee on an X-ray unit that is no longer in his possession.

This proposed rule meets an exception listed in R.S. 30:2019 (D) (3) and R.S.49:953 (G) (3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Title 33

ENVIRONMENTAL QUALITY

Part XV. Radiation Protection

Chapter 25. Fee Schedule

§2508. Determination of Fee

* * *

(See Prior Text A - D)

E. Electronic products that are no longer possessed by the registrant (e.g., sold, donated, or transferred) shall not be subject to the annual maintenance fee, provided written documentation is received by the invoice due date, which includes the name, address, and telephone number to whom possession was transferred.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:718 (July 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

A public hearing will be held on April 24, 2000, at 1:30 p.m. in the Trotter Building, Second Floor, 7290 Bluebonnet Boulevard, Baton Rouge, LA 70810. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Patsy Deaville at the address given below or at (225) 765-0399.

All interested persons are invited to submit written comments on the proposed regulations. Commentors should reference this proposed regulation by NE024. Such comments must be received no later than May 1, 2000, at 4:30 p.m., and should be sent to Patsy Deaville, Regulation Development Section, Box 82178, Baton Rouge, LA 70884-2178 or to fax (225) 765-0486. Copies of this proposed regulation can be purchased at the above referenced address. Contact the Regulation Development Section at (225) 765-0399 for pricing information. Check or money order is required in advance for each copy of NE024.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810; 804 Thirty-first Street, Monroe, LA 71203; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 3519 Patrick Street, Lake Charles, LA 70605; 3501 Chateau Boulevard, West Wing, Kenner, LA 70065; 100

Asma Boulevard, Suite 151, Lafayette, LA 70508; 104 Lococo Drive, Raceland, LA 70394 or on the Internet at <http://www.deq.state.la.us/planning/regs/index.htm>.

James H. Brent, Ph.D.
Assistant Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Radiation Protection Determination of Fee

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
No implementation costs or savings to state or local governmental units are expected as a result of this rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
No effect on revenue collections of state or local governmental units is anticipated.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
No costs or economic benefits to directly affected persons or non-governmental groups are anticipated.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
No effect on competition or employment is expected as a result of this rule.

James H. Brent, Ph.D.
Assistant Secretary
0003#068

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Environmental Quality Office of Environmental Assessment Environmental Planning Division

Remedial Action Plans (RAPs)
(LAC 33:V.625, 630, 635, 660 and 717)(HW073)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to adopt the Hazardous Waste regulations, LAC 33:V.625, 630, 635, 660, and 717 (Log #HW073).

In order to maintain delegation to operate the hazardous waste program in Louisiana in lieu of EPA, or to become delegated for previously undelegated activities, the state must adopt regulations equivalent to federal regulations. Federal regulations promulgated in part 40 of the CFR on November 30, 1998, contain certain provisions which conflict with state statutes, specifically, the process to approve or deny a remedial action plan (RAP) application; the effective date of a RAP; when to begin physical construction; appeal of the decision to deny a modification or revocation; and reissuance or termination of a RAP. This proposed rule replaces the federal requirements with equivalent state requirements that comply with the state statutes. In addition, the rule removes redundant state requirements for public notices for hazardous waste

activities. The basis and rationale for this proposed rule are to maintain an equivalent RCRA Subtitle C program.

This proposed rule meets an exception listed in R.S. 30:2019 (D) (3) and R.S.49:953 (G) (3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental

Quality Hazardous Waste

Chapter 5. Permit Application Contents

Subchapter G. Remedial Action Plans (RAPs) – General Information

§625. May the Decision to Approve or Deny My RAP Application Be Administratively Appealed?

A. You may request an administrative hearing on a decision by the administrative authority to grant or deny your RAP application, under R. S. 30:2024. If the secretary does not grant your hearing request within 30 days of filing, you are entitled to file an application for *de novo* review of the secretary's action in the Nineteenth Judicial District Court.

B. An aggrieved person [as defined in R. S. 30:2004 (17)] may appeal a final decision on your RAP to the Nineteenth Judicial District Court, under R. S. 30:2050.21. Such an appeal would not suspend the effectiveness of the RAP, if one is issued. However, the secretary may grant, or the court may order, a stay of the RAP decision.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 26:

§630. When Does My RAP Become Effective?

A. Your RAP becomes effective 30 days after the administrative authority notifies you and all commenters that your RAP is approved unless:

1. the administrative authority specifies a later effective date in the decision;
2. review is requested under R.S. 30:2024; or
3. no commenters requested a change in the draft RAP, in which case the RAP becomes effective immediately when it is issued.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 26:

§635. When May I Begin Physical Construction of New Units Permitted Under the RAP?

You must not begin physical construction of new units permitted under the RAP for treating, storing, or disposing of hazardous remediation waste before receiving a RAP which is effective under the terms of LAC 33:V.630.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 26:

§660. May the Decision to Approve or Deny a Modification, Revocation and Reissuance, or Termination of My RAP be Administratively Appealed?

A. You may request an administrative hearing on a decision by the administrative authority to grant or deny a modification, revocation and reissuance, or termination of your RAP under R. S. 30:2024. If the secretary does not grant your hearing request within 30 days of filing, you are entitled to file an application for *de novo* review of the secretary's action in the Nineteenth Judicial District Court.

B An aggrieved person [as defined in R. S. 30:2004 (17)] may appeal a final decision on your RAP to the Nineteenth Judicial District Court, under R. S. 30:2050.21. Such an appeal would not suspend the effectiveness of the RAP, if one is issued. However, the secretary may grant, or the court may order, a stay of the RAP decision.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 26:

Chapter 7. Administrative Procedures for Treatment, Storage, and Disposal Facility Permits

Subchapter C. Public Notice of Permit Actions and Public Comment Period

§717. Methods

Public notice of activities described in LAC 33:V.713.A shall be given by the following methods:

* * *

[See Prior Text in A - A.5.b]

c. those on the list as a result of notification to the public of the opportunity to be put on the mailing list through periodic publication in the public press and in such publications as regional and state funded newsletters, environmental bulletins, or state law journals. The administrative authority may update the mailing list from time to time by requesting written indication of continued interest from those listed and the administrative authority may delete from the list the name of any person who fails to respond to such a request.

* * *

[See Prior Text in B - C]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 17:478 (May 1991), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26: **

A public hearing will be held on April 24, 2000, at 1:30 p.m. in the Trotter Building, Second Floor, 7290 Bluebonnet Boulevard, Baton Rouge, LA 70810. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Patsy Deaville at the address given below or at (225) 765-0399.

All interested persons are invited to submit written comments on the proposed regulations. Commentors should reference this proposed regulation by HW073. Such comments must be received no later than May 1, 2000, at 4:30 p.m., and should be sent to Patsy Deaville, Regulation

Development Section, Box 82178, Baton Rouge, LA 70884-2178 or to fax (225) 765-0486. Copies of this proposed regulation can be purchased at the above referenced address. Contact the Regulation Development Section at (225) 765-0399 for pricing information. Check or money order is required in advance for each copy of HW073.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810; 804 Thirty-first Street, Monroe, LA 71203; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 3519 Patrick Street, Lake Charles, LA 70605; 3501 Chateau Boulevard, West Wing, Kenner, LA 70065; 100 Asma Boulevard, Suite 151, Lafayette, LA 70508; 104 Lococo Drive, Raceland, LA 70394 or on the Internet at <http://www.deq.state.la.us/planning/regs/index.htm>.

James H. Brent, Ph.D.
Assistant Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Remedial Action Plans**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There are no anticipated costs or savings to state or local governmental units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There should be no effect on revenue collections of state or local governmental units as a result of implementation of this rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There should be no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition and employment are not expected to be significantly affected as a result of the implementation of this rule.

James H. Brent, Ph.D.
Assistant Secretary
0003#070

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Environmental Quality
Office of Environmental Assessment
Environmental Planning Division**

Water Quality (LAC 33:IX.1701)(WP038)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Water Quality regulations, LAC 33:IX.1701 (Log #WP038).

This proposed rule replaces original language that was mistakenly dropped on the initial promulgation of the rule into the *Louisiana Administrative Code*. It pertains to secondary containment requirements for tanks and tank batteries when they are in certain areas. This will clarify the language and make the grammatical structure of the sentence affected correct. It does not change the meaning or intent of the original rule. The public has pointed out to the department that the error was present and requested a change to return the language to its original content. The basis and rationale for this proposed rule are to correct the existing regulations to be consistent with the original Order 29-B of the Stream Control Commission, promulgated in accordance with R.S. 56:1435, Chapter 3, Part I.

This proposed rule meets an exception listed in R.S. 30:2019 (D) (3) and R.S.49:953 (G) (3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Title 33

ENVIRONMENTAL QUALITY

Part IX. Water Quality Regulations

Chapter 17. Rules Governing Disposal of Waste Oil, Oil Field Brine, and All Other Materials Resulting from the Drilling for, Production of, or Transportation of Oil, Gas or Sulfur (As Amended January 27, 1953)

§1701. Adopted by the Stream Control Commission, State of Louisiana, Under Authority of Section 1435, Chapter 3, Part I, of Title 56, Louisiana Revised Statutes of 1950

* * *

(See Prior Text in A - C.4)

D. Each permanent oil tank or battery of tanks that are located within the corporate limits of any city, town, or village or where such tanks are closer than 500 feet to any highway or inhabited dwelling or closer than 1,000 feet to any school or church, or where such tanks are so located as to be deemed a hazard by the Stream Control Commission, must be surrounded by a dike (or fire wall) or retaining wall, of at least the capacity of such tank or battery of tanks, with the exception of such areas where such dikes (or fire walls) or retaining walls would be impossible such as in water areas. At the discretion of the Stream Control Commission, fire walls of 100 percent capacity can be required where other conditions or circumstances warrant their construction. (As amended December 13, 1963.) Tanks not falling in the above categories must be surrounded by a retaining wall, or must be suitably ditched to a collecting sump, each of sufficient capacity to contain the spillage and prevent pollution of the surrounding areas.

* * *

(See Prior Text in E - H)

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1435, Chapter 3, Part I.

HISTORICAL NOTE: Adopted by the Department of Wildlife and Fisheries, Office of Coastal and Marine Resources on January

27, 1953, amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

A public hearing will be held on April 24, 2000, at 1:30 p.m. in the Trotter Building, Second Floor, 7290 Bluebonnet Boulevard, Baton Rouge, LA 70810. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Patsy Deaville at the address given below or at (225) 765-0399.

All interested persons are invited to submit written comments on the proposed regulations. Commentors should reference this proposed regulation by WP038. Such comments must be received no later than May 1, 2000, at 4:30 p.m., and should be sent to Patsy Deaville, Regulation Development Section, Box 82178, Baton Rouge, LA 70884-2178 or to fax (225) 765-0486. Copies of this proposed regulation can be purchased at the above referenced address. Contact the Regulation Development Section at (225) 765-0399 for pricing information. Check or money order is required in advance for each copy of WP038.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810; 804 Thirty-first Street, Monroe, LA 71203; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 3519 Patrick Street, Lake Charles, LA 70605; 3501 Chateau Boulevard, West Wing, Kenner, LA 70065; 100 Asma Boulevard, Suite 151, Lafayette, LA 70508; 104 Lococo Drive, Raceland, LA 70394 or on the Internet at <http://www.deq.state.la.us/planning/regs/index.htm>.

James H. Brent, Ph.D.
Assistant Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Water Quality

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There are no anticipated costs or savings to state or local governmental units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There should be no effect on revenue collections of state or local governmental units as a result of this rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There should be no costs or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition and employment are not expected to be affected as a result of this rule.

James H. Brent, Ph.D.
Assistant Secretary
0003#067

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health and Hospitals
Office of Management and Finance**

**Health Care Services Provider Fees
(LAC 48:I.4001-4011)**

The Department of Health and Hospitals, Office of Management and Finance proposes to adopt LAC 48.I.Chapter 40 pursuant to R.S. 46:2601 - 2605 and the Administrative Procedure Act, R.S. 49:950 et seq. This proposed rule amends and repromulgates regulations pertaining to (1) the administration of fees; and (2) the rights and obligations of those on whom such fees are imposed as previously published in the *Louisiana Register* (Vol.19 No.3, Vol.20 No.1 and Vol.20 No.10). The department is adding a procedure to be used in estimating the amount of fees due in cases of failure to report, and is revising the procedures for collecting delinquent fees to insure more prompt collection. The department is also revising the nonsufficient fund check regulation in order to avail itself of the full benefits of R.S. 9:2782.

LAC 48.Chapter 40 is published in its entirety to establish uniformity and to properly codify this Chapter for inclusion in the Louisiana Administrative Code and supersedes all previous rules adopted in connection with the subject of provider fees.

In compliance with Act 1183 of the 1999 Regular Session, the impact of this proposed rule on the family has been considered. This proposed rule has no known impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Title 48

PUBLIC HEALTH GENERAL

Part I. General Administration

Subpart 1. General

Chapter 40. Provider Fees

§4001. Specific Fees

A. Definition

Quarter for purposes of this Chapter, *quarters* shall be constituted as follows:

First Quarter	December, January, February
Second Quarter	March, April, May
Third Quarter	June, July, August
Fourth Quarter	September, October, November

B. Nursing Facility Services

1. A bed fee shall be paid by each facility licensed as a nursing home in accordance with R.S. 40:2009.3 et seq., for each bed utilized for the provision of care on a daily basis. The fee shall be imposed for each bed per day utilized for the provision of care. A bed shall be considered in use, regardless of physical occupancy, based on payment for nursing services available or provided to any individual or payer through formal or informal agreement. For example, a bed reserved and paid for during a temporary absence from a nursing facility shall be subject to the fee. Likewise, any bed or beds under contract to a Hospice shall be subject to the fee for each day payment is made by the Hospice. Contracts,

agreements, or reservations, whether formal or informal, shall be subject to the fee only where payment is made for nursing services available or provided. Nursing facilities subject to the bed fee shall provide documentation quarterly, on a form provided by the department, of utilization for all licensed beds in conjunction with payment of the fee.

2. The provider fee imposed for nursing facility services shall not exceed 6 percent of the average revenues received by providers of that class of services and shall not exceed ten dollars per occupied bed per day. The fee amount shall be calculated annually in conjunction with updating provider reimbursement rates under the Medical Assistance Program. Notice to providers subject to fees shall be given in conjunction with the annual rate setting notification by the Bureau of Health Services Financing.

C. Intermediate Care Facility-Mentally Retarded (ICF-MR) Services

1. A bed fee shall be paid by each facility licensed as an intermediate care facility for the mentally retarded in accordance with R.S. 28:421 et seq., for each bed utilized for the provision of care on a daily basis. The fee shall be imposed for each bed per day utilized for the provision of care. A bed shall be considered in use, regardless of physical occupancy, based on payment for ICF-MR facility services available or provided to any individual or payer through formal or informal agreement. For example, a bed reserved and paid for during a temporary absence from a facility shall be subject to the fee. Likewise, any bed or beds under contract to a Hospice shall be subject to the fee for each day payment is made by the Hospice. Contracts, agreements, or reservations, whether formal or informal, shall be subject to the fee only where payment is made for ICF-MR facility services available or provided. ICF-MR facilities subject to bed fees shall provide documentation quarterly, on a form provided by the department, of utilization for all licensed beds in conjunction with payment of the fee.

2. The provider fees imposed for ICF-MR facility services shall not exceed 6 percent of the average revenues received by providers of that class of service and shall not exceed thirty dollars per occupied bed per day. The fee amount shall be calculated annually in conjunction with updating provider reimbursement rates under the Medical Assistance Program. Notice to providers subject to fees shall be given in conjunction with the annual rate setting notification by the Bureau of Health Services Financing.

D. Pharmacy Services. A prescription fee shall be paid by each pharmacy and dispensing physician for each out-patient prescription dispensed. The fee shall be \$.10 per prescription dispensed by a pharmacist or dispensing physician. Where a prescription is filled outside of Louisiana and not shipped or delivered in any form or manner to a patient in the state, no fee shall be imposed. However, out-of-state pharmacies or dispensing physicians dispensing prescriptions which are shipped, mailed or delivered in any manner inside the State of Louisiana shall be subject to the \$.10 fee per prescription. The fee only applies to prescriptions which are dispensed and sold for human use. Pharmacies and dispensing physicians subject to prescription fees shall provide documentation quarterly, on a form provided by the department, of utilization for all medications dispensed in conjunction with payment of fees.

E. Transportation Services. The fee for transportation services shall be set at \$0.00 pending federal designation of transportation services as a medical provider grouping under P.L. 102-234. Medical transportation providers shall not be required to provide utilization data under this rule.

AUTHORITY NOTE: Promulgated in accordance with Chapter 45 of Title 46 as enacted in 1992, 46:2601 - 2605, redesignated as Chapter 47 of Title 46, containing R.S. 46:2621 to 46:2625 and PL 102-234.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Management and Finance, LR 19:347 (March 1993), amended LR 20:51 (January 1994), LR 26:

§4003. Due Date for Submission of Reports and Payment of Fees

The department will mail a Quarterly Utilization Report to each licensed provider covered under the scope of this statute at the address given in the last report filed pursuant to the provisions of R.S. 46:2601 - 2605. The provider shall promptly notify the department of any change of address. Quarterly Utilization Reports and fees shall be submitted to the department and shall be due on the twentieth calendar day of the month following the close of the quarter and shall be deemed delinquent on the thirtieth calendar day of that month. Even if no fee is due, submission of the report is still mandatory.

AUTHORITY NOTE: Promulgated in accordance with Chapter 45 of Title 46 as enacted in 1992, 46:2601 - 2605, redesignated as Chapter 47 of Title 46, containing R.S. 46:2621 to 46:2625 and PL 102-234.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Management and Finance, LR 19:347 (March 1993), amended LR 26:

§4005. Delinquent and/or Unfiled Reports

A. Penalty Assessment. In the case a report has been determined delinquent, the specific penalty shall be 5 percent of the total fee due on the report for every 30 days or fraction thereof that the report is not filed, not to exceed 150 days. When a report is not received within 150 days from due date, the report shall be deemed not filed and there shall be cause for an audit, investigation or examination to be made by the department.

B. Estimation of Provider Fee Due. In those cases in which a health care provider fails to file the Quarterly Utilization Report, the department will estimate the provider fee due. The department will, by certified mail, notify the provider of the estimated fee due, the method used to calculate the estimate and the department's intent to collect the delinquent fee. The provider shall have 10 days from the date of receipt of the notice to file a provider fee report with the department. Any provider who fails to file the Quarterly Utilization Report within 10 days of the date of receipt of the department's estimated provider fee notice shall waive any and all rights to appeal the department's action and to contest payment of the estimated fee.

C. Incorrect Reporting. If a provider submits a report required by the provisions of this Chapter and the report made and filed does not correctly compute the liability of the provider there shall be cause for an audit, investigation or examination to be made by the department.

D. False or Fraudulent Reporting. When a provider files a report that is false or fraudulent or grossly incorrect and the circumstances indicate that the provider had intent to defraud the state of Louisiana of any fee due under this

Chapter, there shall be imposed, in addition to any other penalties provided, a specific penalty of 50 percent of the fee due.

E. Reimbursement of Audit, Hearing, and Witness Costs. If actions by a provider cause the department to examine books, records, or documents, or undertake an audit thereof, and/or conduct a hearing, and/or subpoena witnesses, then the provider shall be assessed an amount as itemized by the department to compensate for all costs incurred in making such examination or audit, and/or in holding such hearing, and/or in subpoenaing and compensating witnesses.

AUTHORITY NOTE: Promulgated in accordance with Chapter 45 of Title 46 as enacted in 1992, 46:2601 - 2605, redesignated as Chapter 47 of Title 46, containing R.S. 46:2621 to 46:2625 and PL 102-234.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Management and Finance, LR 19:347 (March 1993), amended LR 26:

§4007. Delinquent and/or Unpaid Fees

A. Interest on Unpaid Provider Fees. When the provider fails to pay the fee due, or any portion thereof, on or before the date it becomes delinquent, interest at the rate of 12 percent per month compounded daily shall be assessed on the unpaid balance until paid. In the case of interest on a penalty assessed, such interest shall be computed beginning 15 days from the date of notification of assessment until paid.

B. Collection of Delinquent Provider Fee

1. For those enrolled as health care providers in the Louisiana Medical Assistance Program (Medicaid) collection of delinquent provider fees will be as follows:

a. The department will withhold from the provider's Medicaid reimbursement check, an amount equal to 50 percent of the reimbursement check or the actual amount of the delinquent provider fee, including interest and penalty, whichever is less.

b. By enrolling and participating in the Louisiana Medical Assistance Program (Medicaid) a provider agrees that during the period of time delinquent provider fees are being collected, no additional provider fee delinquency will occur. If the provider becomes further delinquent, the department will withhold 100 percent of the Medicaid reimbursement or the actual amount of the delinquent provider fees, including interest and penalty, whichever is less.

2. For those health care providers not enrolled in the Louisiana Medical Assistance Program (Medicaid), the department will avail itself of any and all appropriate legal and judicial remedies in the collection of delinquent provider fees.

C. Nonsufficient Fund (NSF) Checks in Payment of Fee. A specific service charge, in accordance with R.S. 9:2782(B) as it may be amended from time to time, shall be imposed on all NSF checks. The tender of three NSF checks shall be cause for an audit, investigation or examination to be made by the department, and the provider will be required to make payment thereafter by certified check or money order.

D. The department shall refund any overpayment to the provider.

AUTHORITY NOTE: Promulgated in accordance with Chapter 45 of Title 46 as enacted in 1992, 46:2601 - 2605, redesignated as Chapter 47 of Title 46, containing R.S. 46:2621 to 46:2625 and PL 102-234.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Management and Finance, LR 19:347 (March 1993), LR 20:1114 (October 1994) amended LR 20:1114 (October 1994), LR 26:

§4009. Appeals

Any provider aggrieved pursuant to the provisions determined herein shall have the right to administrative appeal as specified in R.S. 46:107.

AUTHORITY NOTE: Promulgated in accordance with Chapter 45 of Title 46 as enacted in 1992, 46:2601 - 2605, redesignated as Chapter 47 of Title 46, containing R.S. 46:2621 to 46:2625 and PL 102-234.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Management and Finance, LR 19:347 (March 1993), repromulgated LR 26:

§4011. Exceptions

The secretary may exempt any assessment of penalty and interest described in this Chapter.

AUTHORITY NOTE: Promulgated in accordance with Chapter 45 of Title 46 as enacted in 1992, 46:2601 - 2605, redesignated as Chapter 47 of Title 46, containing R.S. 46:2621 to 46:2625 and PL 102-234.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Management and Finance, LR 19:347 (March 1993), amended LR 26:

Interested persons may submit written comments to the following address: Hiram L. Lyles, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, Louisiana 70821-9030. He is the person responsible for responding to inquiries regarding this proposed rule. A public hearing on this proposed rule is scheduled for Tuesday, April 25, 2000 at 9:30 a.m. in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, Louisiana. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

David W. Hood
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Health Care Services Provider Fees

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The cost of \$160 SGF will be incurred in SFY 1999-00 for the state's administrative expense of promulgating this proposed rule and the final rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

No significant change in the amount of revenue collections is estimated with implementation of this rule. However, the proposed action will result in the more timely collection of delinquent fees. The only change in the amount of revenue collections estimated with implementation of this rule would be a small increase in revenue, estimated at approximately \$200 per fiscal year, that might be produced through the nonsufficient fund (NSF) check regulations, to the extent providers submit NSF checks in payment of fees.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Providers who might become delinquent in the payment of fees will have greater incentive to pay more timely. The NSF check regulation could require payment of a specific service charge if a provider submits an NSF check.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition and employment.

Charles F. Castille
Undersecretary
0003#098

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health and Hospitals Office of Management and Finance

Medicare Rural Hospital Flexibility Program Critical Access Hospitals (LAC 48:I.7601 and 7609)

The Department of Health and Hospitals, Office of Management and Finance, Division of Research and Development proposes to amend the following rule in the Medicare Rural Hospital Flexibility Program (MRHF) as authorized by the Balanced Budget Act of 1997 (Public Law 105-33) and pursuant to Title XVIII of the Social Security Act and pursuant to the Medicare, Medicaid, State Children's Health Insurance Programs (SCHIP) Balanced Budget Refinement Act of 1999. This proposed rule is in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

This proposed rule will amend the Medicare Rural Hospital Flexibility Program (MRHF) as amended by the Medicare, Medicaid, SCHIP Balanced Budget Refinement Act of 1999 which expands the definition of "rural" and changes other criteria to allow additional hospitals to participate in the Medicare Rural Hospital Flexibility Program (MRMF). The Program assists rural communities in improving access to essential care through the establishment of Critical Access Hospitals which are limited service hospitals eligible for Medicare certification and cost based reimbursement.

In compliance with Act 1183 of the 1999 Regular Session, the impact of this proposed rule on the family has been considered. This proposed rule has no known impact on family functioning, stability, or autonomy as described in R.S. 49:972.

The full text of this Notice of Intent can be viewed in the Emergency Rule section of this issue of the *Louisiana Register*.

Interested persons may submit written comments to Helene Robinson, Department of Health and Hospitals, Office of Management and Finance, Division of Research and Development, Post Office Box 2870, Baton Rouge, Louisiana 70821-2870.

A public hearing on the proposed rule will be held at 1:30 p.m., April 25, 2000 in the Department of Transportation

and Development (DOTD) Auditorium located at 1201 Capitol Access Road (North Entrance), Baton Rouge, Louisiana.

David W. Hood
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Medicare Rural Hospital Flexibility
Program: Critical Access Hospitals**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that implementation of this proposed rule amendment will cost the state approximately \$1,200 for SFY 2000-01, \$800 for SFY 2001-02, \$800 for SFY 2002-03, \$800 for SFY 2003-04, and \$800 for SFY 2004-05. It is anticipated that \$120 will be expended in SFY 2000-01 for the state's administrative cost of printing of the Emergency Rule, Notice of Intent and final Rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The federal Health Resources Services Administration (HRSA) will provide \$200,000 through the State Office of Rural Health grant to provide technical assistance (such as cost incurred in financial assessment, development of networks, support training of local health care professionals) in FY 2000-01. Louisiana will receive \$220,000 in grant funds from HRSA for FY 2001-02 and anticipate similar funding for out years. State matching funds are not necessary.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The expansions to the definitions and changes in criteria for participation in the Critical Access Hospital Program will allow additional communities, who already have difficulty with health care access, to open or maintain some level of outpatient and inpatient care. The total costs for implementation of this proposed rule amendment will cost approximately \$200,000 for SFY 2000-01, \$220,000 for SFY 2001-02, \$220,000 for SFY 2002-03, \$220,000 for SFY 2003-04, and \$220,000 for SFY 2004-05.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition and employment.

David W. Hood
Secretary
0003#043

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health and Hospitals
Office of Public Health
Vital Records Registry**

Vital Records Issuance, Clerks of District Court
(LAC 48:V.11709)

The Department of Health and Hospitals, Office of Public Health, Vital Records Registry proposes to repeal the Rule entitled Birth Certificate Copies issued by Clerks of Court published in the *Louisiana Register*, Vol. 12, No. 12, December 20, 1986, page 836 and enact a new rule authorized by R.S. 40:33 and 40:39.1. The Rule is

promulgated in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq.

Acts 1277 of the 1999 Legislature requires the promulgation and adoption of rules to implement the electronic issuance of certified copies of birth and death certificates through the offices of clerks of district courts. In that clerk of court offices are conveniently located to serve Louisiana's citizens, the issuance of certified copies of birth and death certificates through the clerks' offices is in keeping with a departmental customer service initiative that seeks to better serve Louisiana's citizens. In order to comply with R.S. 40:39.1 and to provide more convenient Vital Records Registry document issuance services while preserving the confidentiality of Louisiana's birth and death records, the Vital Records Registry proposes to adopt the following rule.

Title 48

PUBLIC HEALTH - GENERAL

Part V. Preventive Health Services

Subpart 45. Vital Records

Chapter 117. Availability of Records

' 11709. Issuance of Certified Copies of Vital Records, Clerks of District Court

A. Access to Vital Records Registry Database

1. The state registrar of vital records shall facilitate online computer access by the clerk of district court in each parish to birth and death databases via the data network operated by the office of the Secretary of State to the extent necessary to identify and electronically print certified copies of birth and death certificates. The registrar shall provide a system inquiry interface including print functionality for those birth and death records that can be printed electronically. Access shall be limited to those records that can be electronically issued to the extent necessary to serve authorized customers.

2. The state registrar shall assign vital records system access to clerks of district courts and designated members of their staffs upon receipt of written applications accompanied by properly executed confidentiality forms. The application for system access and confidentiality assurances shall be made on forms supplied by the state registrar. The birth and death database access given to clerks of district courts shall be expanded in logical increments as the missing data fields required to electronically generate certified copies of birth and death records are added, or the images are stored and indexed making them accessible and printable, except that current records (new births and death certificates) shall be made accessible to clerks of district courts for issuance purposes 90 days after the date of the vital event provided they are available in suitable electronic format in the vital records registry database.

B. Vital Records Issuance Services

1. Clerks of district courts may issue birth abstracts (commonly called birth cards) on all birth events more than 90 days old but less than 101 years old, except in those instances where the birth record filed with the vital records registry is a delayed birth certificate (a record filed more than 12 years after birth), the birth is not registered, the certificate filed with the state is irregular or incomplete, or the birth data is not available electronically. In the case of delayed certificates of birth, no birth abstracts will be issued.

2. Clerks of district courts may issue electronic certified copies of long-form birth certificates for those birth

events that are more than 90 days old and are available in long-form format in the birth database except in those instances where the birth is not registered, the certificate filed with the state is irregular or incomplete, or the birth data is not available electronically. As additional records become available, the registrar shall enable electronic issuance functionality over the data network of the Secretary of State.

3. Clerks of district courts may issue electronic certified copies of death certificates for those death events that are more than 90 days old and less than 51 years old except in those instances where the death is not registered, the certificate filed with the state is irregular or incomplete, or the death data is not available electronically. As additional records become available, the registrar shall enable electronic issuance functionality over the data network available through the office of the Secretary of State.

4. Government agencies including law enforcement agencies and courts shall be referred to the office of the registrar of vital records for document issuance and vital event verification services, unless the government agency presents a formal release bearing the original signature of the registrant or a member of the registrant's immediate family and pays the statutory document search/issuance fee.

5. In accordance with R.S. 40:39.1 C, certified copies of birth and death records issued through the offices of clerks of district courts shall be accepted as an original record for all legal purposes.

C. Security/Confidentiality

1. Clerks of district courts shall not issue notarized copies of birth or death certificates, nor shall clerks issue certified copies from any source other than the online service provided by the state registrar of vital records.

2. All certified copies of birth and death certificates issued by clerks of district courts shall be issued on security paper provided by the state registrar of vital records.

3. Birth and death certificate issuance services provided by clerks of district courts shall comply with the provisions of R.S. 40:41C.(1) and (2) as they relate to persons authorized to purchase certificates. Applications for certified copies shall be made on standard forms provided or approved by the state registrar of vital records.

4. Clerks of district courts shall only issue certified copies of birth and death certificates to individuals who are authorized by law to receive the documents and who produce proper identification. For the purposes of birth and death certificate issuance, proper identification shall be the same identification criteria used in document issuance offices operated by the state registrar of vital records.

5. Access to the online vital records registry birth and death inquiry systems shall be limited to those individuals assigned user access by the state registrar of vital records.

6. Inquiries against the vital records registry online birth and death systems shall be limited to official inquiries substantiated by a document application form signed by an authorized customer. The statutory fee shall be assessed for each inquiry. The fee is not subject to waiver or refund. No other inquires against the birth/death database are authorized or allowed. In those instances where the birth or death record is not indexed on the computer, the clerk shall so notify the customer and shall refer the inquiry to the state registrar of vital records for further investigation.

7. Access to vital records registry security document issuance paper shall be strictly controlled, and the paper shall be stored under lock when not in use. Any loss or theft of security document issuance paper shall be immediately reported to the state registrar.

D. Customer Service Documentation/Retention of Records/Audits

1. Document application forms submitted by customers shall be retained for not less than 3 years, and shall be made available to the registrar of vital records or his designee on request. A photocopy of the identification document(s) presented by the applicant shall be appended to the application form. Alternatively, the clerk may maintain a separate photographic file of the customer and the identification provided by the customer. The identification document must be legible in the photograph.

2. The clerk of court shall key the audit number of the document issuance paper (including voids) used in providing each customer service in the space provided on the research screen to enable the generation of an electronic audit/billing record.

3. The registrar of vital records or his designee shall periodically conduct a site visit and audit at each office where certified copies of birth/death certificates are issued to verify compliance with applicable laws and procedures.

E. Vital Records Issuance and Informational Supplies

1. The registrar of vital records shall supply security birth and death certificate issuance paper to clerks of district courts without charge.

2. The registrar of vital record shall supply document application forms and information sheets to clerks of district courts without charge.

3. Clerks of district courts shall order replacement supplies as necessary on forms provided by the state registrar.

F. Service Fees/Remittance to State Registrar

1. Clerks of district courts shall collect the fees specified in R.S. 40:39.1. As per R.S. 40:40(12), if there is no record on file, the fee shall be retained to cover the cost of the search.

2. The clerk shall remit to the state registrar the fees specified in R.S. 40:40 and the tax specified in R.S. 46:2403 for each certified copy of a vital record issued or searched.

3. On or before the second Friday of each month, the clerk shall submit a monthly report to the state registrar on forms provided by the registrar. The report shall summarize the number of birth and death record services provided during the prior month, the number of sheets of security paper voided, and the total amount of fees collected on behalf of the state registrar. All security document issuance paper voided during the prior calendar month shall be appended to the monthly report. As per R.S. 40:39.1B2, each clerk shall remit payment to the vital records registry on a monthly basis either directly or through the Office of the State Treasurer in a manner mutually agreeable to the clerk and the state registrar of vital records.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:33 and 40:39.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, Vital Records Registry, LR 26:

The proposed rule has no effect on the stability or functioning of the family, on the authority and rights of parents regarding the education and supervision of their children, on the behavior and personal responsibility of children or on family earnings or budget.

Interested persons may submit written comments or questions to William H. Barlow, Director and State Registrar, Records and Statistics, Department of Health and Hospitals at P.O. 60630 New Orleans, Louisiana 70160 no later than close of business on April 15, 2000.

David W. Hood
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Vital Records Issuance, Clerks of District Court

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The estimated FY 99-00 implementation cost of this rule is \$145,307. The cost includes DHH/OPH staff time (\$9,000), the DHH/OPH acquisition and distribution of operating supplies (\$27,664); DHH/IS computer programming (\$6,875); and the acquisition and installation of computer printers by the Office of the Secretary of State (\$101,768). There is no projected implementation cost on the Clerks of Court as associated with this rule. In FY 00-01 and 01-02, there will be a recurring expense in the amount of \$1,280 per year for the shipment of supplies to the offices of the Clerks of Court.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Clerk of Court issuance of certified copies of birth records will result in a nominal increase in the revenues generated by the OPH/Vital Records Registry program. Implementation will have a positive revenue impact in the amount of \$150,000 on Clerk of Court issuance offices and \$60,000 on the Vital Records Conversion Fund established by Act 1277 of 1999. The projection is based on the first year issuance of 30,000 birth records. It includes 15,000 birth cards and 15,000 long-form birth certificates. Clerks will collect a surcharge of \$5 for each birth card and \$9 for each long-form birth certificate. They will retain the \$5 surcharge for the birth cards, and \$5 of the \$9 surcharge collected for long-form birth certificates, or a total of \$150,000. The remaining \$4 of the surcharge, \$60,000, will be remitted to the State Treasurer to be credited to the Vital Records Conversion Fund. The fund is dedicated to the conversion of vital records to electronic media, and the establishment and maintenance of a communications network operated by the Secretary of State to support the issuance of vital records. Revenues generated in Clerks' offices will increase substantially in future years as birth and death records are converted to a suitable format for electronic issuance.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Implementation will make certified copies of birth certificates more readily accessible to the citizens of Louisiana. The improved accessibility will minimize travel costs for same day service and will eliminate service delays, approximately two weeks, associated with mail orders. Customers will pay a surcharge for each document purchased at a Clerk of Court office in the amount of nine (\$9) for each long-form birth certificate, and five (\$5) for each birth card. The surcharges will be added to the statutory issuance fee of \$15 for a long-form birth certificate and nine (\$9) for a birth card. Hence,

customers will pay a cumulative total of \$24 for a long-form birth certificate and \$14 for birth cards.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and no immediate estimated effect on employment. Full implementation requires the conversion of several million birth and death records to electronic format. Once the conversion has been completed, there should be a reduction in the number of customer service workers employed by the DHH/OPH Vital Records Registry.

Madeline McAndrew
Assistant Secretary
0003#025

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health and Hospitals Office of the Secretary

Memorandum of Understanding, FY 99/00
(LAC 48:I.Chapter 27)

Under the authority of R.S. 46:2661 et seq. as enacted by Act 54 of the first Extraordinary Session of 1998, the Department of Health and Hospitals proposes to adopt the following rule.

Title 48

PUBLIC HEALTH, GENERAL

Part I. General Administration

Subpart 1. General

Chapter 27. Capital Area Human Services District

§2701. Introduction

This agreement is entered into by and between Department of Health and Hospitals, hereinafter referred to as DHH, and Capital Area Human Services District, hereinafter referred to as CAHSD, in compliance with LA R.S. 46:2661 through 46:2666 as well as any subsequent legislation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2661.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, LR 26:

§2703. Purpose and General Agreement

A. The Department of Health and Hospitals is authorized by law to provide for the direction, operation, development and management of programs of community-based mental health, mental retardation/developmental disabilities, alcohol and substance abuse, public health and related activities for eligible consumers in Louisiana.

B. The legislation authorizes CAHSD to provide services of community-based mental health, developmental disabilities, alcohol and substance abuse, public health and related activities for eligible consumers in the CAHSD, which includes East Baton Rouge, West Baton Rouge, Ascension, Iberville, and Pointe Coupee parishes; and to assure that services meet all relevant federal and state regulations; and to provide the functions necessary for the administration of such services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2661.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, LR 26:

§2705. Designation of Liaisons

A. The primary liaison persons under this agreement are:

1. A, for DHH Deputy Secretary
2. B, for CAHSD Executive Director

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2661.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, LR 26:

§2709. Services to be Delivered

A. In order to provide a broad spectrum of coordinated public services to consumers of the Office of Mental Health hereinafter referred to as OMH, the Office for Citizens with Developmental Disabilities hereinafter referred to as OCDD, the Office for Addictive Disorders hereinafter referred to as OAD, the Office of Public Health hereinafter referred to as OPH and for the District Administration, the CAHSD will assume programmatic, administrative and fiscal responsibilities for including, but not limited to, the following:

1. OCDD Community Support;
2. Mental Health services consistent with the State Mental Health Plan, as required under the annual Mental Health Block Grant Plan;
3. Outpatient Treatment (Non-Intensive)-OAD;
4. Community-Based Residential Services-OAD;
5. Intensive Outpatient Treatment/Day Treatment-OAD;
6. Non-Medical/Social Detoxification-OAD;
7. Primary Prevention-OAD;
8. Healthy Communities regional program-OPH;
9. HIV/AIDS Prevention Program-OPH.

B. Attachment B provides definitions for above listed services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2661.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, LR 26:

§2711. Responsibilities of Each Party

A. CAHSD accepts the following responsibilities:

1. To perform the functions which provide community-based services and continuity of care for the diagnosis, prevention, detection, treatment, rehabilitation and follow-up care of mental and emotional illness.

2. To be responsible for community-based programs and functions relating to the care, diagnosis, eligibility determination, training, treatment, and case management of developmentally disabled and autistic persons as defined by the MRDD law.

3. The CAHSD shall work closely with the OCDD in managing the waiver functions, including placement of individuals and maintenance of the waiting list. The CAHSD will provide supports to person waiting for Waiver Services.

4. To promote, support and provide community based planning for broad health issues through the Healthy Communities Strategic Planning model.

5. The CAHSD will provide for the gradual assumption of community based public health services which will be determined to be feasible through consultation with the Office of Public Health.

6. To perform community-based functions related to the care, diagnosis, training, treatment, and education of alcohol or drug abusers and primary prevention of alcohol and drug abuse.

7. To maintain services in community-based mental health, developmental disabilities, and substance abuse at least at the same level as the state maintains similar programs.

8. To ensure that the quality of services delivered is equal to or higher than the quality of services previously delivered by the state.

9. To perform human resources functions necessary for the operation of the CAHSD.

10. To be responsible for the provision of any function/service, reporting or monitoring, mandated by the Block Grant Plan of each respective program office.

11. Provide systems management and services data/reports in a format and content as that required of all regions by each DHH program office. Specific content of required information sets will be negotiated and issued annually through program office directives.

12. Utilize ARAMIS, MIS, SPOE and any other required DHH/program office systems to meet state and federal reporting requirements. The CAHSD will use the OCDD Individual Tracking System and allow OCDD to electronically upload and download information at prescribed intervals. No information will be uploaded by OCDD without prior notification of CAHSD.

13. Human resource staffing data will be available for on-site review.

14. Maintain and support Single Point of Entry (SPOE) state standard.

15. Provide for successful delivery of services to persons discharged from state facilities into the CAHSD service area by collaborative discharge planning.

16. Provide in-kind or hard match resources as required for acceptance of federal grant or entitlement funds utilized for services in the CAHSD as appropriately and collaboratively applied for.

17. Make available a list of all social and professional services available to children and adults through contractual agreement with local providers.

18. CAHSD will work with Office of Alcohol and Drug Abuse to assure that all requirements and set asides of the Substance Abuse Block Grant are adhered to in the delivery of services.

19. The CAHSD shall develop and utilize a five year strategic plan as required by Act 1465.

20. The CAHSD will provide community-based planning for health promotion activities.

21. The CAHSD will provide HIV/AIDS Prevention Program services as outlined in Attachment B.

22. The CAHSD will monitor the quality of supports delivered to developmentally disabled individuals in state funded supported living arrangements.

B. DHH retains/accepts the following responsibilities:

1. Operation and management of any in-patient facility under jurisdiction of the DHH except that the CAHSD shall have authority and responsibility for determination of eligibility for receipt of such inpatient services (single point of entry function) which were determined at the regional level prior to the initiation of this Agreement.

2. Operation, management and performance of functions and services for environmental health.

3. Operation, management and performance of functions related to the Louisiana Vital Records Registry and the collection of vital statistics.

4. Operation, management and performance of functions and services related to laboratory analysis in the area of personal and environmental health.

5. Operation, management and performance of functions and services related to education provided by or authorized by any state or local educational agency.

6. Monitoring this service agreement, assuring corrective action through coordination with CAHSD and reporting failures to comply to the Governor's office.

7. Operation, management and performance of functions for pre-admission screening and resident review process for Nursing Home Reform.

8. Operation, management and performance of functions for enrollment and monitoring of Medicaid targeted case management.

9. DHH, will share with CAHSD information regarding but not limited to program data, statistical data, and planning documents that pertain to the CAHSD. Statewide information provided on a regional basis to providers, consumers, and advocates, shall either include accurate data for CAHSD, as confirmed by CAHSD or shall include a statement that information for Region 2 (CAHSD) is available on request. This is necessary to make community stakeholders aware that CAHSD is participating in the submission of the same data reports as are required of the other regions.

10. DHH will provide legal support and representation in judicial commitments to the Department.

C. Joint responsibilities:

1. To determine if community-based mental health, developmental disabilities, substance abuse, and public health services are delivered at least at the same level by CAHSD as the State provides for similar programs in other areas, performance indicators shall be established. Such indicators will measure extensiveness of services, accessibility of services, availability of services and, most important, quality of services. The CAHSD will not be required to meet performance indicators which are not mandated for state-operated programs in these service areas, and which were not previously collected by Region II.

2. CAHSD's progress toward achieving outcomes which meet or exceed those realized by DHH-operated programs in the affected geographic region shall be measured by comparing the CAHSD data on results to baseline statistics reported by Regional DHH programs for the year prior to July 1, 1997. Specific outcome measurements/performance indicators to be compared will be jointly agreed upon by CAHSD and DHH.

3. The CAHSD shall work closely with the OCDD in transitioning individuals from all Developmental Centers to the district ensuring individualized planning, the implementation of chosen life activities and needed supports, and the development of circles of support for the individual to ensure relationship building and community participation.

4. CAHSD will work with the Office for Addictive Disorders to assure the key performance indicators sent to the DOA are the same for CAHSD and Office for Addictive Disorders.

5. CAHSD will work with the Office for Addictive Disorders to assure there is a clear audit trail for linking alcohol and drug abuse funding and staffing to alcohol and drug abuse services.

6. CAHSD will collaborate with Region II OPH managers to assist them to perform community based functions which provide services and continuity of care for education, prevention, detection, treatment, rehabilitation and follow up care related to personal health.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2661.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, LR 26:

§2713. Reallocation of Resources/Staff and Financial Agreements

A. For FY 99-00, DHH agrees to transfer financial resources, as described in Attachment A, to the direction and management of the CAHSD. Data in Attachment A will be adjusted based upon the final appropriation for the CAHSD.

B. The CAHSD will submit to DHH an annual budget request for funding of the cost for providing the services and programs for which the CAHSD is responsible. The format for such request shall be consistent with that required by the Division of Administration and DHH. The request shall conform with the time frame established by DHH. CAHSD Executive Director will meet with the Office of the Secretary to discuss all new and expanded program request prior to presentation to DOA.

C. The CAHSD shall operate within its budget allocation and report budget expenditures to the DHH.

D. Revisions of the budget may be made upon written consent between the CAHSD and DHH and, as appropriate, through the Legislative Budget Committee's BA-7 process. In the event any additional funding is appropriated and received by DHH that affects any budget categories for the direction, operation, and management of the programs of mental health, mental retardation/developmental disabilities, substance abuse services, and public health, and related activities for any other such DHH entities or regions, the CAHSD will receive additional funds on the same basis as other program offices.

E. CAHSD shall bill DHH agencies for services they provide in a timely manner.

F. CAHSD shall not bill any DHH agency more than is shown in Attachment 1.

G. In the event of a budget reduction, CAHSD will receive a proportionate reduction in its budget.

H. The CAHSD shall assume all financial assets and/or liabilities associated with the programs transferred.

I. CAHSD shall be responsible for repayment of any funds received which are determined ineligible and subsequently disallowed.

J. DHH agrees to maintain the level of support from the Office of the Secretary and from the Office of Management and Finance which is consistent with the current level of support now provided to the regional program offices, OCDD, OMH, OAD, and OPH offices. These supports include: Communication and Inquiry, Internal Audit, Environmental Consultant, Fiscal Management, Information Services, Facility Management, Budget, Contract and Lease Management, Research and Development, Materials Management, Appeals, Human Rights, and Staff Development/Training.

K. The reciprocal internal promotional announcement/layoff agreement between DHH and CAHSD will continue through FY 99/00.

L. CAHSD will participate in the planning and development of a resource allocation formula for OAD funding.

M. CAHSD will comply with the resource allocation formula and adjustments in the funding for CAHSD may be made according to this formula.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2661.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, LR 26:

§2715. Joint Training and Meetings

CAHSD, through its staff, will participate in DHH and other programmatic training, meetings and other activities as agreed upon by CAHSD and DHH. In a reciprocal manner, CAHSD will provide meetings, training sessions, and other activities that will be available for participation by DHH staff as mutually agreed upon by the CAHSD and the DHH.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2661.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, LR 26:

§2717. Special Provisions

A. The CAHSD agrees to abide by all applicable Federal, State, and Parish laws regarding nondiscrimination in service delivery and/or employment of individuals because of race, color, religion, sex, age, national origin, handicap, political beliefs, disabled veteran, veteran status, or any other non-merit factor.

B. The CAHSD shall maintain a property control system of all movable property in the possession of the CAHSD that was formally under the control of DHH, and of all additional property acquired.

C. For purposes of purchasing, travel reimbursement, and securing of social service/professional contracts, the CAHSD shall utilize established written bid/RFP policies and procedures. Such policies and procedures shall be developed in adherence to applicable statutory and administrative requirements. The CAHSD shall provide informational copies of such policies and procedures to DHH as requested.

D. The CAHSD shall abide by all court rulings and orders that affect DHH and impact entities under the CAHSD's control, and shall make reports to DHH's Bureau of Protective Services of all applicable cases of alleged abuse, neglect, exploitation, or extortion of individuals in need of protection in a format prescribed by DHH.

E. CAHSD shall be responsible for providing services to citizens of East & West Feliciana Parishes at a level at least equal to services rendered by DHH Region II prior to July 1, 1998. This will also include any new services provided and funded by CAHSD through DHH subsequent to July 1998.

F. If OAD is successful in establishing an Inpatient Gambling program, this will not be managed by CAHSD since this is a statewide program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2661.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, LR 26:

§2719. Renewal/Termination

A. This agreement will cover the period of time from July 1, 1999 to June 30, 2000.

B. This agreement will be revised on an annual basis, as required by law, and will be promulgated through the Administrative Procedure Act. The annual agreement shall be published in the state register each year in order for significant changes to be considered in the budget process for the ensuing fiscal year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2661.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, LR 26:

Comments regarding the proposed rule will be accepted until February 22, 2000 and should be addressed to John A. LaCour, Deputy Secretary, Department of Health and Hospital, Box 629, Bin 2, Baton Rouge, LA 70821-0629.

David W. Hood
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Memorandum of Understanding FY 99/00

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There are no administrative costs associated with the Capital Area Human Services District (CAHSD) other than the cost of printing the Notice of Intent and the rule which is estimated at \$920.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no estimated effect on revenues collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There is no estimated costs and/or economic benefits to directly affected persons or nongovernmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment.

David W. Hood
Secretary
0003#041

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Early Periodic Screening Diagnosis and
Treatment (EPSDT) Dental Services

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to adopt the following rule under the Medical Assistance Program as authorized by R.S. 46:153 and 36:254 and

pursuant to Title XIX of the Social Security Act and as directed by the 1999-2000 General Appropriation Act, which states: "The Secretary shall implement reductions in the Medicaid program as necessary to control expenditures to the level approved in this schedule. The Secretary is hereby directed to utilize various cost containment measures to accomplish these reductions, including but not limited to pre-certification, pre-admission screening and utilization review, and other measures as allowed by federal law". This proposed rule is adopted in accordance with the Administrative Procedure Act, R. S. 49:950 et seq.

The Department of Health and Hospitals, Bureau of Health Services Financing currently provides reimbursement through the Early Periodic Screening Diagnosis and Treatment (EPSDT) Dental Program for annual dental screenings, preventative treatment, some surgical and restorative procedures, and other medically necessary services for recipients up to the age of the twenty-one (21). Reimbursement for these services is a flat fee established by the Bureau minus the amount which any third party coverage would pay. As a result of a budgetary shortfall, The Bureau determined it was necessary to reduce the current reimbursement fees for EPSDT Dental services by seven percent (7%) (Louisiana Register, Volume 26, Number 2). The Bureau now proposes to adopt a rule to continue the provisions contained in the February 1, 2000 emergency rule.

This action is necessary in order to avoid a budget deficit in the Medical Assistance Program. In compliance with Act 1183 of the 1999 Regular Session, the impact of this proposed rule on the family has been considered. This proposed rule has no known impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Proposed Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing reduces the current reimbursement fees for Early Periodic Screening, Diagnosis and Treatment (EPSDT) Dental services by seven percent (7%).

Interested persons may submit written comments to the following address: Thomas D. Collins, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, Louisiana 70821-9030. He is the person responsible for responding to inquiries regarding this proposed rule. A public hearing on this proposed rule is scheduled for Tuesday, April 25, 2000 at 1:30 p.m. in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, Louisiana. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

David W. Hood
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Early Periodic Screening Diagnosis and
Treatment (EPSDT) Dental Services**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
It is anticipated that implementation of this proposed rule will reduce state program costs by approximately (\$121,184) for SFY 1999-00, (\$372,749) for SFY 2000-01, and (\$383,932) for SFY 2001-02. It is anticipated that \$120 (\$60 SGF and \$60 FED) will be expended in SFY 1999-00 for the states administrative cost of promulgating this proposed rule and the final rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
It is anticipated that implementation of this proposed rule will reduce federal revenue collections by approximately (\$287,337) for SFY 1999-00, (\$889,951) for SFY 2000-01, and (\$916,650) for SFY 2001-02.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
Implementation of this proposed rule will reduce reimbursement to providers by seven percent for dental services rendered to recipients up to the age of twenty-one (21). This proposed rule will reduce reimbursements by approximately (\$408,641) for SFY 1999-00, (\$1,262,701) for SFY 2000-01, and (\$1,300,582) for SFY 2001-02
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no known effect on competition. As a result of the rate reduction some providers may find it necessary to reduce staff or staff hours of work.

Thomas D.Collins
Director
0003#093

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Early Periodic Screening Diagnosis and Treatment
(EPSDT) Kid Med Services

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to adopt the following rule under the Medical Assistance Program as authorized by R.S. 46:153 and 36:254 and pursuant to Title XIX of the Social Security Act and as directed by the 1999-2000 General Appropriation Act, which states: "The Secretary shall implement reductions in the Medicaid program as necessary to control expenditures to the level approved in this schedule. The Secretary is hereby directed to utilize various cost containment measures to accomplish these reductions, including but not limited to pre-certification, pre-admission screening and utilization

review, and other measures as allowed by federal law". This proposed rule is adopted in accordance with the Administrative Procedure Act, R. S. 49:950 et seq.

The Department of Health and Hospitals, Bureau of Health Services Financing currently provides reimbursement through the Early Periodic Screening Diagnosis and Treatment (EPSDT) Program to KIDMED providers for medical screenings, follow-up consultations and immunizations. Reimbursement for these services is the flat fee established by the Bureau minus the amount which any third party coverage would pay. The reimbursement methodology for medical screenings and follow-up consultations was revised in rules adopted in February of 1996 and April of 1997 (*Louisiana Register, Volume 22, Number 2 and Volume 23, Number 4*). As a result of a budgetary shortfall, the Bureau determined it was necessary to reduce the current reimbursement fees for EPSDT KIDMED services by seven percent (7%) (*Louisiana Register, Volume 26, Number 2*). The Bureau now proposes to adopt a rule to continue the provisions contained in the February 1, 2000 emergency rule.

This action is necessary in order to avoid a budget deficit in the Medical Assistance Program. In compliance with Act 1183 of the 1999 Regular Session, the impact of this proposed rule on the family has been considered. This proposed rule has no known impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Proposed Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing reduces the current reimbursement fees for Early Periodic Screening, Diagnosis and Treatment (EPSDT) KIDMED services by seven percent (7%).

Interested persons may submit written comments to the following address: Thomas D. Collins, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, Louisiana 70821-9030. He is the person responsible for responding to inquiries regarding this proposed rule. A public hearing on this proposed rule is scheduled for Tuesday, April 25, 2000 at 1:30 p.m. in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, Louisiana. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

David W. Hood
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Early Periodic Screening Diagnosis and Treatment (EPSDT) Kid Med Services

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that implementation of this proposed rule will reduce state program costs by approximately (\$141,180) for SFY 1999-00, (\$578,969) for SFY 2000-01, and (\$596,338) for SFY 2001-02. It is anticipated that \$120 (\$60 SGF and \$60

FED) will be expended in SFY 1999-00 for the states administrative cost of promulgating this proposed rule and the final rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that implementation of this proposed rule will reduce federal revenue collections by approximately (\$334,738) for SFY 1999-00, (\$1,382,308) for SFY 2000-01, and (\$1,423,777) for SFY 2001-02.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Implementation of this proposed rule will reduce reimbursement to providers by seven percent for KIDMED services. This proposed rule will reduce reimbursements by approximately (\$476,038) for SFY 1999-00, (\$1,961,277) for SFY 2000-01, and (\$2,020,115) for SFY 2001-02.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition. As a result of the rate reduction some providers may find it necessary to reduce staff or staff hours of work.

Thomas D. Collins
Director
0003#090

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Early Periodic Screening Diagnosis and Treatment (EPSDT) Rehabilitation Services

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to adopt the following rule under the Medical Assistance Program as authorized by R.S. 46:153 and 36:254 and pursuant to Title XIX of the Social Security Act and as directed by the 1999-2000 General Appropriation Act, which states: "The Secretary shall implement reductions in the Medicaid program as necessary to control expenditures to the level approved in this schedule. The Secretary is hereby directed to utilize various cost containment measures to accomplish these reductions, including but not limited to pre-certification, pre-admission screening and utilization review, and other measures as allowed by federal law". This proposed rule is adopted in accordance with the Administrative Procedure Act, R. S. 49:950 et seq.

The Department of Health and Hospitals, Bureau of Health Services Financing currently provides reimbursement through the Early Periodic Screening Diagnosis and Treatment (EPSDT) Program to school boards for rehabilitation services, including physical therapy, occupational therapy and speech and language therapy.

Reimbursement for these services is the flat fee established by the Bureau minus the amount which any third party coverage would pay. The reimbursement methodology for rehabilitation services was revised in a rule adopted in April of 1997 (*Louisiana Register, Volume 23, Number 4*). As a result of a budgetary shortfall, the Bureau determined it was necessary to reduce the reimbursement fees for EPSDT

Rehabilitation services by seven percent (7%)(*Louisiana Register, Volume 26, Number 2*). The Bureau now proposes to adopt a rule to continue the provisions contained in the February 1, 2000 emergency rule.

This action is necessary in order to avoid a budget deficit in the Medical Assistance Program. In compliance with Act 1183 of the 1999 Regular Session, the impact of this proposed rule on the family has been considered. This proposed rule has no known impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Proposed Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing reduces the current reimbursement fees for Early Periodic Screening, Diagnosis and Treatment (EPSDT) Rehabilitation services by seven percent (7%).

Interested persons may submit written comments to the following address: Thomas D. Collins, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, Louisiana 70821-9030. He is the person responsible for responding to inquiries regarding this proposed rule. A public hearing on this proposed rule is scheduled for Tuesday, April 25, 2000 at 1:30 p.m. in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, Louisiana. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

David W. Hood
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Early Periodic Screening Diagnosis and Treatment (EPSDT) Rehabilitation Services

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that implementation of this proposed rule will reduce state program costs by approximately (\$13,351) for SFY 1999-00, (\$82,462) for SFY 2000-01, and (\$84,936) for SFY 2001-02. It is anticipated that \$120 (\$60 SGF and \$60 FED) will be expended in SFY 1999-00 for the state's administrative cost of promulgating this proposed rule and the final rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that implementation of this proposed rule will reduce federal revenue collections by approximately (\$31,730) for SFY 1999-00, (\$196,880) for SFY 2000-01, and (\$202,787) for SFY 2001-02.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Implementation of this proposed rule will reduce reimbursement to school boards by seven percent for rehabilitation services including physical therapy, occupational therapy and speech and language therapy. This proposed rule will reduce reimbursements by approximately (\$45,201) for SFY 1999-00, (\$279,342) for SFY 2000-01, and (\$287,722) for SFY 2001-02.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition. As a result of the rate reduction some providers may find it necessary to reduce staff or staff hours of work.

Thomas D. Collins
Director
0003#091

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Emergency Medical Transportation Program Emergency Ambulance Transportation Services

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to adopt the following rule under the Medical Assistance Program as authorized by R.S. 46:153 and 36:254 and pursuant to Title XIX of the Social Security Act and as directed by the 1999-2000 General Appropriation Act, which states: "The Secretary shall implement reductions in the Medicaid program as necessary to control expenditures to the level approved in this schedule. The Secretary is hereby directed to utilize various cost containment measures to accomplish these reductions, including but not limited to pre-certification, pre-admission screening and utilization review, and other measures as allowed by federal law". This proposed rule is adopted in accordance with the Administrative Procedure Act, R. S. 49:950 et seq.

The Department of Health and Hospitals, Bureau of Health Services Financing provides reimbursement for emergency ambulance transportation services. Reimbursement for these services is the base rate established by the Bureau minus the amount which any third party coverage would pay. As a result of a budgetary shortfall, the Bureau determined it was necessary to reduce the base rate for emergency ambulance transportation services by seven percent (7%)(*Louisiana Register, Volume 26, Number 2*). The Bureau now proposes to adopt a rule to continue the provisions contained in the February 1, 2000 emergency rule.

This action is necessary in order to avoid a budget deficit in the Medical Assistance Program. In compliance with Act 1183 of the 1999 Regular Session, the impact of this proposed rule on the family has been considered. This proposed rule has no known impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Proposed Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing reduces the base rate for emergency ambulance transportation services by seven percent (7%).

Interested persons may submit written comments to the following address: Thomas D. Collins, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, Louisiana 70821-9030. He is the person responsible for responding to inquiries regarding this proposed rule. A

public hearing on this proposed rule is scheduled for Tuesday, April 25, 2000 at 9:30 a.m. in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, Louisiana. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

David W. Hood
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Emergency Medical Transportation
Program Emergency Ambulance
Transportation Services**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that implementation of this proposed rule will reduce state program costs by approximately (\$72,089) for SFY 1999-00, (\$295,752) for SFY 2000-01, and (\$304,624) for SFY 2001-02. It is anticipated that \$120 (\$60 SGF and \$60 FED) will be expended in SFY 1999-00 for the state's administrative cost of promulgating this proposed rule and the final rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that implementation of this proposed rule will reduce federal revenue collections by approximately (\$170,963) for SFY 1999-00, (\$706,117) for SFY 2000-01, and (\$727,301) for SFY 2001-02.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Implementation of this proposed rule will reduce the base rate for emergency ambulance transportation services by seven percent (7%). This proposed rule will reduce reimbursements by approximately (\$243,172) for SFY 1999-00, (\$1,001,869) for SFY 2000-01, and (\$1,031,925) for SFY 2001-02.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition. As a result of the rate reduction some providers may find it necessary to reduce staff or staff hours of work.

Thomas D. Collins
Director
0003#092

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Emergency Medical Transportation Program
Non-Emergency Ambulance Transportation Services

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to adopt the following rule under the Medical Assistance Program as authorized by R.S. 46:153 and 36:254 and

pursuant to Title XIX of the Social Security Act and as directed by the 1999-2000 General Appropriation Act, which states: "The Secretary shall implement reductions in the Medicaid program as necessary to control expenditures to the level approved in this schedule. The Secretary is hereby directed to utilize various cost containment measures to accomplish these reductions, including but not limited to pre-certification, pre-admission screening and utilization review, and other measures as allowed by federal law". This proposed rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Bureau of Health Services Financing provides reimbursement for nonemergency ambulance transportation services. Reimbursement for these services is the base rate established by the Bureau minus the amount which any third party coverage would pay. As a result of a budgetary shortfall, the Bureau determined it was necessary to reduce the base rate for non-emergency ambulance transportation services to the rate that was in effect prior to July 1, 1999. The Bureau now proposes to adopt a rule to continue the provisions contained in the February 1, 2000 emergency rule.

This action is necessary in order to avoid a budget deficit in the Medical Assistance Program. In compliance with Act 1183 of the 1999 Regular Session, the impact of this proposed rule on the family has been considered. This proposed rule has no known impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Proposed Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing reduces the base rate for non-emergency ambulance transportation services to the rate that was in effect prior to July 1, 1999.

Interested persons may submit written comments to the following address: Thomas D. Collins, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, Louisiana 70821-9030. He is the person responsible for responding to inquiries regarding this proposed rule. A public hearing on this proposed rule is scheduled for Tuesday, April 25, 2000 at 9:30 a.m. in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, Louisiana. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

David W. Hood
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Emergency Medical Transportation
Program Non-Emergency Ambulance Transportation
Services**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that implementation of this proposed rule will reduce state program costs by approximately (\$47,375) for SFY 1999-00, (\$194,443) for SFY 2000-01, and (\$200,276) for

SFY 2001-02. It is anticipated that \$120 (\$60 SGF and \$60 FED) will be expended in SFY 1999-00 for the state's administrative cost of promulgating this proposed rule and the final rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that implementation of this proposed rule will reduce federal revenue collections by approximately (\$112,379) for SFY 1999-00, (\$464,238) for SFY 2000-01, and (\$478,165) for SFY 2001-02.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Implementation of this proposed rule will reduce the reimbursements rate for non-emergency ambulance transportation services to the rate that was in effect prior to July 1, 1999. This proposed rule will reduce reimbursements by approximately (\$159,874) for SFY 1999-00, (\$658,681) for SFY 2000-01, and (\$678,441) for SFY 2001-02.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition. As a result of the rate reduction some providers may find it necessary to reduce staff or staff hours of work.

Thomas D. Collins
Director
0003#097

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

**Home Health Extended Skilled Nursing
Visits' Reimbursement Reduction**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to adopt the following rule under the Medical Assistance Program as authorized by R.S. 46:153 and 36:254 and pursuant to Title XIX of the Social Security Act and as directed by the 1999-2000 General Appropriation Act, which states: "The Secretary shall implement reductions in the Medicaid program as necessary to control expenditures to the level approved in this schedule. The Secretary is hereby directed to utilize various cost containment measures to accomplish these reductions, including but not limited to pre-certification, pre-admission screening and utilization review, and other measures as allowed by federal law". This proposed rule is adopted in accordance with the Administrative Procedure Act, R. S. 49:950 et seq.

The Department of Health and Hospitals, Bureau of Health Services Financing provides reimbursement for Home Health extended skilled nursing visits provided to medically fragile Medicaid recipients up to the age of twenty-one (21). Reimbursement is made at a prospective rate established by the Bureau. As a result of a budgetary shortfall, the Bureau determined it was necessary to reduce the reimbursement rate for the first hour of an extended skilled nursing visit to \$20.00 (*Louisiana Register, Volume 26, Number 2*). The first hour of care must be included in the

prior authorization request for extended skilled nursing visits. The Bureau now proposes to adopt a rule to continue the provisions contained in the February 1, 2000 emergency rule.

This action is necessary in order to avoid a budget deficit in the Medical Assistance Program. In compliance with Act 1183 of the 1999 Regular Session, the impact of this proposed rule on the family has been considered. This proposed rule has no known impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Proposed Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing reduces the reimbursement rate for the first hour of a Home Health extended skilled nursing visit to \$20.00. The first hour of care must be included in the prior authorization request for extended skilled nursing visits.

Interested persons may submit written comments to the following address: Thomas D. Collins, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, Louisiana 70821-9030. He is the person responsible for responding to inquiries regarding this proposed rule. A public hearing on this proposed rule is scheduled for Tuesday, April 25, 2000 at 9:30 a.m. in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, Louisiana. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

David W. Hood
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Home Health Extended Skilled Nursing
Visits' Reimbursement Reduction**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that implementation of this proposed rule will reduce state program costs by approximately (\$89,571) for SFY 1999-00, (\$417,513) for SFY 2000-01, and (\$430,039) for SFY 2001-02. It is anticipated that \$120 (\$60 SGF and \$60 FED) will be expended in SFY 1999-00 for the state's administrative cost of promulgating this proposed rule and the final rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that implementation of this proposed rule will reduce federal revenue collections by approximately (\$212,401) for SFY 1999-00, (\$996,827) for SFY 2000-01, and (\$1,026,732) for SFY 2001-02.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Implementation of this proposed rule will reduce the reimbursement rate for the first hour of the Home Health extended skilled nursing visit. Implementation of this proposed rule will reduce the reimbursement to home health agencies by approximately (\$302,092) for SFY 1999-00, (\$1,414,340) for SFY 2000-01, and (\$1,456,771) for SFY 2001-02.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)

There is no known effect on competition. As a result of the rate reduction some providers may find it necessary to reduce staff or staff hours of work.

Thomas D. Collins
Director
0003#095

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

**Home Health Services' Skilled Nursing and Physical
Therapy Reimbursement Reduction**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to adopt the following rule under the Medical Assistance Program as authorized by R.S. 46:153 and 36:254 and pursuant to Title XIX of the Social Security Act and as directed by the 1999-2000 General Appropriation Act, which states: "The Secretary shall implement reductions in the Medicaid program as necessary to control expenditures to the level approved in this schedule. The Secretary is hereby directed to utilize various cost containment measures to accomplish these reductions, including but not limited to pre-certification, pre-admission screening and utilization review, and other measures as allowed by federal law". This proposed rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Bureau of Health Services Financing adopted a rule in March of 1996 that established a prospective reimbursement methodology for home health services and other provisions governing these services under the Medicaid Program (*Louisiana Register*, Volume 22, No. 3). As a result of a budgetary shortfall, the Bureau determined it is necessary to amend the reimbursement methodology to establish a separate reimbursement rate for skilled nursing and physical therapy services when these services are not performed by a licensed registered nurse or licensed physical therapist. Reimbursement will be at 80 percent of the current rate when skilled nursing services are performed by a licensed practical nurse (LPN). Reimbursement will be at 80 percent of the current rate when physical therapy services are provided by a physical therapist assistant. However, the current rates on file will continue to be paid when a registered nurse provides the skilled nursing service or a licensed physical therapist provides the physical therapy services.

In compliance with Act 1183 of the 1999 Regular Session, the impact of this proposed rule on the family has been considered. This proposed rule has no known impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Proposed Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the reimbursement methodology for home health services by establishing a separate reimbursement rate for skilled nursing and physical therapy services when these services are not performed by a licensed registered nurse or licensed physical therapist. Reimbursement will be at 80 percent of the current rate when skilled nursing services are performed by a licensed practical nurse (LPN). Reimbursement will be at 80 percent of the current rate when physical therapy services are provided by a physical therapist assistant. However, the current rates on file will continue to be paid when a registered nurse provides the skilled nursing service or a licensed physical therapist provides the physical therapy services.

Interested persons may submit written comments to the following address: Thomas D. Collins, Bureau of Health Services Financing, P. O. Box 91030, Baton Rouge, Louisiana 70821-9030. He is the person responsible for responding to all inquiries regarding this proposed rule. A public hearing on this proposed rule is scheduled for Tuesday, April 25, 2000, at 9:30 a.m. in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, Louisiana. At that time all interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

David W. Hood
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Home Health Services' Skilled Nursing
and Physical Therapy Reimbursement Reduction**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO
STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that implementation of this proposed rule will reduce state program costs by approximately (\$76,512) for SFY 1999-00, (\$356,684) for SFY 2000-01, and (\$367,384) for SFY 2001-02. It is anticipated that \$120 (\$60 SGF and \$60 FED) will be expended in SFY 1999-00 for the state's administrative cost of promulgating this proposed rule and the final rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE
OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that implementation of this proposed rule will reduce federal revenue collections by approximately (\$181,447) for SFY 1999-00, (\$851,595) for SFY 2000-01, and (\$877,143) for SFY 2001-02.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL
GROUPS (Summary)

Implementation of this proposed rule will establish a separate reimbursement rate when skilled nursing services are provided by a licensed practical nurse and physical therapy services are provided by a physical therapist assistant. Implementation of this proposed rule will reduce the

reimbursement to home health agencies by approximately (\$258,079) for SFY 1999-00, (\$1,208,279) for SFY 2000-01, and (\$1,244,527) for SFY 2001-02.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition. As a result of the rate reduction some providers may find it necessary to reduce staff or staff hours of work.

Thomas D. Collins
Director
0003#096

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Mental Health Rehabilitation
Services Reimbursement Reduction

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to adopt the following rule under the Medical Assistance Program as authorized by R.S. 46:153 and 36:254 and pursuant to Title XIX of the Social Security Act and as directed by the 1999-2000 General Appropriation Act, which states: "The Secretary shall implement reductions in the Medicaid program as necessary to control expenditures to the level approved in this schedule. The Secretary is hereby directed to utilize various cost containment measures to accomplish these reductions, including but not limited to pre-certification, pre-admission screening and utilization review, and other measures as allowed by federal law". This proposed rule is adopted in accordance with the Administrative Procedure Act, R. S. 49:950 et seq.

The Department of Health and Hospitals, Bureau of Health Services Financing adopted a rule amending certain provisions governing the Mental Health Rehabilitation Program, including the reimbursement methodology (Louisiana Register, Volume 22, Number 6). Reimbursement for these services is a prospective, negotiated and non-capitated rate based on the delivery of services as specified in the service agreement and the service package required for the adult and child/youth populations. As a result of a budgetary shortfall, the Bureau determined it was necessary to reduce the established reimbursement rates for high need services for adults and children as well as moderate need services for children by seven percent(7%) (Louisiana Register, Volume 26, Number 2). The Bureau now proposes to adopt a rule to continue the provisions contained in the February 1, 2000 emergency rule.

This action is necessary in order to avoid a budget deficit in the Medical Assistance Program. In compliance with Act 1183 of the 1999 Regular Session, the impact of this proposed rule on the family has been considered. This proposed rule has no known impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Proposed Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the

provisions governing the reimbursement of Mental Health Rehabilitation services by reducing the established reimbursement rates for high need services for adults and children as well as moderate need services for children by seven percent (7%).

Interested persons may submit written comments to the following address: Thomas D. Collins, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, Louisiana 70821-9030. He is the person responsible for responding to inquiries regarding this proposed rule. A public hearing on this proposed rule is scheduled for Tuesday, April 25, 2000 at 1:30 p.m. in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, Louisiana. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

David W. Hood
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Mental Health Rehabilitation
Services Reimbursement Reduction**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that implementation of this proposed rule will reduce state program costs by approximately (\$106,589) for SFY 1999-00, (\$327,881) for SFY 2000-01, and (\$337,717) for SFY 2001-02. It is anticipated that \$120 (\$60 SGF and \$60 FED) will be expended in SFY 1999-00 for the states administrative cost of promulgating this proposed rule and the final rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that implementation of this proposed rule will reduce federal revenue collections by approximately (\$252,743) for SFY 1999-00, (\$782,826) for SFY 2000-01, and (\$806,311) for SFY 2001-02.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Implementation of this proposed rule will reduce the established reimbursement rates in the Mental Health Rehabilitation Program for high need services for adults and children as well as moderate need services for children by seven percent(7%). Implementation of this proposed rule will reduce the reimbursement to mental health rehabilitation providers by approximately (\$359,452) for SFY 1999-00, (\$1,110,707) for SFY 2000-01, and (\$1,144,028) for SFY 2001-02.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition. As a result of the rate reduction some providers may find it necessary to reduce staff or staff hours of work.

Thomas D. Collins
Director
0003#094

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Labor Office of Workforce Development

Workforce Development Training Fund
(LAC 40:XVI. 101, 105, 107, 109 and 111)

Notice is hereby given, in accordance with R.S. 49:905, et seq. that the Department of Labor, pursuant to authority vested in the Department by R.S. 23:1514 and in accordance with applicable provisions of the Administrative Procedure Act, proposes to amend and reenact rules governing the workforce development training account, LAC 40:XVI.101, 105, 107, 109, and 111 to provide for requirements for submission of applications, invoice reimbursement procedures, and an appeal process under the training account.

Title 40 LABOR AND EMPLOYMENT Part XVI. Customized Training

Chapter 1. Workforce Development Training Fund

§101. Definitions

Applicant means the business or businesses who are members of a consortium requesting training assistance from LDOL under this program.

* * *

Contract means a legally enforceable agreement between LDOL, the applicant and a training provider governing the terms and conditions of the training award.

Contractee means the applicant and training provider that are party to a training award contract with LDOL under this program.

LDOL means the Louisiana Department of Labor.

Monitoring Entity means a public entity contracted or selected to monitor the compliance of a contractee with the terms and conditions of a training award contract .

Account means the Workforce Development Training Account.

Secretary means the Secretary of the Department of Labor.

Training Provider means the entity providing the customized training for the awardee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1514.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Labor, Office of Workforce Development, LR 25:1142 (June 1999), amended LR 26:

§105. Criteria

A. Employer(s) must have been in business in the state for at least three years, contributing to the workforce development training account, and be in full compliance with Louisiana unemployment insurance laws. In the case of a buyout or merger, LDOL will use data from the Tax Operations Unit of the Office of Regulatory Services to determine whether or not an applicant will be allowed to carry over operation time of a previous entity.

B. ...

C. No single employer or consortium shall receive training funds more than once in a twenty-four month time period. No single employer or consortium shall receive more than five percent of the total funds available to the program during a fiscal year. An employer with multiple operation

sites and a single unemployment insurance tax identification number shall be limited to a single application which may encompass training at the various sites, as long as the amount awarded under the application does not exceed the maximum award amount. When an employer has more than one site and each site maintains a different unemployment insurance tax identification number, the employer may apply for a separate training award under each tax identification number.

D. - F. ...

G. Preference will be given to employers that have:

1. - 2. ...

3. hired recent recipients of public assistance such as JTPA/WIA, unemployment benefits, FITAP, and rehabilitative services;

4. hired individuals recently released from a correctional facility;

5. participated in a workplace safety consultation with employees of the Office of Workers= Compensation Administration;

6. listed job openings with LDOL;

7. never received a training award under this program.

H. Employers seeking a training award may not select as a training provider:

a. any entity whose principal owner is an immediate family member, as defined in the Code of Governmental Ethics, of an individual in a management position with the employer who has the authority to make decisions regarding the training program; or

b. any related business such as a parent, subsidiary, or partner of the employer.

I. Nothing contained herein shall prohibit the selection of a proprietary school or private institution as a training provider.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1514.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Labor, Office of Workforce Development, LR 25:1143 (June 1999), amended, LR 26:

§107. Application Procedure

A. LDOL will provide a standard form which applicants will use to apply for assistance. The application form will contain, but not be limited to, detailed descriptions of the following:

1. ...

2. the company's overall training plan, including:

a. a summary of the types and amount of training currently provided by the company and a description of how the company determined its training needs; and

b. the specific training programs for which LDOL assistance is requested including descriptions of the training methods, the training providers, and the costs associated with the proposed training; and

3. any additional information the Secretary may require.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1514.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workforce Development, LR 25:1143 (June 1999), amended, LR 26:

§109. Submission and Review Procedure

A. ...

B. If any applicant is submitting an application in conjunction with a private training provider, the applicant shall also submit a cost/price/performance analysis on a form provided by LDOL at the time the application is submitted.

C. Upon determination that an application meets the eligibility criteria for this program and is deemed to be beneficial to the well-being of the state, LDOL staff will then make a recommendation to the Secretary of the Department of Labor. The application will then be reviewed and approved by the following entities in the following order:

1. the Secretary of the Department of Labor;
2. the Governor.

A copy of the application shall be sent to the executive director of the Louisiana Workforce Commission. No funds spent on the project prior to the Secretary's approval will be considered eligible project costs.

The Secretary will issue a Letter of Commitment to the applicant within five working days of the application approval by the Governor.

If any application is rejected by any of the preceding entities, the application shall not be considered by the next succeeding entity unless first reconsidered and approved by the entity which initially rejected the application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1514.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Labor, Office of Workforce Development, LR 25:1143 (June 1999), amended, LR 26:

§111. General Award Provisions

A. Award Contract

1. A contract will be executed between LDOL, the applicant (and/or company(ies) receiving training) and the training provider. The contract will specify the performance objectives expected of the company(ies) and the training provider and the compliance requirements to be enforced in exchange for state assistance, including, but not limited to, time lines for job training.

2. - 3. ...

4. The cost associated with the contract between the monitoring entity and the applicant will be considered part of the total training award, but will not exceed five percent of the award amount or \$10,000, whichever is less.

5. ...

B. Use of Funds

1. ...

2. Eligible training costs may include, inter alia, the following:

a. instruction costs: wages for instructors and training coordinators employed by the applicant or training provider, Louisiana public and/or private school tuition, contracts for vendor trainers, training seminars;

b. travel costs (limited to 30 percent of the total training award): travel for trainers and training coordinators (company and training provider), and travel for trainees; travel expenses reimbursable under this agreement will comply with State Travel Regulations, PPM 49;

c. ...

d. other Costs: facility rental associated with the training contract and fees or service costs incurred by the monitoring entity associated with the contract to monitor the training.

3. Training costs ineligible for reimbursement include:

a. ...

b. non-consumable tangible property (e.g., equipment, calculators, furniture, classroom fixtures, non-Computer Based Training (CBT) software), unless such property will be owned by a public training provider at the conclusion of the training contract;

c. out-of-state, publicly supported and private schools;

d. - g. ...

C. Conditions for Disbursement of Funds

1. Funds will be available on a reimbursement basis following submission of original invoices to LDOL to the attention of the Incumbent Worker Training Program Manager, Office of Workforce Development by mail or hand delivery. Only funds spent on the project after the Secretary's approval will be considered eligible for reimbursement. LDOL shall make a determination regarding an invoice within 15 working days after receipt of the invoice and will make payment within 15 working days of approval of said invoice. Certain invoices that need priority attention shall be clearly marked "priority" and LDOL shall make a good faith effort to expedite the processing of such invoices. Invoices regarding the purchase of equipment must be accompanied by documentation confirming delivery.

2. Invoices will be eligible for reimbursement at 100 percent of the total invoice amount until the sum of disbursements under a contract are equal to 90 percent of the total grant award. After the applicant and the training provider have achieved 100 percent of their contracted performance objectives or have substantially complied with the terms of the contract as determined by the Secretary, the remaining 10 percent of the grant award will be made available for reimbursement.

3. ...

D. Compliance Requirements

1. Training Providers shall be required to complete quarterly reports describing progress toward the performance objectives specified in their contract with LDOL. Training providers shall also be responsible for providing documentation to LDOL on a quarterly basis regarding the satisfaction of the business receiving training under the contract.

2. In the event the applicant or training provider fails to meet its performance objectives specified in its contract with LDOL, LDOL shall retain the rights to withhold award funds, modify the terms and conditions of the award, and to reclaim disbursed funds from the applicant and/or training provider in an amount commensurate with the scope of the unmet performance objectives and the foregone benefits to the state.

3. In the event LDOL decides to withhold award funds, modify the terms and conditions of an award, or reclaim disbursed funds from the applicant and/or training provider, LDOL shall provide notice of such determination to the applicant and training provider within three working days of such decision.

a. The applicant or training provider may appeal an adverse decision made by LDOL by providing written notice of objection to the Secretary within five working days of receipt of the adverse decision. If a request for an appeal is made, then the appellant shall submit documentation to support the appeal within ten working days after forwarding

notice of the appeal. The Secretary shall review the evidence submitted and render a written decision within twenty working days after receiving notice of the appeal. If no appeal is filed within the applicable time period, the decision of LDOL shall become final.

b. If after review of the appeal, the Secretary renders a decision that is adverse to the appellant, then the matter shall be submitted to the Office of the Governor for resolution.

4. In the event the applicant or monitoring entity knowingly files a false statement in its application or in a progress report, the applicant or monitoring entity shall be guilty of the offense of filing false public records and shall be subject to the penalty provided for in La. R.S. 14:133.

5. LDOL shall retain the right to require and/or conduct financial and performance audits of a project, including all relevant records and documents of the applicant and the monitoring entity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1514.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Labor, Office of Workforce Development, LR 25:1143 (June 1999), amended, LR 26:

Family Impact Statement

Pursuant to LSA-R.S. 49:953 and 972, the Louisiana Department of Labor has prepared a Family Impact Statement for the amendments to the rules regarding the Workforce Development Training Fund/Customized Training Fund.

1. The effect on the stability of the family. The proposed amendments to the rules on the Workforce Development Training Fund/Customized Training Fund will have no effect on the stability of the family.

2. The effect on the authority and rights of parents regarding the education and supervision of their children. The proposed amendments to the rules on the Workforce Development Training Fund/Customized Training Fund will have no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The effect on the functioning of the family. The proposed amendments to the rules on the Workforce Development Training Fund/Customized Training Fund will have no effect on the functioning of the family.

4. The effect on family earnings and family budget. The proposed amendments to the rules on the Workforce Development Training Fund/Customized Training Fund may effect family earnings and the family budget of those individuals that participate in and are trained under the Incumbent Worker Training Program. These individuals should receive a skill upgrade and should receive an increase in position and/or pay after the completion of the customized training.

5. The effect on the behavior and personal responsibility of children. The proposed amendments to the rules on the Workforce Development Training Fund/Customized Training Fund will have no effect on the behavior and personal responsibility of children.

6. The ability of the family or a local government to perform the function as contained in the proposed rule. The proposed amendments to the rules on the Workforce Development Training Fund/Customized Training Fund will have no effect on the ability of the family or a local government to perform any functions.

Inquiries concerning the proposed amendments may be directed to: Sujuan Boutte, Assistant Secretary for Workforce Development, Department of Labor, P.O. Box 94094, Baton Rouge, Louisiana 70804-9094.

Interested persons may submit data, views, arguments, information or comments on the proposed amendments in writing, to the Louisiana Department of Labor, P. O. Box 94094, Baton Rouge, Louisiana 70804-9094, Attention: Sujuan Boutte, Assistant Secretary for Workforce Development. Written comments must be submitted to and received by the Department within 10 days from the date of this notice. A request pursuant to R.S. 49:953(A)(2) for oral presentation, argument or public hearing must be made in writing and received by the Department within 20 days of the date of this notice.

Garey Forster
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Workforce Development Training Fund

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Act 1053 of the 1997 Regular Legislative Session established the Workforce Development Training Account. During the 1999 Regular Legislative Session, the legislature increased the appropriation into this account to be used for customized training from \$6,000,000 to \$50,000,000. Although these rules are not responsible for the additional expenditures, the proposed change should facilitate the operation of the program in an effective and efficient manner. In part, these rules have been proposed to clarify required additional documentation from applicants, and to expand the criteria for which a business can receive preference for training funds. The Department of Labor estimates that there will be no additional administrative costs associated with the implementation of the proposed rule amendment.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no direct effect on revenue collections of state or local governmental units. There could be an indirect positive impact if the program is successful.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

It is anticipated that the full \$50,000,000, less administrative costs, will be distributed amongst eligible applicants which will include public and/or private training providers along with interested employers or consortiums of employers who have operated in the state for at least three years. The direct economic benefit will be those savings provided to the applicant through the state funded training program. Thus, an eligible applicant will be subsidized for a portion of the funding necessary to train its employees.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The Workforce Development Training Account should not significantly affect competition among those awarded grants for customized training, but will provide some incremental cost advantage to successful applicants compared to entities which do not receive the funding. Employees of organizations benefitting from the fund will receive industry standard training thereby allowing them to be more productive and efficient. Also, as incumbent workers are trained and promoted,

employment opportunities for existing employees and potential employees will increase.

Garey Forster
Secretary
0003#052

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Labor Office of Workforce Development

Workforce Investment Act
(LAC 40:XXV.Chapter 1)

The Department of Labor, Office of Workforce Development intends to adopt certain rules and regulations under the Administrative Procedure Act (R.S.49:950, et seq.), for the implementation and administration of the Workforce Investment Act (Public Law 105-220).

It will hold a public hearing thereon on April 24, 2000, at 9:30 a.m. in the Office of Workforce Development Conference Room (3rd floor of the annex building), 1001 North 23rd St., Baton Rouge, Louisiana 70804, at which time all interested parties will be given an opportunity to be heard.

The following are the proposed rules for the administration of the Workforce Investment Act.

Title 40

LABOR AND EMPLOYMENT

Part XXV. Workforce Investment Act

Chapter 1. General Provisions

§101. Definitions

Act Workforce Investment Act

Consulting Service work, other than professional, personal, or social service, rendered by either individuals or firms who possess specialized knowledge, experience, or expertise to investigate assigned problems or projects and to provide counsel, review, design, development, analysis, or advice in formulating or implementing programs or services, including but not limited to such areas as management, personnel, finance, accounting, planning, data processing, and advertising contracts, except for printing associated therewith.

Part-Time Employment employment in which a worker is regularly scheduled to work less than the employer's full - time schedule for the worker's position.

Personal Property all tangible non-consumable moveable property purchased with funds under the Act. The term movable distinguishes this type of property from property attached as a permanent part of a building or structure. Please note that state law requires each item of moveable property having an acquisition cost or appraised value of \$250 or more, be placed on inventory.

Personal Service work rendered by individuals which require use of creative or artistic skills, such as but not limited to graphic artists, sculptors, musicians, photographers, and writers, or which require use of highly technical or unique individual skills or talents, such as, but not limited to, paramedicals, therapists, handwriting analysts, and expert witnesses for adjudications or other court proceedings.

Placement the act of securing unsubsidized employment for or by a participant.

Professional Service work rendered by an independent contractor who has a professed knowledge of some department of learning or science used by its practical application to the affairs of others or in the practice of an art founded on it, which independent contractor shall include but not be limited to lawyers, doctors, dentists, veterinarians, architects, engineers, landscape architects, and accountants. A profession is a vocation founded upon prolonged and specialized intellectual training which enables a particular service to be rendered. The word "professional" implies professed attainments in special knowledge as distinguished from mere skill.

Real Property land, including land improvements, structures and appurtenances thereto, excluding movable machinery and equipment.

Recipient the State with respect to funds awarded under WIA Sections 127(b)(1)(c)(II), 132,(b)(1)(B) and 132(b)(2)(B).

Unsubsidized Employment employment not financed from funds provided under the Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1514.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workforce Development, LR 26:

§103. Reporting of Expenditures

The local workforce investment area grant recipient/fiscal agent shall prepare expenditure reports in accordance with procedures established by the Department of Labor. These reports shall be on an accrual basis and conform to federal and state requirements in regard to the Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1514.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workforce Development, LR 26:

§105. Requests for Cash

The financing of the WIA program will be on an advance or reimbursement basis in accordance with procedures established by the Department of Labor. Local workforce investment area grant recipients/fiscal agents shall establish procedures that will minimize the time elapsing between the receipt of advanced funds and their disbursements in accordance with 31 CFR part 205.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1514.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workforce Development, LR 26:

§107. Purchasing Procedures

All purchases and leases of furniture, equipment, supplies, property, office and building space, capital improvements, and services shall be processed in accordance with procedures established under the appropriate uniform administrative requirements for grants and agreements applicable for the type of entity receiving the funds, as promulgated in circulars or rules of the Office of Management and Budget.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1514.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workforce Development, LR 26:

§109. Travel and Transportation Regulations

A. All reimbursement for travel will be made in accordance with the applicable uniform cost principles included in the appropriate circulars of the Office of Management and Budget for the type of entity receiving the funds.

B. Each local workforce investment area grant recipient/fiscal agent, and subrecipient must have clearly defined travel regulations including documentation requirements. These requirements must include travel reports which include the date of travel, travel destination, purpose, beginning and ending odometer reading, amount to be reimbursed, and supervisor signatures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1514.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workforce Development, LR 26:

§111. Auditing Requirements

Local workforce investment area grant recipients, fiscal agents, and subrecipients who are government or non-profit entities must comply with the audit requirement of OMB Circular 133. Commercial organizations who are subrecipients under the WIA Title I and who expend more than the minimum level specified in OMB Circular A-133 (\$300,000) must have either an organization-wide audit or a program specific financial and compliance audit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1514.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workforce Development, LR 26:

§113. Reallocation Policy

A. The Governor may reallocate youth, adult and dislocated worker funds among local areas within the State in accordance with the provisions of sections 128(c) and 133(c) of the Act. If the Governor chooses to reallocate funds, the following shall apply.

1. For the youth, adult and dislocated worker programs, the amount to be recaptured from each local area for purposes of reallocation, if any, will be based on the amount by which the prior years unobligated balance of allocated funds exceeds 20 percent of that year's allocation for the program, less any amount reserved (up to 10 percent) for the cost of administration. Unobligated balances must be determined based on allocations adjusted for any allowable transfer between funding streams. This amount, if any, must be separately determined for each funding stream.

2. To be eligible to receive youth, adult, or dislocated worker funds under the reallocation procedures, a local area must have obligated at least 80 percent of the prior program year's allocation, less any amount reserved (up to 10 percent) for the costs of administration, for youth, adult or dislocated worker activities, as separately determined. A local area's eligibility to receive a reallocation must be determined for each funding stream.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1514.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workforce Development, LR 26:

§115. Financial and Programmatic Monitoring

The LDOL reserves the right to monitor the financial and programmatic operations of all local workforce investment area grant recipients/fiscal agents and subrecipients.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1514.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workforce Development, LR 26:

§117. Property Disposition

Local workforce investment area grant recipients/fiscal agents, and subrecipients shall obtain written approval from the Louisiana Department of Labor prior to the disposition of property covered by the Act. Please note that state law requires each item of moveable property, having an acquisition cost or appraised value of \$250 or more, be placed on inventory.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1514.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workforce Development, LR 26:

§119. Bonding

A. Every officer, director, agent or employee of a local workforce investment area grant recipient/fiscal agent, or subrecipient of WIA funds on a cash advance basis, who is authorized to act on behalf of a local workforce investment area grant recipient/fiscal agent for the purpose of receiving or depositing funds into program accounts or issuing financial documents, checks or other instruments of payment for program costs shall be bonded to provide protection against loss. The amount of coverage shall be the lower of the following:

1. \$50,000; or
2. the highest advance through check or drawdown planned during the contract/subgrant period.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1514.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workforce Development, LR 26:

§121. Professional, Personal, and Consultant Services

Contracts for professional, personal, and consultant services are allowable with prior written approval of the recipient and in accordance with procedures established by the recipient.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1514.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workforce Development, LR 26:

§123. Modification/Amendment of Local Workforce Investment Area Local Plan

A. The approved five year local plan may be changed by the WIB/CEO in two ways: by modification and by amendment.

B. A plan modification is a revision of the approved plan which requires WIB/CEO approval and is subject to the requirements of Section 118(C) of the Act. A local workforce investment area must modify its plan when one or more of the following occur:

1. a significant change in labor market or other conditions occurs that would have an adverse impact on its performance;
2. change in grant recipient or fiscal agent;
3. a change in the geographic area served;
4. a change in funding of more than 20 percent of the annual allocation;
5. obligation of Title I allocation for subsequent years of the 5 year plan period;
6. any other factors which require modification shall be at the discretion of the Governor.

C. A plan amendment is a minor adjustment to the approved plan. There is no publication requirement, however WIB/CEO approval is required. A plan amendment must be

submitted via a cover letter explaining the amendment and should be signed by the WIB chairperson and CEO.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1514.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workforce Development, LR 26:

§125. Participant Rights and Benefits

Each local workforce investment area grant recipient/fiscal agent and its subrecipients shall inform each participant of his/her rights and benefits at the time of enrollment into any activity under the Act and shall require each participant to sign a statement that he/she has been advised of his/her rights and benefits. This signed statement shall become a permanent part of each participant's official record.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1514.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workforce Development, LR 26:

§127. Payments to OJT Employers, Training Institutions, and Other Vendors

Payments to On-the-Job Training employers, training institutions and other vendors are allowable and should be made in accordance with applicable sections of the WIA federal regulations and any procedures established by the recipient.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1514.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workforce Development, LR 26:

§129. Grievance Procedure

Each local workforce investment area grant recipient/fiscal agent and its subrecipients shall adopt a procedure for resolving any grievance including those alleging a violation of the Act, federal or state regulations, or other agreements under the Act. All grievance procedures shall provide for the exhaustion of remedies provided therein before appeal to the State for review.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1514.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workforce Development, LR 26:

§131. Non-discrimination Procedure

Local workforce investment area grant recipients/fiscal agents and subrecipients shall comply with the applicable requirements of Section 188 of the Act and 20 CFR 667.600.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1514.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workforce Development, LR 26:

§133. Conditional Approval of Local Plan

In order to expedite program operations the State may, grant partial or conditional approval to a local workforce investment area Local Plan. Such approval will spell out the parameters within which the Local Plan may operate and the revision necessary for final approval.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1514.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workforce Development, LR 26:

§135. Statewide Management Information System

Each local workforce investment area grant recipient/fiscal agent and subrecipients as appropriate will be responsible for maintaining a client tracking and

management information system that will interface required data with the Department of Labor statewide automated system established for WIA purposes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1514.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workforce Development, LR 26:

§137. Prevention of Fraud and Program Abuse

A. To ensure integrity of programs under the Act, special efforts are necessary to prevent fraud and other program abuses. Fraud includes deceitful practices and intentional misconduct, such as willful misrepresentation in accounting for use of program funds. "Abuse" is a general term which encompasses improper conduct which may or may not be fraudulent in nature. While any violation of the Act or regulations may constitute fraud or program abuse, this rule identifies and addresses specific areas which need clarification.

B. This rule sets forth specific responsibilities of the recipient, local workforce investment area grant recipients/fiscal agents, and subrecipients to prevent fraud and program abuse in WIA.

C. Conflict of Interest

1. In addition to the requirements of the Act, as well as, 20 CFR 667.200, 29 CFR 95.42 or 29 CFR 97.38(b)(3) as appropriate, the Code of Governmental Ethics contains restrictions concerning conflicts of interest. Any issues regarding the State Code of Governmental Ethics should be brought before the Louisiana Board of Ethics.

D. Kickbacks. No officer, employee, or agent of the recipient, local workforce investment area grant recipient/fiscal agent or subrecipients shall solicit or accept gratuities, favors, or anything of monetary value from any actual or potential subrecipient.

E. Nepotism. No individual may be placed in a WIA employment activity if a member of that person's immediate family is directly supervised by or directly supervises that individual. Also, the State Code of Governmental Ethics contains restrictions against the hiring of certain family members. Questions regarding the hiring of family members should be referred to the Louisiana Board of Ethics.

F. Child Labor. The recipient, local workforce investment area grant recipients/fiscal agents and subrecipients shall comply with applicable federal, state and local child labor laws.

G. Political Patronage

1. Neither the recipient, local workforce investment area grant recipients/fiscal agents nor any subrecipients may select, reject, or promote a participant based on that individual's political affiliation or beliefs. The selection or advancement of employees as a reward for political services or as a form of political patronage whether or not political services is partisan in nature, is prohibited.

2. There shall be no selection of subrecipients based on political patronage or affiliation.

H. Political Activities

1. No program under the Act may involve political activities, including but not limited to:

a. no participant may engage in partisan or non-partisan political activities during hours for which the participant is paid with WIA funds;

b. no participant may, at any time, engage in partisan political activities in which such participant

represents himself/herself as spokesperson of the WIA program;

c. no participant may be employed or outstationed in the office of a member of Congress or state or local legislator or on any staff of a legislative committee;

d. no participant may be employed by or outstationed in positions involving political activities in the offices of other elected executive officials. However, since under the responsibility of such elected officials are non-political activities, placement of participants in such non-political positions is permissible. Local workforce investment area grant recipients/fiscal agents and subrecipients shall develop safeguards to ensure that participants placed in these positions are not involved in political activities. These safeguards will be subject to review and monitoring.

2. Persons governed by Chapter 15 of Title 5, United States Code, the Hatch Act, shall comply with its provisions as interpreted by the United States Office of Personnel Management. These provisions apply:

a. to persons (including participants) employed by state and local government in

the administration of the WIA program; and

b. generally to any participant whose principal employment is in connection with an activity financed by other federal grants or loans.

I. Lobbying Activities. All WIA Title I local workforce investment area grant recipients/fiscal agents and subrecipients must comply with the instructions on lobbying which are codified at 29 CFR Part 93.

J. Sectarian Activities. The following are prohibitions regarding sectarian activity.

1. Participants shall not be employed on the construction, operation or maintenance of any part of any facility that is used or to be used for sectarian instruction or a place for religious worship, except as otherwise noted in the Act.

2. WIA funds shall not be spent on the employment or training of participants in sectarian activities.

K. Unionization and Antiunionization Activities/Work Stoppages

1. No funds under the Act shall be used in any way to assist, promote or oppose unionization.

2. No individual shall be required to join a union as a condition for enrollment in a program in which only institutional training is provided, unless such institutional training involves individuals employed under a collective bargaining agreement which contains a union security provision.

3. No participant in work experience may be placed into, or remain working in any position which is affected by labor disputes involving work stoppage. If such a work stoppage occurs during the grant period, participants in affected positions must:

a. be relocated to positions not affected by the dispute;

b. be suspended through administrative leave; and

c. where participants belong to the labor union involved in the work stoppage, be treated in the same manner as any other union member except such members must not remain working in the affected position. The grantee shall make every effort to relocate participants, who

wish to remain working, in suitable positions unaffected by the work stoppage.

4. No person shall be referred to or placed in an on-the-job training position affected by a labor dispute involving a work stoppage and no payments may be made to employers for the training and employment of participants in on-the-job training during the period of work stoppage.

5. Nothing in this Section shall prevent an employer from checking off union dues or service fees pursuant to applicable collective bargaining agreements or state law.

6. No currently employed worker shall be displaced by any participant (including partial displacement such as a reduction in the hours of non-overtime work, wages or employment benefits).

7. No program under this Act shall impair existing contracts for services or existing collective bargaining agreements, unless the employer and the labor organization concur in writing with respect to any elements of the proposed activities which affect such agreement, or either such party fails to respond to written notification requesting its concurrence within 30 days of receipt thereof.

8. No participant shall be employed or job openings filled when any other individual is on layoff from the same or any substantially equivalent job, or when the employer has terminated the employment of any regular employee or otherwise reduce its workforce with the intention of filling the vacancy so created by hiring a participant whose wages are subsidized under this Act.

9. No jobs shall be created in promotional line that will infringe in any way upon the promotional opportunities of currently employed individuals.

L. Maintenance of Effort

1. To ensure maintenance of effort, the recipient, local workforce investment area grant recipients/fiscal agents and subrecipients shall ensure:

a. funds provided under the Act shall only be used for activities that are in addition to those that would otherwise be available in the local area in the absence of such funds;

b. do not result in the displacement of currently employed workers including partial displacement, such as reduction in hours of nonovertime work, wages, or employment benefits;

c. do not impair existing contracts for services or result in the substitution of federal funds for other funds in connection with work that would otherwise be performed including services normally provided by temporary, part-time or seasonal workers or through contracting such services out.

M. Responsibilities of Local Workforce Investment Area Grant Recipients and Subrecipients for Preventing Fraud and Program Abuse and for General Program Management General Requirements. Each local workforce investment area grant recipient/fiscal agent and subrecipient shall establish and use internal program management procedures sufficient to prevent fraud and program abuse.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1514.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workforce Development, LR 26:

§139. State's Responsibility

The Department of Labor is the Governor's designee as State WIA Title I Administrative Agency and reserves the

right to issue directives, instructions, or other issuances to the local workforce investment area grant recipients/fiscal agents, and other subrecipients in order to carry out its responsibility as required by the Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1514.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workforce Development, LR 26:

§141. Occupational Demand

Occupational training provided under the Act shall be directly linked to occupations that are in demand in the local area, or in another area to which an adult or dislocated worker is willing to relocate, except that a local board may approve training services for occupations determined by the local board to be in sectors of the economy that have a high potential for sustained demand or growth in the local area.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1514.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workforce Development, LR 26:

Family Impact Statement

The Workforce Investment Act is designed to provide education and training opportunities that should lead to the following positive effects on the family, as described in items 3-5 of R.S. 49:972(B):

1. family functioning through provision of job opportunities;
2. family earnings and family budget through attachment and retention in the labor force; and
3. behavior and responsibility of children through provision of employability enhancement skills for eligible youth ages 14-21.

Garey Forster
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Workforce Investment Act

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
There is no anticipated cost or savings to state or local governmental units associated with these rules other than those one time costs directly associated with their publication in the *State Register*. The Workforce Investment Act of 1998 (Public Law 105-220) repeals the Job Training Partnership Act program effective July 1, 2000. These rules will provide for the administration of the Workforce Investment Act and will replace the State rules for the administration of the federal Job Training Partnership Act program.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is not expected to be any effect on the revenue collections by governmental units at the state or local level.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
There will be no costs to directly affected persons or non-governmental groups. Workforce Investment Act funds result in job training and employment opportunities for low income individuals, dislocated workers, and other individuals needing services.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rules are not anticipated to have any significant impact on competition as the intent of the Workforce Investment Act is to provide job training and employment in demand occupations to eligible individuals. Workforce Investment Act participants are not expected to replace persons presently employed, but rather to obtain employment in positions which are currently unfilled due to an insufficient number of adequately trained individuals in the state's labor pool.

Garey Forster
Secretary
0003#059

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Natural Resources Office of the Secretary

Oyster Lease Relocation Program (LAC 43:I.875-895)

In accordance with the laws of the State of Louisiana, and with reference to the provisions of Title 56 of the Louisiana Revised Statutes of 1950, the Secretary of the Department of Natural Resources will consider evidence relative to the proposed rules governing the administration of the Oyster Lease Relocation Program for 40 days after said publication.

The proposed amendments represent the views of the Secretary as of this date; however, the Secretary reserves the right to make additions or deletions prior to final adoption. This proposed rule has no known impact on family formation, stability, or autonomy, as described in R.S. 49:972.

Title 43 DEPARTMENT OF NATURAL RESOURCES

Part I. Office Of The Secretary

Chapter 8. Coastal Restoration

Subchapter C. Rules Governing Davis Pond Oyster Relocation Program

§875. Purpose

These special rules are adopted pursuant to R.S. 56:432.1 et seq. to provide for the filing and processing of applications for, and for the fair and expeditious relocation of, oyster beds in the Davis Pond Oyster Influence Area (the "Program"). These rules supercede the provisions of Subchapter B insofar as Subchapter B may otherwise apply to the Davis Pond Influence Area.

Pursuant to R.S. 56:432,1E, these rules are intended to implement federal plans, programs and requirements regarding the Davis Pond Freshwater Diversion Project, ("Project") constructed pursuant to the Water Resources Development Act, as amended in 1996 and shall be so interpreted,

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:432.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 26:

§877. Definitions

Active Lease any oyster lease currently on record with the Louisiana Department of Wildlife and Fisheries located in whole or part within the Davis Pond Oyster Influence

Area for which all fees have been paid for the current term of the lease.

Affected Lease an Active Lease determined pursuant to these rules to be productive.

Davis Pond Influence Area that area of the Barataria Bay estuary north of the five parts per thousand isohaline line delineated in Volume 1, Plate 10 of the Louisiana Coastal Area Feasibility Study, dated September, 1984.

Coastal Restoration Project Area geographical extent of a Coastal Restoration Project as delineated by the responsible government agency or agencies for that Project.

Department the Louisiana Department of Natural Resources, its Secretary, or the Secretary's designee.

Department of Wildlife and Fisheries the Louisiana Department of Wildlife and Fisheries, its Secretary, or the Secretary's designee.

Exchange Lease a lease or leases received by a Leaseholder in exchange for an Affected Lease pursuant to §883.

Leaseholder the lessee of an oyster lease granted by the Department of Wildlife and Fisheries pursuant to La. R.S. 56:425 et seq., as appears on records provided and maintained by the Department of Wildlife and Fisheries

Replacement Lease a lease or leases located entirely outside any Coastal Restoration Project Area, selected by the Leaseholder in accordance with §885.E.

Relocation Culch Material the quantity of material allowed by the Department to substitute for the reef and shell/culch substrate areas on an Affected Lease and comparable to those amounts used by the Department of Wildlife and Fisheries in establishing the public seed ground areas.

Productive Lease an Active Lease found by the Secretary to have a suitable substrate that is capable of sustaining commercial oyster production, and is in a location on the "Melancon" maps as having an appropriate salinity regime to sustain oyster production and is not in a Louisiana Department of Health and Hospitals "prohibited area" as delineated according to applicable statutes and regulations in effect on the date the election is made. If an active lease does not meet these criteria, the leaseholder may submit to the Secretary within sixty days after the date the election is made additional information to substantiate in accordance with the requirements of Sec. 895, that the particular lease is capable of sustaining commercial oyster production, and on the basis of such information and any other information, the Secretary shall determine whether or not the lease is productive for the purposes of this regulation. Melancon, E.J. , Jr. et al. 1998 *Journal of Shellfish Research*.II (4):1143-1148.

Secretary the Secretary of the Department of Natural Resources or the Secretary's designee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:432.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 26:

§879. Notification of Leaseholders

A. The Secretary shall make a reasonable effort to provide notice of the Program to all affected Leaseholders.

B. The Secretary shall send to Leaseholders of Affected Leases a notice including the following:

1. a description and map of the Davis Pond Oyster Influence Area

2. a copy of these regulations;

3. a statement informing the Leaseholder that the Leaseholder's desire to participate in the Program must be confirmed in writing and delivered by certified mail to the Secretary within 30 days of the date of receipt of the notice. The statement shall also inform the Leaseholder that, if such confirmation not be received timely, the Leaseholder shall be deemed to have elected not to participate in the Program;

4. a statement informing the Leaseholders that limited funding is available, and that available funds used to implement the Program shall be distributed to participating Leaseholders in the manner determined by the Secretary pursuant to §891. and,

5. a response form to be completed and returned to the Department, which form shall provide information confirming the Leaseholder's mailing address and the Leaseholder's selection of a relocation option. The forms shall include an authorization granting the Department or its contractors the right to enter the Affected Lease for the purpose of surveying and making an assessment of each Affected Lease.

C. Notice shall be deemed to have been made if sent by United States certified mail, return receipt requested, to the last address furnished to the Louisiana Department of Wildlife and Fisheries by the Leaseholder.

D. The Department will publish a list of all the Leaseholders of Affected Leases in the official State Journals of the parishes where Affected Leases are located, notifying the Leaseholders of the Program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:432.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 26:

§881. Leaseholder Options

A. Leaseholder(s) of Affected Lease(s) may select one option from those available in ' 883-889, except as otherwise provide in Section 887.B. Notwithstanding any other provision in these regulations to the contrary, any obligation of the Department to expend funds shall be subject to the availability of funds as described in the provisions of §891, except for the exchange option as provided in §883.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:432.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 26:

§883. Exchange Option

A. The exchange of an Affected Lease, including the Department's responsibility for payment of application and survey costs, shall be subject to the availability of funds as described in the provisions of §891.

B. A Leaseholder may elect to exchange the Affected Lease for an Exchange Lease or leases as described in Subpart C. below which is acceptable to both the Leaseholder and the Department of Wildlife and Fisheries. Lease exchanges shall be in accordance with La. R.S. 56:432.1.B.(1) Exchange Leases shall begin a new term.

Subject to the provisions of §883.A., the Department shall reimburse the applicants for all application and survey costs.

C. If the Leaseholder elects this option, the Department shall notify the Department of Wildlife and Fisheries. Affected Leases shall be exchanged for a maximum number of Exchange Leases as follows provided that the combined acreage of the Exchange Lease or Leases shall not exceed the acreage of the Affected Lease by more than ten percent.

1. Affected Leases between 0 and 20 acres in size shall be exchanged for no more than one Exchange Lease;

2. Affected Leases between 21 and 200 acres in size shall be exchanged for no more than two Exchange Leases; and

3. Affected Leases between 201 and 500 acres in size shall be exchanged for no more than three Exchange Leases;

4. Affected Leases between 501 and 1000 acres in size shall be exchanged for no more than four Exchange Leases.

D. Within 30 days of the Department's receipt of the Leaseholder's response required in accordance with §879.B., the Leaseholder shall submit to the Department of Wildlife and Fisheries an application for an Exchange Lease or Leases. Applications for Exchange Lease locations shall be submitted by the Leaseholder and processed by the Department of Wildlife and Fisheries in accordance with the provisions of LAC Title 76, Chapter 5, Section 501, "Oyster Leases", and subparts §883.B. and C. above.

E. Applications for Exchange Lease or Leases shall be accompanied by a written request from the Leaseholder to cancel the Affected Lease on December 31 of the calendar year immediately following the calendar year of application for the Exchange Lease. In the event that the term of the Affected Lease will expire prior to December 31 of the calendar year immediately following the calendar year of application for the Exchange Lease, the Department shall request that the Department of Wildlife and Fisheries, in accordance with the provisions of La. R.S. 56:428.1, issue a one-year lease for that Affected Lease.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:432.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 26:

§885. Relocation Option

A. The relocation of an Affected Lease, including the Department's responsibility for payment or reimbursement as provided in §885.C., shall be subject to the availability of funds, as described in the provisions of §891.

B. The Leaseholder may elect to relocate the Affected Lease to a Replacement Lease. The Affected Lease shall be assessed by the Department by any means, including but not limited to side-scan sonar, to determine the quantity of Relocation Cultch Material allowable to relocate the Affected Lease. The Leaseholder shall cause the placement of that quantity of cultch material on a Replacement Lease.

C. Subject to the provisions of §885.A. above, the Secretary shall determine and provide the following:

1. reimbursement of the actual cost of placement of Relocation Cultch Material, but not in excess of the Secretary's determination of reasonable and allowable costs made under the provisions of §885.D. of this part;

2. reimbursement of the actual cost of relocation of any live seed oysters from the Affected Lease, but not in excess of the Secretary's determination of reasonable and

allowable costs made under the provisions of §885.D. of this part.

D. The Leaseholder of each Affected Lease shall be notified, by certified registered United States mail, postage pre-paid, or pre-paid receipted express delivery service, or facsimile, of the determination of the Relocation Cultch Material allowable for the existing lease, and the Department's determination of the amount in dollars of reimbursement which is reasonable and allowable to

1. effect the placement of the Relocation Cultch Material on the Replacement Lease selected by the Leaseholder, and

2. effect the relocation of any living seed oysters from the Affected Lease. Upon such notification, the Leaseholder shall have 30 days to notify the Department in writing to either accept the reimbursement offer made by the Department, to request purchase of the lease in accordance with §889, or to appeal in accordance with §895.

E. Upon acceptance of the relocation offer, the Leaseholder shall have 90 days to notify the Department of the date and the Replacement Lease by which the Leaseholder will cause placement of the cultch; such date shall be no later than 12 months from the Leaseholder's acceptance of the Department's offer made in accordance with §885.D. The Secretary may extend this period for good cause shown. Upon placement of the cultch, the Leaseholder shall certify to the Department, in writing, that such placement has occurred. Such certification shall be accompanied by receipts or invoices for the actual cost of the cultch placement, as well as the location and quantity of such placement. Payment for actual expenses incurred by the Leaseholder shall be made pursuant to §891., but not in excess of the Secretary's written determination of the level of reasonable and allowable compensation made in accordance with §885.D. of this regulation.

F. If on the date the relocation option is made a Leaseholder of an Affected Lease is not then the lessee of a Replacement Lease on which relocation cultch material can reasonably be placed, as determined by the Secretary, reimbursement will be made for application fees and lease survey and marking costs of a new Replacement Lease for an area not in excess of the area of the Affected Lease by more than 10%. The Leaseholder must, by written request, give notice to the Department of Wildlife and Fisheries and the Department to cancel the Affected Lease on December 31 of the calendar year immediately following the calendar year of the Department's receipt of the notification letter as provided for in §879. Payment to the leaseholder shall be withheld until the written cancellation notices are received. For good cause shown in writing by the Leaseholder, the Secretary may extend the cancellation date of the Affected Lease, or may request that the Department of Wildlife and Fisheries issue a one-year lease pursuant to La.R.S. 56:428.1.

G. Subject to the limitations of paragraph G.1., below, the Leaseholder shall have one year after the date on which the Leaseholder's selection of the relocation option is mailed to the Department in accordance with §879. B. of this regulation to remove any living oysters, both seed and marketable, from the Affected Lease, at the sole risk and cost of the Leaseholder, except for costs allowed in accordance with §885 C.2.

1. In the event that the Department notifies the Leaseholder that, due to implementation schedules of the Davis Pond Freshwater Diversion feature of the Mississippi Delta Region Project, less than one year will be available for the removal of living oysters, both seed and marketable, from the Affected Lease, the Leaseholder may request that the Department provide compensation for any project impacts, causing the loss of living oysters remaining on the Affected Lease. Subject to the availability of funds as described in the provisions of §891., the Secretary may, at his discretion, determine the reasonable value of oysters not reasonably removable within the time available and offer compensation for reasonable and allowable losses.

2. In the event that the Department notifies the Leaseholder that due to delays in the Coastal Restoration Project implementation schedules, of the Davis Pond Freshwater Diversion feature of the Mississippi Delta Region Project, more than one year exists for the removal of living oysters from the Affected Leases, the Secretary may, at his discretion, allow the Leaseholder, to continue the removal of any living oysters, during the existence of the lease including renewals, provided that the Leaseholder shall execute a receipt, release and hold harmless agreement in favor of the United States Government, including the U.S. Army Corps of Engineers, and the State of Louisiana, including the Louisiana Department of Natural Resources and the Louisiana Department of Wildlife and Fisheries, in accordance with the terms and provisions of the release, indemnity and hold harmless agreement set forth in Section 893 of this Agreement and shall provide that the lease is subservient and subordinate to the Davis Pond Freshwater Diversion feature of the Mississippi Delta Region Project, and to any other Coastal Restoration Project and that the Leaseholder accepts the risks of continuing to remove living oysters in the area affected by the Project.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:432.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 26:

§887. Retention Option

A. The Leaseholder may elect to retain the Affected Lease without compensation. If the Leaseholder elects to retain the Affected Lease, he shall execute a written release indemnification and hold harmless agreement in favor of the United States Government, including the U.S. Army Corps of Engineers, and the State of Louisiana, including the Louisiana Department of Natural Resources and the Louisiana Department of Wildlife and Fisheries, in accordance with the terms and provisions of the release, indemnity and hold harmless agreement set forth in Section 893 of this Agreement and this election shall stipulate that the retained lease is subservient and subordinate to the Davis Pond Freshwater Diversion feature of the Mississippi Delta Region Project, and to any Coastal Restoration Project, past, present or future, and that the Leaseholder accepts all risks of operating in the area affected by such projects including, but not limited to all damage which may be sustained by or to the lease or the oysters located therein.

B. Subsequent to an election to retain, and in accordance with the provisions of La. R.S. 56:432.1.B.(3), a Leaseholder may seek to pursue another option specified in §883., §885., or §889. In such event, the Leaseholder shall request the Secretary's approval to utilize another option. The Secretary

shall make every reasonable effort to accommodate such requests. However, if all available funds have been previously expended pursuant to §891., such request shall be denied. The election of an additional option under this subpart must be made within one year from the initial selection of the retention option.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:432.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 26:

§889. Purchase Option

A. The Department's purchase of an Affected Lease shall be subject to the availability of funds as described in provisions of §891.

B. After the Department's notification of its determination of reasonable and allowable compensation has been provided in accordance with §885.D., above, the Leaseholder may elect to request that the Department purchase the Affected Lease. The Department, at its discretion, may purchase the Affected Lease, together with all improvements for a purchase price not to exceed the allowable cost determined in 885.C.1., for the placement of cultch. The cost of seed oyster relocation, application fees and surveying and marking of new leases will not be included in the purchase price. Payment of the purchase price shall be subject to the provisions of §891.

C. Upon execution of a mutually agreeable purchase agreement, the Affected Lease shall be canceled on December 31 of the calendar year of purchase.

D. The Leaseholder may, at its sole cost, risk, and expense, remove living oysters, both seed and marketable, from the purchased lease prior to its cancellation in accordance with §889.C., above. If the oysters are not reasonably removable within the time available, the Leaseholder may request compensation for lost oysters as provided in §885 G.1.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:432.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 26:

§891. Payment

A. Inasmuch as sufficient funds may not be made available to pay in full all amounts determined by the Secretary to be the actual costs, allowable and payable pursuant to these regulations, the Secretary may make partial payments to Leaseholders as option selections are processed, while maintaining a reserve fund until all timely made selections are processed, to the end that all Leaseholders will receive the same ratable payment of the amounts authorized for payment with respect to each Affected Lease, to the extent reasonably practicable. No interest will be allowed or taken into account. All payments made or proposed to be made under these rules are conditional on the allowance by the Secretary of the Army of such payments as a credit to the state of Louisiana toward its non-Federal share of the cost of the Project.

§893. Release

A. In consideration for any benefits or payments received under any of the options set forth in these regulations, specifically Sections 883, 885, 887. and/or 889, each Leaseholder of an Affected Lease and/or any person and/or corporate person holding a property interest in an Affected Lease shall execute a receipt, release, indemnity

and hold harmless agreement in favor of the United States of America, including the U. S. Army Corps of Engineers, the State of Louisiana, including the Louisiana Department of Natural Resources and the Louisiana Department of Wildlife and Fisheries, indicating that full and fair compensation has been paid in complete satisfaction of all claims against the State and the United States of America, including the U.S. Army Corps of Engineers, related to past, present or future oyster damages in the Affected Lease, and related losses and expenses, including all claims in tort, pursuant to contract, or inverse condemnation theories and/or under any other applicable theory of recovery, including, but not limited to, 28 U.S.C. ' 1497.

§895. Appeals

A. A determination of the level of reasonable and allowable compensation shall be reconsidered by the Secretary upon the Department's timely receipt of the Leaseholder's written notice under §895.C.

B. The reconsideration by the Secretary shall be limited to two bases:

1. the Leaseholder has substantial technical information evidencing inaccuracies in the measurement of a lease's bottom substrate, or inaccuracies in the assessment of the commercial quantity of living (i.e., live seed and marketable) oysters on the Affected Lease in applicable cases; or,

2. the Leaseholder has evidence that the determination of reasonable and allowable compensation is manifestly in error.

C. The Leaseholder's request for reconsideration under this subpart shall be made in writing to the Secretary, within 30 days of the Secretary's determination of reasonable and allowable costs, and shall include, at a minimum:

1. a description of the specific basis for the request for reconsideration; and,

2. a written report that includes specific technical information substantiating any alleged inaccuracies in the bottom substrate measurement or in the assessment of the quantity of living oysters on the Affected Lease.

D. The Secretary's decision shall be made to the Leaseholder, in writing, within 45 days of the Department's receipt of the request for reconsideration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:432.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 26:

Jack C. Caldwell
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Oyster Lease Relocation Program

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The costs of the Oyster Lease Relocation Program to the state government is expected to be as follows:

Fiscal 1999-2000	\$2,669,901
Fiscal 2000-2001	\$3,220,066
Fiscal 2001-2002	<u>\$1,610,033</u>
	<u>\$7,500,000</u>

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no net effect on tax revenue collections to the state and local governments as the majority of the leases will be moved to areas which are intended to be equally as productive as the current lease locations. The actual long term effect may be to preserve the tax base from the oyster industry.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

A positive impact on the oyster industry is expected. If coastal wetlands loss is not abated the conditions may deteriorate to the point that oyster productivity will be adversely affected.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No specific effects are anticipated, although a long-term overall increase in competition and employment may result from increased productivity of Louisiana's coastal resources, especially oysters.

Robert D. Harper
Undersecretary
0003#082

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Public Safety and Corrections
Board of Private Investigator Examiners**

**Dissemination of Disciplinary Information
(LAC 46:LVII.927)**

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and under the authority of R.S. 37:3505B(1), the Department of Public Safety and Corrections, State Board of Private Investigator Examiners, hereby gives notice of its intent to amend Part LVII of Title 46, amending Chapter 9, by adding section 927 relative to dissemination of discipline information.

Title 46

PROFESSIONAL AND OCCUPATIONS STANDARDS

Part LVII. Private Investigator Examiners

Chapter 9. Rules of Adjudication for Board of Private Investigator Examiners

' 927. Dissemination of Disciplinary Information

A. Notice to Other States. The Executive Director of the Board shall transmit notice of all final license revocations and suspensions to the licensing agency of every other jurisdiction in which the respondent is licensed.

B. Public Notice of Discipline Imposed. The Executive Director of the Board shall cause notices of all final license suspensions and revocations to be published in a newspaper of general circulation in each parish in which the private investigator maintained an office.

C. The notice shall:

1. state the statute or rule or regulation found to have been violated and which resulted in the suspension or revocation;

2. state the penalty imposed for the violation; and

3. request members of the public to notify the Board if the disciplined individual is operating as a private investigator without a license.

D. These publication requirements are mandatory and will not be waived.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3505A(3) and B(1).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Board of Private Investigator Examiners, LR 26:

Comments should be forwarded to Bruce Childers, Chairman of the Board, State Board of Private Investigator Examiners, 2051 Silverside Drive, Suite 190, Baton Rouge, Louisiana 70808. Written comments will be accepted through the close of business on April 10, 2000.

A copy of this rule may be obtained from the State Board of Private Investigator Examiners, 2051 Silverside Drive, Suite 190, Baton Rouge, Louisiana 70808, or by contacting the State Board of Private Investigator Examiners at (225) 763-3556.

Bruce Childers
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Dissemination of Disciplinary Information

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The operating expenditures for the Louisiana State Board of Private Investigator Examiners for Fiscal Year 1999-2000 are estimated to be approximately \$252,900.00; and for Fiscal Year 2000-2001 are estimated to be approximately \$249,200.00.

It is estimated that a cost of \$500.00 will be incurred each year to implement this new rule and regulation.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no immediate estimated effect on revenue collections caused by the adoption of this rule. It is believed that the Board will assess the costs of the newspaper notice to the individual whose license was suspended or revoked.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The licensee whose license was suspended or revoked may be assessed the cost of the newspaper notice.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment. The law simply requires notice of Board action.

Celia R. Cangelosi
Attorney
0003#057

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Public Safety and Corrections Corrections Services

Drug Free Workplace (LAC 22:I.203)

In accordance with the Administrative Procedures Act, R.S. 49:953(B), the Department of Public Safety and Corrections, Corrections Services, hereby gives notice of its

intent to adopt amendments to regulations dealing with the Drug-Free Workplace.

Title 22

CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT

Part I. Corrections

Chapter 2. Personnel

§203. Drug-Free Workplace

A. - F.2.a. ...

b. abnormal conduct or erratic behavior;

F.2.c. BF.4. ...

5. Random: All employees who occupy safety/security sensitive positions (as defined in this regulation) will be subject to random drug testing. On a quarterly basis, a list of social security numbers representing at least 5 percent of a Unit's employees will be selected at random by a computer-generated selection process. This list will be provided to each institution, the Division of Probation and Parole, the Division of Youth Services, Prison Enterprises and Headquarters.

F.5.a. BH. ...

1. Drug Screening instruments approved by the Secretary may be utilized as a preliminary analysis to determine the need for further testing, but may not be used as the basis for any disciplinary action or other adverse action. (Formal testing may be utilized initially in lieu of preliminary analysis when the Unit Head determines that this is the most efficient method.)

H.2. - 2.a. ...

b. All collection of urine specimens shall be made with regard to gender sensitivity and privacy of the individual.

c. Direct observation during collection of the urine specimen may be allowed only under the following conditions:

H.2.c.i. BH.2.d. ...

e. Appropriate security measures should be utilized in the collection area when direct observation is not authorized.

H.3. BI.1. ...

2.a. A portable breathalyzer or other instrument approved by the Secretary should be used to determine violation of this regulation.

b. In the event of a positive reading on the portable breathalyzer, a second test must be conducted.

I.3. BK.5. ...

K.6. By October 1 of each year, each Unit Business Office will submit a report to the Headquarters Human Resources Office detailing the number of employees affected by the drug testing program, the categories of testing conducted, the associated costs of testing, and the effectiveness of the program. In conjunction with the Undersecretary's Office, the Headquarters Human Resources Office will compile the Department's Annual Drug Testing Report for submission to the Division of Administration by November 1 of each year. (See §203.M.)

L. Violation of this Regulation: The guidelines provided for in the Corrections Services Employee Manual for the application of disciplinary penalties will be utilized in the administration of this regulation. Formal testing with positive results may be cause for initiation of disciplinary action. When a confirmed positive formal test result does not

result in termination, referral to the "Employee Assistance Program" or other individual or agency equipped to coordinate accessibility to substance abuse education or counseling is appropriate.

M. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:833(A)

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 11:1092 (November 1985), amended LR 12:246 (April 1986), LR 25:522 (March 1999), LR 26:

Interested persons may submit oral or written comments to Richard L. Stalder, Department of Public Safety and Corrections, P.O. Box 94304, Capitol Station, Baton Rouge, Louisiana 70804-9304, (225) 342-6741. Comments will be accepted through the close of business at 4:30 p.m. on April 20, 2000.

Family Impact Statement

In accordance with the Administrative Procedures Act, LSA-R.S. 49:953(A)(1)(a)(viii) and LSA-R.S. 49:972, the Department of Public Safety and Corrections, Corrections Services, hereby provides the Family Impact Statement.

Adoption of this amendment will have no effect on the stability of the family, on the authority and rights of parents regarding the education and supervision of their children, on the functioning of the family, on family earnings and family budget, on the behavior and personal responsibility of children or on the ability of the family or a local government to perform the function as contained in the proposed rule amendment.

Richard L. Stalder
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Drug Free Workplace**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The minor amendments to the current regulation will not result in any implementation cost or savings to state or local governmental units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups resulting from the amendments.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no noticeable impact on competition. There will be a minimal impact on hiring and promotions due to the small number of positive drug screens. The program is considered to be very effective and will ensure a workforce that is and will remain drug free.

Robert B. Barbor
Executive Counsel
0003#056

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Public Safety and Corrections
Corrections Services**

Personnel Equal Employment Opportunity
(LAC 22:I.Chapter 2)

In accordance with the Administrative Procedure Act, R.S. 49:953(B), the Department of Public Safety and Corrections, Corrections Services, hereby gives notice of its intent to adopt regulations dealing with equal employment opportunity.

Title 22

**CORRECTIONS, CRIMINAL JUSTICE AND LAW
ENFORCEMENT**

Part I. Corrections

Chapter 2. Personnel

§201. Equal Employment Opportunity

A. Purpose:

1. to establish the Secretary's commitment to equal employment opportunities for all employees, applicants, and candidates for employment (including qualified ex-offenders);

2. to establish formal procedures regarding the reasonable accommodation of employees, the public, applicants and candidates; and

3. to constitute the Index of Essential Job Functions as part of this regulation.

B. Applicability. All applicants, candidates visitors, employees and units of Corrections Services.

C. Definitions

Age Discrimination in Employment Act (ADEA) a law passed by Congress to protect individuals 40 years of age and over from arbitrary discrimination in employment practices, unless age is a bona fide occupational qualification.

Americans with Disabilities Act (ADA) a comprehensive law passed by Congress to protect disabled persons from discrimination in employment, hiring, transportation, access to public facilities and services, and telecommunications.

Applicant a person who has applied for a job and whose qualification for such is unknown.

Candidate a person who has successfully passed the required test and/or meets the Civil Service minimum qualifications for the job sought.

Disability with respect to an individual, the term disability means:

- a. a physical or mental impairment that substantially limits one or more of the major life activities of such individual;
- b. a record of such an impairment; or
- c. being regarded as having such an impairment.

Equal Employment Opportunity (EEO) the operation of a system of human resource administration which ensures an environment that will provide an equal opportunity for public employment to all segments of society based on individual merit and fitness of applicants without regard to race, color, religion, sex, age, national origin, political affiliation or disability (except where sex, age or physical requirements constitute a bona fide occupational

qualification necessary to the proper and efficient operation of the agency/organization). The Equal Employment Opportunity Commission (EEOC) is the federal regulatory body for EEO related complaints and charges.

Essential Functions basic job duties that an employee/applicant must be able to perform, with or without reasonable accommodation.

Family and Medical Leave leave for which an employee may be eligible under the provisions of the Family and Medical Leave Act of 1993. (See Department Regulation No. A-02-005 "Family and Medical Leave of Absence" for eligibility guidelines.)

Qualified Individual with a Disability an individual with a disability (as previously defined herein) who can perform the essential functions of the job with or without reasonable accommodation.

D. Policy. It is the Secretary's policy to assure equal opportunities to all employees, applicants and candidates for employment without regard to race, religion, color, national origin, sex, disability or age. Exceptions:

1. where age, sex, or physical requirements constitute a bona fide occupational qualification necessary for proper and efficient operations; and

2. where the implications of nepotism restrict such employment or employment opportunity.

Equal opportunities will be provided for employees in areas of compensation, benefits, promotion, recruitment, training, and all other conditions of employment. Notices of equal employment opportunities will be posted in prominent accessible places at each employment location.

E. Procedures:

1. Coordination of ADA Matters

a. The Secretary will establish and designate the Corrections Services' ADA Coordinator.

b. Corrections Services' ADA Coordinator is charged with reviewing, recording, and monitoring Corrections Services' ADA matters and will also advise and make recommendations to the Secretary or his designee of such matters as appropriate.

c. Each Unit Head will designate a Unit ADA Coordinator to coordinate unit ADA matters.

2. Requests for Accommodation

a. A qualified individual with a known disability of a permanent nature should be accommodated where reasonably possible, providing the accommodation does not constitute a danger to the individual or others, and does not create undue hardship on Corrections Services or its employees. (If such individual is an employee or a candidate for employment, the individual must be able to perform the essential functions of the job with said accommodation.)

b. Generally, any person (employee, applicant, candidate, or visitor) may complete a "Request for Accommodation" form (see Attachment A). The person completing the form must forward it to the designated Unit ADA Coordinator for processing and action as deemed appropriate by the Unit Head. The Unit Head will insure that the person is notified of and receives a copy of the decision. A copy of the completed Request for Accommodation Form containing the request for accommodation along with the Unit Head's response to the request will be forwarded to Corrections Services' ADA Coordinator for recording purposes.

c. Accommodation may also be requested (by employees and candidates) in the space provided on the applicable Essential Functions Form. Such request will be processed in the same manner as the "Request for Accommodation" Form described above.

3. Essential Job Functions

a. General Requirements

i. Employment candidates must complete an Essential Functions Form at the time of interview for employment and/or return to employment. Employees may be required to complete an up-to-date Essential Functions Form as appropriate and when deemed necessary by the Unit Head in order to insure that the fundamental mission of the Department is sustained (see Section 7.C.2 for specific information).

ii. The Index of Essential Job Functions contains the Essential Functions Form for each job category used by Corrections Services. The Index is maintained in each Human Resources Office and is considered a part of this regulation. Revisions to the Index require the approval of the Secretary.

b. Employee and Unit Specific Requirements. Employees may be required by the Unit Head to complete an up-to-date Essential Functions Form under the following conditions (not necessarily all inclusive):

i. exhaustion of sick leave and exhaustion of Family and Medical Leave Act (FMLA) entitlement (if applicable);

ii. expressed inability to participate in a mandatory work-related activity (i.e. training) and/or to perform essential job functions; and/or

iii. appearance of the inability to perform essential job functions.

When any of the described conditions exist, the Unit Head will require the employee to provide an up-to-date Essential Functions Form and Medical Certification Form (see Attachment B) from the employee's health care provider (at the Unit's expense for Section 7.C.2)c.) so the employee's status under the ADA can be assessed. The Medical Certification Form must include: a prognosis; whether the condition is temporary or permanent; when the condition began; the expected date of return to duty; whether the employee is able to perform the essential functions of his job with or without accommodation and a description of the accommodation needed. (In certain situations, a second opinion by an independent third party may be appropriate. This opinion would be at the Unit's expense.)

4. Determination of Disability, Accommodation and Return to Work

a. Upon receipt of the information requested relative to the employee's condition, the Unit Head will determine (with the assistance of Corrections Services' ADA Coordinator as needed) whether the request/condition qualifies for ADA accommodation and take action as appropriate. Consideration should be on a case-by-case basis using the following guidelines.

i. If an employee falls under Section 7.C.2) b. or c. and the Unit Head is unable to determine whether this is due to a temporary or permanent condition, the Unit Head may place the employee in forced leave consistent with Civil Service rules until such time that a determination can be made.

ii. If the condition is not qualifying, leave under FMLA (if eligible) or a temporary duty assignment may be appropriate. When feasible, employees who are temporarily disabled may be allowed to return to work in other assignments. However, if such employee is unable to return to work in any manner and has exhausted his sick leave and FMLA entitlement, separation for exhaustion of sick leave is an option.

iii. If the disability is qualifying but no accommodation is available or the requested accommodation cannot be granted, the Unit Head will take appropriate action and then forward a copy of the completed Request For Accommodation Form and/or the Essential Functions Form relating to any request for accommodation to the Corrections Services= ADA Coordinator.

b. Reasonable accommodation(s) should be considered for employees who are qualified individuals with a permanent disability prior to separation from employment due to exhaustion of sick leave. Employees subject to such separation should also have exhausted any FMLA entitlement.

c. Each Unit Head will ensure that copies of the completed Request for Accommodation Form and/or Essential Functions Form relating to any request for accommodation are forwarded to the Corrections Services' ADA Coordinator.

5. Conciliation Options for EEO and ADA Concerns

a. Should a person feel that he has experienced discrimination in any manner or not be satisfied with the results of his request for accommodation, he may seek conciliation through Corrections Services' grievance process (Department Regulation No. A-02-001 "Employee Manual"), through the EEOC for employment related complaints and/or the U.S. Department of Justice (USDOJ) for issues not related to employment.

b. Persons are encouraged to use the internal procedures to address and resolve complaints to the extent possible. Use of these internal procedures does not restrict a person from filing with the appropriate federal agency prior to exhaustion of the Department's internal process(es).

6. Departmental Conciliation of EEO and ADA* Matters

a. Headquarters' Employee Relations Division (ERD) will coordinate the Department's response(s) to complaints and charges of discrimination regarding equal employment opportunity matters. Generally, complaints/charges may be addressed through the internal grievance procedure when such a grievance has been filed and heard at the appropriate unit levels.

b. For formal charges generated by the EEOC or the USDOJ, the Unit Head, the applicable unit's attorney, other appropriate personnel and ERD will develop the Department's response and conciliation opinion (if applicable). Any unit receiving a "Notice of Charge of Discrimination" document or similar notice from the USDOJ must forward the notice to ERD upon receipt. Responses to the charges will be under the signature of the Secretary or his designee.

c. The Secretary's approval is required for acceptance or presentation of conciliation agreements or settlements.

*This section applies when ADA related matters are not resolved under conditions outlined in Section 7.C.

7. Employment Applications of Ex-Offenders

a. All applications for employment received from persons who are ex-offenders will be reviewed by a committee appointed by the Secretary. Consideration will be given to the Unit Head's recommendation, the ex-offenders' crime, sentence, institutional record and length of time free from other convictions. The committee's recommendations will then be submitted to the Secretary or his designee for review with the Unit Head.

b. Ex-offenders will not be eligible for employment in positions which require an employee to carry a firearm in the performance of duty. This restriction is based on applicable Civil Service job qualifications and state and federal law.

Additional information pertaining to EEO, ADA and ADEA is available in the Human Resources Office of any Corrections Services' unit or office.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:225, et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 26:

§203. Request for Accomodation

Attachment A

<p>REQUEST FOR ACCOMMODATION Louisiana Department of Public Safety and Corrections Corrections Services</p>		<p>Institution:</p>
		<p>Division:</p>
<p>SECTION: 1- Requestor Complete Sections 1, 2, and 3. Please PRINT all information. Return the completed request to the Unit ADA Coordinator.</p>		
<p>TO: (Facility/Office/Unit Head)</p>	<p>Date: (Month/Day/Year)</p>	
<p>Requestor:</p>	<p>ID#</p>	
<p>Address:</p>		
<p>Requestor: (Check only one)</p>		

Employee ____ Inmate ____ Other _____ (Briefly Identify)

SECTION 2: - Request is for what Area? Check only One.

<input type="checkbox"/> Personal Disability Accommodation	<input type="checkbox"/> Structural Accessibility
<input type="checkbox"/> Program Participation	<input type="checkbox"/> Other - Specify

SECTION 3: - Briefly state the problem and the proposed solution - Use additional pages as needed.

RESPONSE TO REQUEST

Date Received: (Month/Day/Year)	<input type="checkbox"/> Approved <input type="checkbox"/> Modified <input type="checkbox"/> Disapproved
Comments:	
AUTHORIZATION:	Date: (Month/Day/Year)
RFA Number - Assigned by ADA Coordinator	Entered/Logged Into Master File (Date) Copy sent to ADA HQ Coordinator (Date)

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:225, et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 26:
§205. Medical Certification Form

Attachment B

MEDICAL CERTIFICATION FORM

Employee Name:	Date:
Unit:	
Job Title:	
Telephone Number:	SS#

The following information is needed to assess the employee-s request under the Americans with Disabilities Act.

Type of Prognosis: (Please explain in detail)

Is this Condition: _____ Temporary _____ Permanent	
Date the Condition Began:	Date of Return to Work:
Does this condition allow the employee to perform the Essential Functions of his job? ____ YES ____ NO	
If not, please describe what type of accommodation is needed for which essential function.	
Other Comments:	

Employee's Signature:	Date:
Supervisor's Signature:	Date:
Health Care Provider's Signature:	Date:

**Department of Public Safety & Corrections
 Corrections Services
 Headquarters ADA Office
 P.O. Box 94304
 Baton Rouge, Louisiana 70804**

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:225, et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 26:

Interested persons may submit oral or written comments to Richard L. Stalder, Department of Public Safety and Corrections, P.O. Box 94304, Capitol Station, Baton Rouge, Louisiana 70804-9304, (225) 342-6741. Comments will be accepted through the close of business at 4:30 p.m. on April 20, 2000.

Family Impact Statement

In accordance with the Administrative Procedures Act, LSA-R.S. 49:953(A)(1)(a)(viii) and LSA-R.S. 49:972, the Department of Public Safety and Corrections, Corrections Services, hereby provides the Family Impact Statement.

Adoption of this regulation will have no effect on the stability of the family, on the authority and rights of parents regarding the education and supervision of their children, on the functioning on the family, on family earnings and family budget, on the behavior and personal responsibility of children or on the ability of the family or a local government to perform the function as contained in the proposed regulation.

Richard L. Stalder
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
 FOR ADMINISTRATIVE RULES**

**RULE TITLE: Personnel Equal Employment
 Opportunity**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
 There are no anticipated implementation costs or savings. Staffing is with current employees and all reporting and/or investigation procedures are currently being utilized.
- 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 NONGOVERNMENTAL GROUPS (Summary)
 There are no estimated costs or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
 There is no estimated effect on competition and employment.

Robert B. Barbor
Executive Counsel
0003#055

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Public Safety and Corrections Corrections Services

Visitation of Attorneys (LAC 22:I.317)

In accordance with the Administrative Procedure Act, R.S. 49:53(B), the Department of Public Safety and Corrections, Corrections Services, hereby give notice of its intent to repeal the prior regulation dealing with attorney visits to adult and juvenile institutions and to adopt new regulations dealing with attorney visits to adult and juvenile institutions.

Title 22

CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT

Part I. Corrections

Chapter 3. Adult and Juvenile Services

Subchapter A. General

§317. Visitation: Attorneys

A. Purpose. To provide uniform procedures for the approval and conduct of visits by attorneys to inmates.

B. Applicability. Deputy Secretary, Assistant Secretaries and all Wardens. It is the Warden's responsibility to convey the contents of this regulation to all inmates, affected employees and attorneys seeking to visit.

C. Definition

Inmate refers to anyone committed to the custody or supervision of the Department (whether as an adult or juvenile in this context.)

D. Policy. It is the Secretary's policy that attorney visits be in accordance with the procedures outlined herein.

E. Procedures

1. Approval of Attorneys: An attorney's credentials must be verified through the State Bar Association prior to being approved to visit or initiate privileged communication with inmates.

2. Approval of Authorized Representatives: Paralegal assistants, law clerks, and investigators may be permitted to enter the institution to conduct interviews with inmate clients of their supervising attorney, either with the attorney or alone. Such permission is at the discretion of the Warden, who may approve or disapprove these requests. Prior to a paralegal assistant (hereinafter referred to as paralegal), law clerk, or investigator being approved to enter the grounds of the institution, the following criteria must be met by the employing attorney.

a. The paralegal, law clerk, or investigator must not be on the visiting list of any inmate confined in a state institution, (except for immediate family members.)

b. A paralegal must have completed a paralegal or legal assistant study program at an accredited four-year college or junior college, or have completed a paralegal or legal assistant study program approved by the American Bar Association. (Certification by the National Association of Legal Assistants, Inc. as a Certified Legal Assistant (CLA) may be substituted for the aforementioned programs.)

c. The employing or supervising attorney must submit an affidavit (see attached form) to the Warden of the institution to be visited certifying the following prior to the

approval for a paralegal, law clerk, or investigator to enter institutional grounds:

i. the individual's name, social security number, and birth date;

ii. the length of time the individual has been employed or supervised by the attorney;

iii. paralegals and investigators must attach a copy of their certification or license to the affidavit.

d. This information will then be verified, and the attorney notified of the disposition of the request. Thereafter, for a period not to exceed one year from the date of approval, as long as the paralegal, law clerk, or investigator continues in the employ or under the supervision of the same attorney, visits may be approved.

3. Scheduling. Visits by attorneys and their authorized representatives must be scheduled through the institution at least 24 hours in advance.

4. Time of Visits. Visits by attorneys and their authorized representatives must normally take place Monday through Friday, excluding holidays, between the hours of 8 a.m. and 4 p.m.

5. Exceptions

a. The Warden may approve special visits not in conformity with Sections 7.A., B., C. and D. when unusual circumstances warrant.

b. Any improper acts or unethical behavior with an inmate during a visit may result in an attorney or their authorized representatives being denied future requests to visit an inmate.

F. Limitations on Visits:

1. Number of Inmates. Generally, no more than ten inmates may be seen at any one time, and no more than twenty on any one day. Further limitations may be imposed by the Warden if valid reasons exist.

2. Number of Attorneys. Generally, no more than two persons (attorneys, paralegals, law clerks, investigators or any combination thereof) may see an inmate on any one day; however, the number visiting at one time may be limited based on available space and security constraints. Exceptions may be approved for good cause by the Warden.

G. General

1. Paralegals, law clerks, and investigators may be required to attend training/ orientation prior to be allowed to visit.

2. Inmates may refuse to see any attorney, but such refusal should be in writing.

3. A log shall be maintained of all visits by attorneys, paralegals, law clerks, and investigators.

4. Visits may be visually observed, but conversations between inmates and counsel shall not, under any circumstance, be monitored.

5. Attorneys, paralegals, law clerks, and investigators are subject to the procedures regarding searches outlined in Department Regulation No. C-02-005 "Searches of Visitors," as are all other visitors.

H. Exception. Nothing contained in this regulation shall apply to attorneys representing the State, the Department, or the institution.

STATE OF _____
PARISH/COUNTY OF _____

PARALEGAL, LAW CLERK, OR INVESTIGATOR AFFIDAVIT

BEFORE ME, the undersigned Notary, personally came and appeared
(1) _____ who after being duly sworn did depose
and say that:

I am an attorney-at-law and I am presently representing
(2) _____ an inmate confined by the Louisiana
Department of Public Safety and Corrections.
(3) _____ is employed or supervised by me
as a _____ (4) _____, and has been since _____
(5) _____.

Should the individual leave my employ or supervision, I will notify the
institution.

Attorney-at-Law

Sworn to and subscribed before me this _____ day of _____,
_____ at _____.

Notary

- (1) Attorney's name
- (2) Inmate's name and DOC #
- (3) Representative's name, social security number and birth date
- (4) Paralegal, law clerk, or investigator
- (5) Beginning date of employment or supervision

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:833(A)

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 26:

Interested persons may submit oral or written comments to Richard L. Stalder, Department of Public Safety and Corrections, P.O. Box 94304, Capitol Station, Baton Rouge, Louisiana 70804-9304, (225) 342-6741. Comments will be accepted through the close of business at 4:30 p.m. on April 20, 2000.

Family Impact Statement

In accordance with the Administrative Procedure Act, LSA-R.S. 49:953(A)(1)(a)(viii) and LSA-R.S. 49:972, the Department of Public Safety and Corrections, Corrections Services, hereby provides the Family Impact Statement.

Adoption of this regulation will have no effect on the stability of the family, on the authority and rights of parents regarding the education and supervision of their children, on the functioning of the family, on family earnings and family budget, on the behavior and personal responsibility of children or on the ability of the family or a local government to perform the function as contained in the proposed regulation.

Richard L. Stalder
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Visitation of Attorneys

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
There are no anticipated implementation costs or savings.
- 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 NONGOVERNMENTAL GROUPS (Summary)
There are no estimated costs and/or economic benefits to directly affected persons or nongovernmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no estimated effect on competition and employment.

Robert B. Barbor
Executive Counsel
0003#045

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Social Services, Department of
Office of Community Services**

Freezing Reimbursable Rates for Residential Facilities
(LAC 67:V.3503)

The Department of Social Services, Office of Community Services, proposes to amend the Louisiana Administrative Code, Title 67, Part V, Subpart 5, Foster Care. The agency proposes to amend §3503 entitled **Reimbursement Rates for Residential Facilities** to add D.

TITLE 67

SOCIAL SERVICES

**Part V. Office of Community Services
Subpart 5. Foster Care**

**Chapter 35. Payments, Reimbursables and
Expenditures**

§3503. Reimbursement Rates for Residential Facilities

A. 1. - C....

D. For rates issued for the 1999/2000 rate year, the Department will freeze the rates at the 1998/1999 amount.

AUTHORITY NOTE: Promulgated in accordance with R. S. 15:1084.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 14:542 (August 1988), amended LR 20:898 (August 1994), LR 25:1144 (June 1999), LR 25:1609 (September 1999), LR 26:24 (January 2000), LR.

Family Impact Statement

As required by Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the following Family Impact Statement is submitted to be published with the notice of intent in the *Louisiana Register*. A copy of this statement will also be provided to our legislative oversight committees.

1. The Effect on the Stability of the Family. The proposed rule will have no effect on the stability of the family.
2. The Effect on the Authority and Rights of Parents Regarding the Education and Supervision of Their Children. The proposed rule will have no effect on the authority and rights of parents regarding education and supervision of their children.
3. The Effect on the Functioning of the Family. The proposed rule will have no effect on the functioning of the family.
4. The Effect on Family Earnings and Family Budget. The proposed rule will have no effect on family earnings and family budget.
5. The Effect on the Behavior and Personal Responsibility of Children. The proposed rule will have no effect on the behavior and personal responsibility of children.
6. The Ability of the Family or a Local Government to Perform the Function as Contained in the Proposed Rule. The proposed rule does not contain any function which would need to be performed by a family or a local government.

J. Renea Austin-Duffin
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Reimbursement Rates for Residential Facilities

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
It is estimated that the costs to publish this rule will be \$80 which will be paid out of current year funds in the Office of Community Services (OCS). There will be no increased cost as a result of 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 as a result of implementation of the proposed rule.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
Residential facilities reimbursed under the rate setting system will experience no change in their currently frozen rates as a result of the implementation of this rule. Failure to continue the frozen rates would cause a fiscal emergency for many residential providers which would adversely affect their ability to continue caring for foster children in residential placements.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No impact on competition or employment is expected from the proposed rule.

J. Renea Austin-Duffin
Secretary
0003#033

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Social Services Office of Family Support

FIND Work Program Support Services
(LAC 67:III.2907, 2909 and 2913)

The Department of Social Services, Office of Family Support, proposes to amend LAC 67: III, Subpart 5, Family Independence Work Program, known in Louisiana as "FIND Work".

Subsequent to changes at Section 408 of Title IV of the Social Security Act which originated in Public Law 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, a change in regulations concerning the eligibility of single parent/caretakers under age 18 is required.

In order to better facilitate the participant's entry into the workplace, the agency also proposes to increase the maximum allowed for supportive services to \$600 per participant per state fiscal year. For participants who become ineligible for cash assistance due to earned income, the agency also proposes to allow a transportation payment of \$60 per month, and a payment for other supportive services not to exceed a combined total of \$200 per state fiscal year.

Section 2909 is revised to correct an error in the December 1999 rule, that is, "natural" origin should have been written as "national" origin.

Title 67

SOCIAL SERVICES

Part III. Office of Family Support

Subpart 5. Family Independence Work Program (FIND Work)

Chapter 29. Organization

Subchapter B. Participation

§2907. Individual Participation Requirements

A. ...

1. A single parent/caretaker who is personally providing care for a child under age one is exempt. This exemption is limited to a total of twelve months per single parent/caretaker. However, if the single parent/caretaker is under age 18, has a minor child at least 12 weeks of age, and does not have a high school diploma or equivalent, he must participate in secondary/GED activities or a FIND Work approved activity.

A.2. - C. ...

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193 and P.L. 105-33.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Eligibility Determinations, LR 16:626 (July 1990), amended by the Department of Social Services, Office of Family Support, LR 16:1064 (December 1990), LR 19:504 (April 1993), LR 19:1177 (September 1993), LR 23:450 (April 1997), LR 24:1781 (September 1998), LR 25:2455 (December 1999), LR 26:

§2909. Failure to Participate

A. - C.10. ...

11. discrimination based on race, color, religion, sex, age, national origin, etc.;

12. - 13. ...

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193; R.S. 46:231, R.S. 36:474.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Eligibility Determinations, LR 16:626 (July 1990), amended by the Department of Social Services, Office of Family Support, LR 18:870 (August 1992), LR 19:504 (April 1993), LR 23:451 (April 1997), LR 24:353 (February 1998), LR 25:2455 (December 1999), LR 26:

Subchapter C. Activities and Services

§2913. Support Services

A.1. - 2.a. ...

b. Participants who become ineligible for cash assistance due to earned income are eligible for a transportation payment of \$60 per month beginning with the first month of FITAP ineligibility and continuing through the twelfth month of ineligibility or through the last month of employment, whichever comes first.

3. Other Supportive Services

a. ...

b. Payments not to exceed a combined total of \$600 per state fiscal year may be made for certain costs deemed necessary such as eyeglasses, hearing aids and other small medical appliances, uniforms/clothing, tools and training materials, medical exams and drug tests required for employment and training that are not provided by Medicaid or any other resource, placement test fees and other course pre-requisite costs, safety equipment and transportation-related expenses.

i. Participants who become ineligible for cash assistance due to earned income are eligible for other supportive service payments not to exceed a combined total of \$200 per state fiscal year beginning with the first month of FITAP ineligibility and continuing through the twelfth month of ineligibility or through the last month of employment, whichever comes first.

c. ...

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193 and R.S. 46:231.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 17:309 (March 1991), amended LR 17:388 (April 1991), LR 18:244 (March 1992), LR 18:687 (July 1992), LR 18:748 (July 1992), LR 18:1268 (November 1992), LR 19:504 (April 1993), LR 20:793 (July 1994), LR 23:451 (April 1997), LR 24:356 (February 1998), LR 24:1135 (June 1998), LR 25:526 (March 1999), LR 25:2456 (December 1999), LR 26:

Interested persons may submit written comments by April 27, 2000, to: Vera W. Blakes, Assistant Secretary, Office of Family Support, Box 94065, Baton Rouge, Louisiana, 70804-9065. She is the responding authority to inquiries regarding this proposed rule.

A public hearing on the proposed rule will be held on April 27, 2000, at the Department of Social Services, A.Z. Young Building, Second Floor Auditorium, 755 Third Street, Baton Rouge, at 9:00 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing. Individuals with disabilities who require special services should contact the Bureau of Appeals at least seven working days in advance of the hearing. For assistance, call (225) 342-4120 (Voice and TDD).

Family Impact Statement

I. What effect will this rule have on the stability of the family? Implementation of this rule will have a positive impact on the stability of FIND Work families by aiding the participant in his move from welfare to financial independence.

II. What effect will this have on the authority and rights of persons regarding the education and supervision of their children? There will be no effect on the authority and rights of persons regarding the education and supervision of their children.

III. What effect will this have on the functioning of the family? This rule will have no effect on the functioning of the family.

IV. What effect will this have on family earnings and family budget? There will be no effect on family earnings. However, the transportation payments and other supportive services payment will favorably impact the family budget.

V. What effect will this have on the behavior and personal responsibility of children? There will be no effect on the behavior and personal responsibility of the children.

VI. Is the family or local government able to perform the function as contained in this proposed rule? No, this rule concerns an increase in the amounts allowed for certain other supportive services and a change to exemptions in participation.

J. Renea Austin-Duffin
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Family Independence Work Program Support Services

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Implementation of this rule will increase state agency costs for a FIND Work participant's "other supportive services." This could result in implementation costs estimated to be \$10,674,200 per year beginning fiscal year 00/01 based on the maximum allowable payments. These funds are available from Louisiana's Temporary Assistance to Needy Families (TANF) Block Grant. Policy and forms revisions will also be required and these costs will be within the normal budget constraints. There are no anticipated costs or savings to local governmental units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

FIND Work participants will benefit from the increase to \$600 per state fiscal year for "other supportive services" such as uniforms/clothing, tools and safety equipment. Participants who become ineligible for FITAP benefits due to earned income will benefit from the \$60/month transportation payment and for the other supportive services payment not to exceed \$200 per state fiscal year. There is no effect on any nongovernmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed increase in allowable payments may facilitate a participant's entry into employment and aid with the transition from welfare to independence. The increased expenditure for goods and services will otherwise have no effect on competition and employment because of the diverse items and/or services eligible for payment.

Vera W. Blakes
Assistant Secretary
0003#065

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Alligator Regulations (LAC 76:V.701)

The Wildlife and Fisheries Commission does hereby give notice of intent to amend the regulations governing the Alligator Regulations (LAC 76:V.701).

Title 76

WILDLIFE AND FISHERIES

Part V. Wild Quadrupeds and Wild Birds

Chapter 7. Alligators

§701. Alligator Regulations

3. General Rules

i. No person, firm, or corporation shall transport into this state or possess whole alligator(s) with skin on, alligator parts or alligator skins/hides unless that person, firm or corporation is a Louisiana licensed alligator parts dealer or fur dealer and is in immediate possession of an alligator parts dealer's license or fur dealer's license, except that a copy of such license shall be sufficient during transportation only. Persons, firms or corporations violating this Subparagraph shall be subject to the penalties as provided in Title 56:34, a Class Four violation; except that when such a violation involves alligator parts only, such offenses shall be subject to the penalties as provided in Title 56:32, a Class Two violation.

p. For the purpose of bonafide educational or promotional functions, including but not limited to school activities, civic groups, fairs and festivals within the state of Louisiana, an alligator farmer/rancher or his designee may transport his own live farm alligators or alligator eggs to such function without the need for a special permit from the Department while in possession of a valid nongame quadruped breeder's or exhibitor's license or copy thereof. Such farmer/rancher shall not barter, trade, exchange or

attempt to barter, trade or exchange live alligator(s) or alligator eggs while transporting to/or attending such function.

6. Alligator Hide Tag Procurement and Tagging Requirements

b. 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 July 15th and ending the day before the season opens. Tags will not be issued after close of business on the day prior to the season opening date.

9. Importation, Exportation, Purchase and Sale

a. Live alligators may be brought into the state only if the person, firm or corporation bringing the alligators into the state has obtained written permission from the Department. Violation of this subparagraph is a class 4 violation as described in Title 56.

11. Report Requirements

e.

ii.

(b). Official shipping manifest including total length in inches (or feet and inches) referenced to CITES tag number of each skin in shipment. A fully executed (filled out) shipping manifest containing all information required in the buyer/dealer record may be substituted with Department approval for the buyer/dealer record requirement on farm raised alligator skins.

14. Alligator Egg Collection

j. The alligator egg collection permittee and the landowner are responsible for the return of 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. In no case shall the return rate be less than 14 percent at 48 inches total length. Each alligator shall be returned to the original egg collection area within a maximum time of two years from date of hatching. Each alligator shall be a minimum of 36" and a maximum of 60" (credit will not be given for inches above 60") in size and the returned sex ratio should contain at least 50 percent females. The alligator egg collection permittee/landowner are responsible for and must compensate in kind for alligator mortality which occurs for Department-authorized return to the wild alligators while being processed, stored, or transported. The Department shall be responsible for supervising the required return of these alligators. A Department transfer authorization permit is not required for return to the wild alligators which are delivered to the farm of origin no more than 48 hours prior to being processed for wild release. Releases back to the wild will only occur between March 15 and August 25 of each calendar year provided that environmental conditions as determined by the Department are favorable for survival

of the released alligators. Any farmer who owes 1000 or more alligators at 48" must release at least 1/4 of the total owed for that year by April 30; at least another quarter by June 15, at least another quarter by July 31; and the remainder by August 25th. A farmer may do more than the required one-fourth of his releases earlier if available unscheduled days allow. 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 Subparagraph is a Class Four violation as described in Title 56.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115, R.S. 56:259, R. S.56:262, R.S. 56:263 and R.S. 56:280.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 16:1070 (December 1990), amended LR 17:892 (September 1991), LR 19:215 (February 1993), LR 23:321 (March 1994), LR 26:

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final rule, including but not limited to, the filing of the fiscal and economic impact statements, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may submit comments relative to the proposed rule to Mr. L. Brandt Savoie, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000, prior to May 4, 2000.

In accordance with Act #1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent: This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Thomas M. Gattle, Jr.
Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Alligator Regulations**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no implementation costs to the state from the proposed rule changes. A slight reduction in workload and paperwork requirements will occur due to changes in permitting procedures of out-of-state importation and in-state transportation of alligators and alligator parts. Enforcement of the proposed rule will be carried out using existing personnel. Points of contact and levels of compliance with this regulation is not expected to increase from its present status.

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 as a result of the proposed rule changes.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule changes affect all alligator industry personnel (farmers, ranchers, dealers, landowners, etc.) and harvesters. The reduction of thirty-five days in the alligator release season and the minimum alligator release percent requirement time schedule, which applies only to farmers who owe 1,000 or more alligators, is expected to affect individual farmers differently. Cost and economic benefits are difficult to assess and vary using different alligator farm management practices. Some farmers favor early release dates to avoid further feed and housing costs; other farmers prefer later release dates as additional growth will reduce their return percentage. The reduced alligator release season will benefit industry personnel by preventing overlapping between the wild harvest and release seasons. Alligator harvesters will benefit from the increased five days for obtaining alligator tags.

Alligator farmers/ranchers, dealers and associates who have appropriate licenses/permits will benefit from a reduction in workload and paperwork requirements due to changes in the in-state transportation and out-of-state importation of alligators and alligator parts. Farmers, dealers, and associates will be able to transport alligators, alligator skins, eggs or parts from out of state and within the state without having to obtain written permission from the department.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule will have no effect on competition and employment in the private or public sector.

Thomas M. Gattle, Jr.
Chairman
0003#036

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Flotation Devices (LAC 76:XI.103)

The Wildlife and Fisheries Commission does hereby give notice of its intent to amend the regulations on Type IV Personal Flotation Devices (PFDs).

Title 76

WILDLIFE AND FISHERIES

Part XI. Boating

Chapter 1. Flotation Devices, Fire Extinguishers, Flame Arrestors and Ventilation

§103. Flotation Devices

* * *

B. Regulations prescribed by the commission as to the type and number of personal flotation devices required on recreational boats while a watercraft is in use on the waters of this state are as follows:

1. Class A Watercraft (less than 16 feet in length). Shall carry at least one, type I, II, or III personal flotation device for each person on board. The P.F.D. must bear the

U.S. Coast Guard approval number and must be of the appropriate sizes and serviceable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:851.24

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 11:705 (July 1985), amended LR 26:

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final rule, including but not limited to, the filing of the fiscal and economic impact statements, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may submit comments relative to the proposed Rule to: Mr. Robert Duthu, Department of Wildlife and Fisheries, Enforcement Division, Box 98000, Baton Rouge, LA 70898-9000, prior to Thursday, May 4, 2000.

In accordance with Act #1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent: This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Thomas M. Gattle, Jr.
Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Flotation Devices**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule will have no implementation costs. Enforcement of the proposed rule will be carried out using existing personnel.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule will have no effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

A Type IV throwable Personal Flotation Device (PFD) will no longer qualify as an acceptable primary device onboard a Class A Watercraft. Recreational boat owners that possess a Class A Watercraft (less than 16 feet in length) and presently use a Type IV device for onboard occupants will be affected. Class A Watercrafts will be required to have a Type I, II, or III wearable device for all passengers onboard. Cost of type I, II, or III PFD ranges from \$20.00 to \$160.00. Boating passengers will benefit from this rule by having access to a wearable PFD at all times.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule should have no impact on competition and employment in the public and private sectors.

Thomas M. Gattle, Jr.
Chairman
0003#034

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

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

General and WMA Hunting
(LAC 76:XIX.111)

The Wildlife and Fisheries Commission does hereby give notice of its intent to amend the rules and regulations governing the hunting of resident game birds and game quadrupeds.

Title 76

WILDLIFE AND FISHERIES

Part XIX. Hunting and WMA Regulations

Chapter 1. Resident Game Hunting Seasons

§111. General and Wildlife Management Area

Hunting Rules and Regulations

A. Hunting Seasons and Wildlife Management Area Regulations

1. The rules and regulations contained within this digest have been officially approved and adopted by the Wildlife and Fisheries Commission under authority vested by Sections 115 and 116 of Title 56 of the Louisiana Revised Statutes of 1950 and are in full force and effect in conjunction with all applicable statutory laws. The Secretary of the Department of Wildlife and Fisheries has the authority to close or alter seasons in emergency situations in order to protect fish and wildlife resources.

2. Pursuant to Section 40.1 of Title 56 of the Louisiana Revised Statutes of 1950, the Wildlife and Fisheries Commission has adopted monetary values which are assigned to all illegally taken, possessed, injured or destroyed fish, wild birds, wild quadrupeds and other wildlife and aquatic life. Anyone taking, possessing, injuring or destroying fish, wild birds, wild quadrupeds and other wildlife and aquatic life shall be required to reimburse the Department of Wildlife and Fisheries a sum of money equal to the value of the wildlife illegally taken, possessed, injured or destroyed. This monetary reimbursement shall be in addition to any and all criminal penalties imposed for the illegal act.

B. Resident Game Birds and Animals

1. Shooting hours: one-half hour before sunrise to one-half hour after sunset.

C. Other Season Dates

1. Turkey. Please refer to separate pamphlet.

2. Raccoon and Opossum. No closed season. Raccoon and opossum can be taken at night by one or more licensed hunters with one or more dogs and one .22 rimfire firearm. A licensed hunter may take raccoon or opossum with .22 rimfire, muzzleloader rifle .36 caliber or smaller or shotgun during daylight hours during the open rabbit season. Hunting from boats or motor vehicles is prohibited. No bag limit for nighttime or daytime raccoon or opossum hunting during the open trapping season except on certain WMAs as listed. The remainder of the year, the raccoon and opossum bag limit for daytime or nighttime is one per person per day or night. No one who hunts raccoons or opossums as prescribed above shall pelt during the closed trapping season nor sell skins or carcasses of raccoons and opossums taken during the open trapping season unless he is the holder of a valid trapping

license which shall be required in addition to his basic hunting license. Pelting or selling carcasses is illegal during closed trapping season.

3. Blackbirds and crows. All blackbirds, cowbirds, grackles and crows are considered crop depredators in Louisiana and may therefore be taken year round during legal shooting hours with no limit. Shooting hours are 30 minutes before sunrise to sunset.

4. Pheasant

a. Bag limit - 2 (males only). Possession limit - 4.

b. Pheasant season restricted to the following portion of Calcasieu and Cameron parishes: That portion west of Choupique Bayou south of U.S. 90 and La. 27, west of La. 27 to north boundary of Sabine NWR, north of Sabine NWR north boundary to Sabine River, east of Sabine River to Intracoastal waterway, south of Intracoastal waterway to Gum Cove, east of Gum Cove Road to La. 108, north and east of La. 108 from Gum Cove Road to U.S. 90, and south of U.S. 90 from Vinton to Choupique Bayou.

5. Falconry. Special permit required. Resident and migratory game species except turkeys may be taken. Seasons and bag limits are the same as for statewide and WMA regulations except squirrels may be taken by licensed falconers until the last day of February. Refer to LAC 76:V.301 for specific Falconry Rules.

6. Licensed Hunting Preserve. October 1 - April 30. Pen-raised birds only. No limit entire season. Refer to LAC 76:V.305 for specific Hunting Preserve Rules.

7. Deer Management Assistance Program (DMAP). Land enrolled in the voluntary program will be assessed a \$25 registration fee and 54/acre fee. Deer management assistance tags must be attached and locked to antlerless deer (including those taken on either-sex days and those taken with bow and muzzleloader) through the hock in a manner that it cannot be removed before the deer is moved from the site of the kill. Failure to do so is a violation of R.S. 56:115. Failing to follow DMAP rules and regulations may result in immediate cancellation of the program on those lands involved. Refer to LAC 76:V.111 for specific DMAP Rules.

8. Farm Raised White-tailed Deer and Exotics on Licensed Supplemented Shooting Preserves

a. Definitions

Exotics for purposes of this rule means any animal of the family Bovidae (except the Tribe Bovini [cattle]) or Cervidae which is not indigenous to Louisiana and which is confined on a Supplemented Hunting Preserve. Exotics shall include, but are not limited to, fallow deer, red deer, elk, sika deer, axis deer, and black buck antelope.

Hunting in its different tenses and for purposes of this rule means to take or attempt to take, in accordance with R.S. 56:8.

Same as Outside for purposes of this rule means hunting on a Supplemented Hunting Preserve must conform to applicable statutes and rules governing hunting and deer hunting, as provided for in Title 56 of the Louisiana Revised Statutes and as established annually by the Wildlife and Fisheries Commission (LWFC).

Supplemented Hunting Preserve for purposes of this rule means any enclosure for which a current Farm-Raising License has been issued by the Department of Agriculture and Forestry (LDAF) with concurrence of the Department of Wildlife and Fisheries (LDWF) and is

authorized in writing by the LDAF and LDWF to permit hunting.

White-tailed Deer for purposes of this rule means any animal of the species *Odocoileus virginianus* which is confined on a Supplemented Hunting Preserve.

b. Seasons

i. Farm-Raised White-tailed Deer: Consult the regulations pamphlet.

ii. Exotics: year round.

c. Methods of Take

i. White-tailed Deer: Same as outside.

ii. Exotics: Exotics may be taken with longbow (including compound bow) and arrow; shotguns not larger than 10 gauge, loaded with buckshot or rifled slug; handguns and rifles no smaller than .22 caliber centerfire; or muzzleloading rifles or pistols, .44 caliber minimum, or shotguns 10 gauge or smaller, all of which must load exclusively from the muzzle or cap and ball cylinder, using black powder or an approved substitute only, and using ball or bullet projectile, including sabot bullets only.

d. Shooting Hours

i. White-tailed Deer: Same as outside.

ii. Exotics: one-half hour before sunrise to one-half hour after sunset.

e. Bag Limit

i. Farm-Raised White-tailed Deer: Same as outside.

ii. Exotics: No limit.

f. Hunting Licenses

i. White-tailed Deer: Same as outside.

ii. Exotics: No person shall hunt any exotic without possessing a valid basic and big game hunting license.

g. Tagging. White-tailed Deer and Exotics: Each animal shall be tagged in the left ear or left antler immediately upon being killed and before being moved from the site of the kill with a tag provided by the LDAF. The tag shall remain with the carcass at all times.

D. Hunting-General Provisions

1. A basic resident or non-resident hunting license is required of all persons to hunt, take, possess or cause to be transported by any other person any wild bird or quadruped. See information below for exceptions.

2. No person born on or after September 1, 1969 shall hunt with a firearm unless that person has first been issued a certificate of satisfactory completion of a firearm and hunter education course taught or approved by the Department of Wildlife and Fisheries. However, a person younger than 16 years of age may hunt without such certificate if he is accompanied by and is under the direct and immediate supervision of a person 18 years of age or older.

3. A big game license is required in addition to the basic hunting license to hunt, take, possess or cause to be transported any deer or turkey. A separate wild turkey stamp is required in addition to the basic hunting license and the big game license to hunt, take, possess or cause to be transported any turkey.

4. Taking game quadrupeds or birds from aircraft or participating in the taking of deer with the aid of aircraft or from automobiles or other moving land vehicles is prohibited.

5. Methods of taking resident game birds and quadrupeds

a. Use of a longbow (including compound bow) and arrow or a shotgun not larger than a 10 gauge fired from the shoulder without a rest shall be legal for taking all resident game birds and quadrupeds. Also, the use of a handgun, rifle and falconry (special permit required) shall be legal for taking all game species except turkey and migratory game birds. It shall be illegal to hunt or take squirrels or rabbits at any time with a breech-loaded rifle or handgun larger than a .22 caliber rimfire or a muzzleloader rifle larger than .36 caliber. During closed deer gun season, it shall be illegal to possess shotgun shells loaded with slugs or shot larger than BB lead or F steel shot while small game hunting.

b. Still hunting is defined as stalking or stationary stand hunting without the use of dog(s). Pursuing, driving or hunting deer with dogs is prohibited when or where a still hunting season or area is designated, and will be strictly enforced. Shotguns larger than 10 gauge or capable of holding more than three shells shall be prohibited. Plugs used in shotguns must be incapable of being removed without disassembly. Refer to game schedules contained within these regulations for specific restrictions on the use of firearms and other devices.

6. Nuisance animals. Landowners or their designees may remove beaver and nutria causing damage to their property without a special permit. Water set traps and firearms may be used to remove beaver; nutria may be removed by any means except that nutria cannot be taken by the use of headlight and gun between the hours of sunset and sunrise. With a special permit issued by the Department, beavers may be taken between one-half hour after official sunset to one-half hour before official sunrise for a period of three consecutive calendar evenings from the effective date of the permit issued by the department. For specific details contact a region office near you. Any nuisance beaver or nutria trapped or shot outside open trapping season cannot be pelted or sold. A trapping license is required to possess, sell or pelt nuisance beavers or nutria taken during open trapping season. Squirrels found destroying commercial crops of pecans may be taken year-round by permit issued by the Department. This permit shall be valid for 30 days from the date of issuance. Contact the local region office for details.

7. Threatened and endangered species - Louisiana black bear, Louisiana pearl shell (mussel), sea turtles, gopher tortoise, ringed sawback turtle, brown pelican, bald eagle, peregrine falcon, whooping crane, Eskimo curlew, piping plover, interior least tern, ivory-billed woodpecker, red-cockaded woodpecker, Bachman's warbler, West Indian manatee, Florida panther, pallid sturgeon, Gulf sturgeon, Attwater's greater prairie chicken, whales and red wolf. Taking or harassment of any of these species is a violation of state and federal laws.

8. Unregulated quadrupeds. Holders of a legal hunting license may take coyotes, unmarked hogs where legal, and armadillos year round during legal daylight shooting hours. The running of coyotes with dogs is prohibited in all turkey hunting areas during the open turkey season. Coyote hunting is restricted to "chase only" during still hunting segments of the firearm and archery only season for deer. Foxes and bobcats are protected quadrupeds and may be taken only by

licensed trappers during the trapping season. Remainder of the year "chase only" permitted by licensed hunters.

9. Hunting and/or discharging firearms on public roads. Hunting, standing, loitering or shooting game quadrupeds or game birds with a gun during open season while on a public highway or public road right-of-way is prohibited. Hunting or the discharge of firearms on roads or highways located on public levees or within 100 feet from the centerline of such levee roads or highways is prohibited. Spot lighting or shining from public roads is prohibited by state law. Hunting from all public roads and rights-of-way is prohibited and these provisions will be strictly enforced.

10. Tags. Any part of the deer or wild turkey divided shall have affixed thereto the name, date, address and big game license number of the person killing the deer or wild turkey and the sex of that animal. This information shall be legibly written in pen or pencil, on any piece of paper or cardboard or any material, which is attached or secured to or enclosing the part or parts. On lands enrolled in DMAP, deer management assistance tags must be attached and locked through the hock of antlerless deer, (including those taken with bow and muzzleloader and those antlerless deer taken on either-sex days) in a manner that it cannot be removed, before the deer is moved from the site of the kill.

11. Sex identification. Positive evidence of sex identification, including the head, shall remain on any deer taken or killed within the State of Louisiana, or on all turkeys taken or killed during any special gobbler season when killing of turkey hens is prohibited, so long as such deer or turkey is kept in camp or field, or is en route to the domicile of its possessor, or until such deer or turkey has been stored at the domicile of its possessor or divided at a cold storage facility and has become identifiable as food rather than as wild game.

E. General Deer Hunting Regulations

1. One antlered and one antlerless (when legal on private lands) deer per day except on Wildlife Management Areas, Federal Refuges and National Forest Lands where the daily limit shall be one deer per day. Six per season (all segments included) by all methods of take.

2. A legal buck is a deer with visible antler of hardened bony material, broken naturally through the skin. Killing bucks without at least one visible antler as described above and killing does is prohibited except where specifically allowed.

3. Deer hunting restricted to legal bucks only, except where otherwise allowed.

4. Either-sex deer is defined as male or female deer. Taking or possessing spotted fawns is prohibited.

5. It is illegal to hunt or shoot deer with firearms smaller than .22 caliber centerfire or a shotgun loaded with anything other than buckshot or rifled slug. Handguns may be used for hunting.

6. Taking game quadrupeds or birds from aircraft, participating in the taking of deer with the aid of aircraft or from automobiles or other moving land vehicles is prohibited.

7. Still hunting is defined as stalking or stationary stand hunting without the use of dog(s). Pursuing, driving or hunting deer with dogs or moving vehicles, including ATVs, when or where a still hunting season or area is designated, is prohibited and will be strictly enforced. The training of deer

dogs is prohibited in all still hunting areas during the gun still hunting and archery only season. Deer hunting with dogs is allowed in all other areas having open deer seasons that are not specifically designated as still hunting only. Use of dogs to trail wounded deer is expressly prohibited in still hunting areas.

8. Areas not specifically designated as open are closed.

9. Muzzleloader Segment: (Special license and muzzleloader firearms specifications apply only to the special state, WMA, National Forest and Preserves, and Federal Refuge seasons.) Still hunt only. Specific WMAs will also be open, check WMA schedule for specific details. Muzzleloader license required for resident hunters between the ages of 16 and 59 inclusive and non-residents 16 years of age and older. Either sex deer may be taken in all deer hunting areas except Area 5 and as specified on Public Areas. It is unlawful to carry a gun, including those powered by air or other means, while hunting during the special muzzleloader segment. Except, it is lawful to carry a .22 caliber rimfire pistol loaded with #12 shot (ratshot only).

a. Legal Muzzleloader Firearms For Special Season: Rifles or pistols, .44 caliber minimum, or shotguns 10 gauge or smaller, all of which must load exclusively from the muzzle or cap and ball cylinder, use black powder or approved substitute only, take ball or bullet projectile only, including sabot bullets and be fitted only with iron sights or non-magnifying scopes except persons 60 years of age or older may use magnified scopes. This includes those muzzleloaders known as "inline" muzzleloaders.

10. Archery Segment: Consult regulations pamphlet. WMA seasons are the same as outside except as noted below. Archery license required for resident bow hunters between the ages of 16 and 59 inclusive and non-residents 16 years of age and older. Residents 60 years of age and older may use a crossbow without a special permit or license. Either sex deer may be taken in all areas open for deer hunting except when a bucks only season is in progress for gun hunting, archer's must conform to the bucks only regulations. Either sex deer may be taken on WMAs at anytime during archery season except when bucks only seasons are in progress on the respective WMA. Also, archery season restricted on Atchafalaya Delta, Salvador, Pass-a-Loutre and Point-au-Chien WMAs (see schedule).

a. Bow and arrow regulations: Hunting arrows for deer must have well-sharpened metal broadhead blades not less than 7/8 inch in width. Bow and arrow fishermen must have a sport fishing license and not carry any arrows with broadhead points unless a big game season is in progress.

i. It is unlawful:

(a). to carry a gun, including those powered by air or other means, while hunting with bow and arrow during the special bow and arrow deer season except it is lawful to carry a .22 caliber rimfire pistol loaded with #12 shot (ratshot) only.

(b). to have in possession or use any poisoned or drugged arrow, arrows with explosive tips, or any bow drawn, held or released by mechanical means except that hand held releases are lawful.

(c). to hunt deer with a bow having a pull less than 30 pounds.

(d). to hunt with a bow or crossbow fitted with an infrared or laser sight.

11. Hunter orange. Any person hunting deer shall display on his head, chest and/or back a total of not less than 400 square inches of "hunter orange" during the open deer gun season including muzzleloader season. Persons hunting on privately owned, legally posted land may wear a cap or a hat that is completely covered with hunter orange material in lieu of the 400 square inches. These provisions shall not apply to persons hunting deer from elevated stands on property that is privately owned and legally posted or to archery deer hunters hunting on legally posted lands where firearm hunting is not allowed by agreement of the landowner or lessee. Warning: deer hunters are cautioned to watch for persons hunting other game or engaged in activities not requiring "hunter orange".

12. Special handicapped either-sex deer season on private land. See regulations pamphlet for dates. Restricted to individuals with Physically Challenged Hunter Permit.

13. Special Youth Deer Hunt. See regulations pamphlet for dates.

F. Description of Areas

1. Area 1

a. All of the following parishes are open: Catahoula, East Feliciana, St. Helena, Concordia, Franklin, Tensas, East Baton Rouge, Madison, Washington.

b. Portions of the following parishes are also open:

i. Avoyelles - North of La. 1.

ii. Catahoula - All except that portion lying north and east of the Ouachita River to the Boeuf River. West of Boeuf River north to Franklin parish line.

iii. Grant - East of U.S. 165 and south of La. 8.

iv. LaSalle - Portion south of La. 8 from Little River eastward to La. 127 in Jena, east of La. 127 from Jena northward to U.S. 165, east of U.S. 165 from La. 127 northward to Caldwell Parish line.

v. Livingston - North of I-12.

vi. Rapides - East of U.S. 165 and north of Red River.

vii. St. Tammany - All except that portion south of I-12, west of Hwy. 1077 to La. 22, south of La. 22 to Tchefuncte River, west of Tchefuncte River southward to Lake Pontchartrain.

viii. Tangipahoa - North of I-12.

ix. West Feliciana - All except that portion known as Raccourci and Turnbull Island.

c. Still hunting only in all or portions of the following parishes:

i. Avoyelles - That portion surrounding Pomme de Terre WMA, bounded on the north, east, and south by La. 451 and on the west by the Big Bend Levee from its junction at the Bayou des Glaise structure east of Bordelonville, southward to its juncture with La. 451.

ii. Catahoula - South of Deer Creek to Boeuf River, east of Boeuf and Ouachita Rivers to La. 8 at Harrisonburg, west of La. 8 to La. 913, west of La. 913 and La. 15 to Deer Creek.

iii. East Feliciana and East Baton Rouge - East of Thompson Creek from the Mississippi line to La. 10. North of La. 10 from Thompson Creek to La. 67 at Clinton, west of La. 67 from Clinton to Mississippi line. South of Mississippi

line from La. 67 to Thompson Creek. Also that portion of East Baton Rouge Parish east of La. 67 from La. 64 north to Parish Line, south of Parish Line from La. 64 eastward to Amite River. West of Amite River southward to La. 64, north of La. 64 to La. 37 at Magnolia, east of La. 37 northward to La. 64 at Indian Mound, north of La. 64 from Indian Mound to La. 67. Also, that portion of East Feliciana Parish east of La. 67 from parish line north to La. 959, south of La. 959 east to La. 63, west of La. 63 to Amite River, west of Amite River, southward to parish line, north of parish line westward to La. 67.

iv. Franklin - All

v. St. Helena - North of La. 16 from Tickfaw River at Montpelier westward to La. 449, east and south of La. 449 from La. 16 at Pine Grove northward to La. 1045, south of La. 1045 from its junction with La. 449 eastward to the Tickfaw River, west of the Tickfaw River from La. 1045 southward to La. 16 at Montpelier.

vi. Tangipahoa - That portion of Tangipahoa Parish north of La. 10 from the Tchefuncte River to La. 1061 at Wilmer, east of La. 1061 to La. 440 at Bolivar, south of La. 440 to the Tchefuncte River, west of the Tchefuncte River from La. 440 southward to La. 10.

vii. Washington and St. Tammany - East of La. 21 from the Mississippi line southward to the Bogue Chitto River, north of the Bogue Chitto River from La. 21 eastward to the Pearl River Navigation Canal, east of the Pearl River Navigation Canal southward to the West Pearl River, north of the West Pearl River from the Pearl River Navigation Canal to Holmes Bayou, west of Holmes Bayou from the West Pearl River northward to the Pearl River, west of the Pearl River from Holmes Bayou northward to the Mississippi line, south of the Mississippi line from the Pearl River westward to La. 21. Also that portion of St. Tammany Parish north of La. 22 from U.S. 190 to La. 1077, east of La. 1077 northward to junction with U.S. 190, south and west of U.S. 190 from La. 1077 to junction with La. 22. Also, that portion of Washington Parish south of La. 10 from the Tchefuncte River, eastward to the Bogue Chitto River, west of the Bogue Chitto River from La. 10 southward to St. Tammany Parish. Also that portion of Washington Parish west of La. 25 from the Mississippi state line southward to La. 38, then west to the Tangipahoa parish line, north along the parish line to the Mississippi state line then east to La. 25.

viii. West Feliciana - West of Thompson Creek to Illinois-Central Railroad, north of Illinois-Central Railroad to Parish Road #7, east of Parish Road #7 to the junction of U.S. 61 and La. 966, east of La. 966 from U.S. 61 to Chaney Creek, south of Chaney Creek to Thompson Creek.

2. Area 2

a. All of the following parishes are open:

i. Bienville, Jackson, Union, Bossier, Lincoln, Webster, Caddo, Caldwell, Natchitoches, Winn, Claiborne, Red River, DeSoto, Sabine.

ii. except: Kisatchie National Forest which has special regulations. Caney, Corney, Middlefork tracts of Kisatchie have the same regulations as Area 2, except still hunting only for deer and except National Forest Land within the Evangeline Unit, Calcasieu Ranger District described in Area 2 description shall be still hunting only.

b. Portions of the following parishes are also open:

i. Allen - North of U.S. 190 east of Reeves and east of La. 113.

ii. Avoyelles - That portion west of I-49.

iii. Beauregard - East of La. 113. Also, west of La. 27 north to DeRidder and south and east of U.S. 190 west of DeRidder to Texas line.

iv. Calcasieu - West of La. 27 north of Sulphur and north of U.S. 90 from Sulphur to Texas line.

v. Catahoula - That portion lying north and east of the Ouachita River to the Boeuf River. West of Boeuf River north to Franklin Parish line.

vi. Evangeline - All except the following portions: east of I-49 to junction of La. 29, east of La. 29 south of I-49 to Ville Platte, and north of U.S. 167 east of Ville Platte.

vii. Grant - All except that portion south of La. 8 and east of U.S. 165.

viii. Jefferson Davis - North of U.S. 190.

ix. LaSalle - All except south of La. 8 from Little River eastward to La. 127 in Jena, east of La. 127 from Jena northward to U.S. 165, east of U.S. 165 from La. 127 northward to Caldwell Parish line.

x. Morehouse - West of U.S. 165 (from Arkansas line) to Bonita, north and west of La. 140 to junction of La. 830-4 (Cooper Lake Road), west of La. 830-4 to Bastrop, west of La. 139 to junction of La. 593, west and south of La. 593 to Collinston, west of La. 138 to junction of La. 134 and north of La. 134 to Ouachita line.

xi. Ouachita - All except south of U.S. 80 and east of Ouachita River, east of La. 139 from Sicard to junction of La. 134, south of La. 134 to Morehouse line.

xii. Rapides - All except north of Red River and east of U.S. 165. South of La. 465 to junction of La. 121, west of La. 121 and La. 113 to Union Hill, and north of La. 113 from Union Hill to Vernon Parish line, and that portion south of Alexandria between Red River and U.S. 167 to junction of U.S. 167 with I-49 at Turkey Creek exit, east of I-49 southward to parish line.

xiii. Vernon - East and south of La. 113, north and east of La. 465, west of La. 117 from Kurthwood to Leesville, and north of La. 8 from Leesville to Texas line.

c. Still hunting only in all or portions of the following parishes:

i. Claiborne and Webster - Caney, Corney and Middlefork tracts of Kisatchie National Forest. (See Kisatchie National Forest Regulations).

ii. Ouachita - East of Ouachita River.

iii. Rapides - West of U.S. 167 from Alexandria southward to I-49 at Turkey Creek Exit, west of I-49 southward to Parish Line, north of Parish Line westward to U.S. 165, east of U.S. 165 northward to U.S. 167 at Alexandria. North of La. 465 from Vernon Parish line to La. 121, west of La. 121 to I-49, west of I-49 to La. 8, south and east of La. 8 to La. 118 (Mora Road), south and west of La. 118 to Natchitoches Parish line.

iv. Vernon - East of Mora-Hutton Road from Natchitoches Parish line to Hillman Loop Road, south and east of Hillman Loop Road to Comrade Road, south of Comrade Road to La. 465, east and north of La. 465 to Rapides Parish line.

3. Area 3

a. All of Acadia, Cameron and Vermilion Parishes are open.

- b. Portions of the following parishes are also open:
 - i. Allen - South of U.S. 190 and west of La. 113.
 - ii. Beauregard - West of La. 113. also east of La. 27 north to DeRidder and north and west of U.S. 190 west of DeRidder to Texas line.
 - iii. Calcasieu - East of La. 27 north of Sulphur and south of U.S. 90 from Sulphur to Texas line.
 - iv. Iberia - West of U.S. 90 and north of La. 14.
 - v. Jefferson Davis - All except north of U.S. 190.
 - vi. Lafayette - West of I-49 and U.S. 90.
 - vii. Rapides - South of La. 465 to junction of La. 121, west of La. 121 and La. 112 to Union Hill and north of La. 113 from Union Hill to Vernon Parish line.
 - viii. St. Landry - West of U.S. 167.
 - ix. Vernon - West and north of La. 113, south of La. 465, east of La. 117 from Kurthwood to Leesville, and south of La. 8 from Leesville to Texas line.
- 4. Area 4
 - a. All of East Carroll and Richland parishes are open.
 - b. Portions of the following parishes are open:
 - i. Morehouse - East of U.S. 165 (from Arkansas line) to Bonita, south and east of La. 140 to junction of La. 830-4 (Cooper Lake Road), east of La. 830-4 to Bastrop, east of La. 139 to junction of La. 593, east and north of La. 593 to Collinston, east of La. 138 to junction of La. 134 and south of La. 134 to Ouachita line.
 - ii. Ouachita - South of U.S. 80 and east of Ouachita River, east of La. 139 from Sicard to junction of La. 134, south of La. 134 to Morehouse line.
- 5. Area 5
 - a. All of West Carroll Parish is open.
 - i. All deer hunting is for bucks only including muzzleloader season.
- 6. Area 6
 - a. All of Orleans Parish is closed to all forms of deer hunting.
 - b. All of the following parishes are open: Ascension, Plaquemines, St. John, Assumption, Pointe Coupee, St. Martin, Iberville, St. Bernard, Jefferson, St. Charles, Lafourche, St. James, West Baton Rouge.
 - c. Portions of the following parishes are also open:
 - i. Avoyelles - South of La. 1 and also that portion east of I-49.
 - ii. Evangeline - That portion east of I-49 to junction of La. 29, east of La. 29 south of I-49 to Ville Platte and north of U.S. 167 east of Ville Platte.
 - iii. Iberia - East of U.S. 90.
 - iv. Lafayette - East of I-49 and U.S. 90.
 - v. Livingston - South of I-12.
 - vi. Rapides - South of Alexandria between Red River and U.S. 167 to the junction of U.S. 167 with I-49 at Turkey Creek Exit, east of I-49 southward to parish line.
 - vii. St. Landry - East of U.S. 167.
 - viii. St. Mary - North of U.S. 90.
 - ix. St. Tammany - That portion south of I-12, west of Hwy. 1077 to La. 22, south of La. 22 to Tchefuncte River, west of Tchefuncte River southward to Lake Pontchartrain.
 - x. Tangipahoa - South of I-12.
 - xi. West Feliciana - West of Mississippi River, known as Raccourci and Turnbull Islands.
 - d. Still hunting only in all of the following parishes:

- i. Plaquemines - East of the Mississippi River.
 - ii. Rapides - South of Alexandria between Red River and U.S. 167 to the junction of U.S. 167 with I-49 at Turkey Creek Exit, east of I-49 southward to parish line.
 - iii. St. Bernard - All of the parish shall be still hunting only except that portion of St. Bernard known as the spoil area between the MRGO on the east and Access Canal on the west, south of Bayou Bienvenue and north of Bayou la Loutre.
 - iv. St. John - South of Pass Manchac from Lake Pontchartrain to U.S. 51, east of U.S. 51 from Pass Manchac to La. 638 (Frenier Beach Road). North of La. 638 from U.S. 51 to Lake Pontchartrain. West of Lake Pontchartrain from La. 638 to Pass Manchac.
 - v. St. Landry - Those lands surrounding Thistlethwaite WMA bounded north and east by La. 359, west by La. 10, and south by La. 103.
7. Area 7
- a. The following parish is open: Terrebonne.
 - b. Portions of the following parishes are open: Iberia and St. Mary Parishes - South of La. 14 and west U.S. Hwy. 90.
- G. Wildlife Management Area Regulations
1. General
- a. The following rules and regulations concerning the management, protection and harvest of wildlife have been officially approved and adopted by the Wildlife and Fisheries Commission in accordance with the authority provided in Louisiana Revised Statutes of 1950, Section 109 of Title 56. Failure to comply with these regulations will subject individual to citation and/or expulsion from the management area.
 - b. Citizens are cautioned that by entering upon a WMA managed by the LDWF they may be subjecting themselves and/or their vehicles to game and/or license checks, inspections and searches.
 - c. Wildlife management area seasons may be altered or closed anytime by the Department Secretary in emergency situations (floods, fire or other critical circumstances).
 - d. Hunters may enter the WMA no earlier than 3:00 a.m. unless otherwise specified and on days when Daily permits are required. On days when Daily permits are required, permit stations will open 2 hours before legal shooting hours. Hunters must exit the WMA no later than two hours after sunset unless otherwise specified.
 - e. Lands within WMA boundaries will have the same seasons and regulations pertaining to baiting and use of dogs as the WMA within which the lands are enclosed; however, with respect to private lands enclosed within a WMA, the owner or lessee may elect to hunt according to the regular season dates applicable to the geographic area in which the lands are located, provided that the lands are first enrolled in DMAP. Interested parties should contact the nearest LDWF regional office for additional information.
 - f. Dumping garbage or trash on WMAs except in designated locations is prohibited.
 - g. Disorderly conduct or hunting under influence of alcoholic beverages, chemicals and other similar substances is prohibited.
 - h. Commercial activities prohibited without prior approval or unless otherwise specified.

i. Damage to or removal of trees, shrubs, hard mast (acorn, pecans, etc.) and wild plants is prohibited without prior approval. Gathering and/or removal of soft fruits and berries shall be limited to five gallons per person per day. Persons engaged in commercial activities must obtain a permit from the Region Office.

j. Burning of marshes is prohibited except by permit. Permits may be obtained from the Fur and Refuge Division.

k. Nature trails. Access to trails shall be limited to pedestrians only. No vehicles, ATVs, horses, mules, bicycles, etc. allowed. Removal of vegetation (standing or down) or other natural material prohibited.

l. Deer seasons are for legal buck deer unless otherwise specified.

m. Small game, when listed under the WMA regulations, includes both resident game animals and game birds as well as migratory species of birds.

n. Oysters may not be harvested from any WMA, except that oysters may be harvested from private oyster leases and State Seed Grounds located within a WMA, when authorized by the Wildlife and Fisheries Commission and upon approval by the Department of Health and Hospitals.

2. Permits

a. Daily. Daily permits when required shall be obtained at permit stations on or near each WMA. Hunters must retain permit in possession while hunting. Hunters may enter the area no earlier than two hours before legal shooting time unless otherwise specified. Hunters must checkout daily and exit the area not later than two hours after sunset unless otherwise specified.

b. Self Clearing Permits. On WMAs where Self Clearing Permits are required, all hunters must obtain a WMA Self Clearing Permit from an Information Station. The check in portion must be completed and put in a permit box before each day's hunt on the day of the hunt. The check out portion must be carried by each hunter while hunting and must be completed and put in a permit box after each day's hunt on the day of the hunt unless otherwise specified. A vehicle tag will also be associated with the Self Clearing Permit and must be displayed in the vehicle while on the WMA.

c. Wild Louisiana Stamp. Persons using WMAs or other department administered lands for purposes other than hunting and fishing, such as camping, shooting on rifle ranges, berry picking, hiking, photography, bird-watching and the like, shall be required to possess one of the following: a Wild Louisiana stamp, a valid Louisiana fishing license, or a valid Louisiana hunting license. Persons younger than 16 or older than 60 years of age are exempt from this requirement.

3. Special Seasons

a. Youth deer hunt. Only youths younger than 16 years of age may hunt. All other seasons are closed except Handicapped Seasons. Youths must possess a hunter safety certification or proof of successful completion of a hunter safety course. Each youth must be accompanied by one adult 18 years of age or older. Adults may not possess a firearm. Youths may possess only one firearm while hunting. Legal firearms are the same as described for deer hunting. The supervising adult shall maintain visual and voice contact with the youth at all times. An adult may supervise only one

youth during this special hunt. Contact the appropriate region office for special check station locations when daily permits are required and maps of specific hunting areas. Either-sex deer may be taken on WMAs with youth hunts. Consult the regulations pamphlet for WMAs offering youth hunts.

b. Handicapped Season. For hunters possessing a Physically Challenged Hunter Permit only. Participants must possess a Physically Challenged Hunter Permit. Contact region office for permit application and map of specific hunting area. Consult the regulations pamphlet for WMAs offering Handicapped Seasons. Pointe-au-Chien will have an experimental Lottery Handicapped waterfowl hunt. Contact New Orleans Fur and Refuge Division for details.

c. Deer Lottery Hunts. Hunts restricted to those persons selected as a result of the pre-application lottery. Consult the regulations pamphlet for deadlines. A non-refundable application fee must be sent with application. Contact region offices for applications. Consult regulations pamphlet for WMAs offering lottery hunts.

d. Turkey Lottery Hunts. Hunts restricted to those persons selected by lottery. Consult the regulations pamphlet for deadlines. All turkeys must be reported at Self Clearing station. Contact Region Offices for more details. Consult separate Turkey Hunting Regulations pamphlet for WMAs offering lottery hunts.

e. Trapping. Permits to take fur bearers from WMAs may be obtained at appropriate offices when required. Consult Annual Trapping Regulations for specific dates. All traps must be run daily. Traps with teeth are illegal. On WMAs where permits are required, each trapper must submit an annual trapping report to the Region Office where his permit was obtained. Non-compliance will result in forfeiture of trapping privileges on the WMAs. Permits may be obtained only between hours of 8 a.m. to 4:30 p.m. on normal working days at region offices. Hunter orange required when a deer gun season is in progress. A permit is required to carry a firearm outside of the normal hunting season and is available at the Region Office.

f. Raccoon hunting. A licensed hunter may take raccoon or opossum, one per person per day, during daylight hours only, during the open rabbit season on WMAs. Nighttime experimental - Season dates for specific WMAs are for nighttime raccoon hunting and permits may be required. There will be no bag limit for raccoons at night unless specified in the annual regulations pamphlet. Raccoon hunters with dogs must submit an annual report of their kill to the region office for WMAs where permits are required. Non-compliance will result in forfeiture of raccoon or all hunting privileges on WMAs. Permits, when required, may be obtained at region offices only between hours of 8 a.m. to 4:30 p.m. on normal working days.

g. Commercial fishing. Permits are required of all commercial fishermen using Grassy Lake, Pomme de Terre and Spring Bayou WMAs. Drag seines (except minnow and bait seines) are prohibited except experimental bait seines permitted on Dewey Wills WMA north of La. 28 in Diversion Canal. Commercial fishing is prohibited during regular waterfowl seasons on Grand Bay, Silver Lake and Lower Sunk Lake on Three Rivers WMA. Commercial fishing is prohibited on Salvador/Timken, Ouachita and Pointe-Au-Chien WMAs except shrimping allowed on

Pointe-Au-Chien in Cut Off Canal and Wonder Lake during daytime only. Non-compliance with permit regulations will result in revocation of commercial fishing privileges for the period the license is issued and one year thereafter. Commercial fishing is allowed on Pass-a-Loutre and Atchafalaya Delta WMAs. See Pass-a-Loutre for additional commercial fishing regulations on mullet.

h. Sport fishing. Sport fishing, crawfishing and frogging are permitted on WMAs when in compliance with current laws and regulations except nighttime frogging prohibited on Salvador/ Timken and Pointe-Au-Chien.

i. Additional Department Lands. The Department manages additional lands that are included in the WMA system and available for public recreation. Small tracts are located in Rapides, Vernon, Evangeline and St. Helena parishes. These small tracts have been acquired from the Farmers Home Administration or other sources for conservation purposes. Contact the appropriate Wildlife and Fisheries Region Office for specific information and any additional season dates.

4. Firearms

a. Firearms having live ammunition in the chamber, magazine, cylinder or clip when attached to firearms are not allowed in or on vehicles, boats under power, motorcycles, ATVs, ATCs or in camping areas on WMAs. Firearms may not be carried on any area before or after allowed hours except in authorized camping areas.

b. Firearms and bows and arrows are not allowed on WMAs during closed hunting seasons except on designated shooting ranges or as allowed for trapping. Bows and broadhead arrows are not allowed on WMAs except during deer archery season, turkey season or except as allowed for bowfishing.

c. Encased or broken down firearms and any game harvested may be transported through the areas by the most direct route provided that no other route exists except as specified under Wildlife Management Area listing.

d. Loaded firearms are not allowed near WMA check stations.

e. Centerfire rifles and handguns, arms larger than .22 caliber rimfire, shotgun slugs or shot larger than BB lead or F steel shot cannot be carried onto any WMA except during modern firearm deer season.

f. Target shooting and other forms of practice shooting are prohibited on WMAs except as otherwise specified.

g. Discharging of firearms on or hunting from designated roads, ATV trails or their rights-of-way is prohibited during the modern firearm and muzzleloader deer season.

5. Methods of Taking Game

a. Moving deer or hogs on a WMA with organized drivers and standers, drivers or making use of noises or noise-making devices is prohibited.

b. On Wildlife Management Areas, Federal Refuges and National Forest Lands where the daily limit shall be one deer per day, six per season (all segments included) by all methods of take.

c. Baiting or hunting over bait is prohibited on all WMAs (hogs included). Unmarked hogs may be taken on some WMAs by properly licensed hunters and only with guns or bow and arrow legal for specified seasons in

progress. Consult the specific WMA for additional information. Proper licenses and permits are required for hunting.

d. Hunters who kill deer on WMAs that require daily permits must have deer checked at the check station on same day of kill.

e. Deer hunting on WMAs is restricted to still hunting only. No WMA will be open for deer during early still hunt season unless specified in the regulation pamphlet.

f. Construction of and/or hunting from permanent tree stands or permanent blinds on WMAs is prohibited. Any permanent stand or permanent blind will be removed and destroyed.

g. On Wildlife Management Areas and Refuges, all deer stands must be removed from the area no later than two hours after the end of legal shooting hours each day. Hunting from utility poles, high tension power lines, oil and gas exploration facilities or platforms is prohibited.

h. A permanent blind is any blind using non-natural materials or having a frame which is not dismantled within two hours after the end of legal shooting hours each day. Blinds with frames of wood, plastic, metal, poles, wire, mesh, webbing or any materials may be used but must be removed from the WMA within two hours after sunset. Blinds made solely of natural vegetation may be left in place but cannot be used to reserve hunting locations. All decoys must be removed from the WMA daily.

i. It is illegal to save or reserve hunting locations using permanent stands or blinds. Stands or blinds attached to trees with screws, nails, spikes, etc. are illegal.

j. Tree climbing spurs, spikes or screw-in steps are also prohibited.

k. Unattended decoys will be confiscated and forfeited to the Department of Wildlife and Fisheries and disposed of by the Department. This action is necessary to prevent preemption of hunting space.

l. Hunters shall not hunt, take or pursue birds or animals from moving vehicles on any WMA. No person shall take birds or animals from or by any motor boat or sail boat unless the motor has been completely shut off and/or the sail furled and its progress therefrom has ceased.

m. Spot lighting (shining) from vehicles is prohibited on all WMAs.

n. Horses and mules may be ridden on Wildlife Management Areas except where prohibited and except during gun seasons for deer and turkey. Riding is restricted to designated roads and trails. Hunting and trapping from horses and mules is prohibited except for quail hunting or as otherwise specified.

o. All hunters except waterfowl hunters and dove hunters (including archers and small game hunters) on WMAs must display 400 square inches of "Hunter Orange" and wear a "Hunter Orange" cap during open gun season for deer. Quail and woodcock hunters as well as hunters participating during special dog seasons for rabbit and squirrel are required to wear a minimum of a "Hunter Orange" cap. ALSO all non-hunters afield during hunting seasons are encouraged to display "Hunter Orange".

p. Archery season for deer. The archery season on WMAs is the same as outside and is open to either sex deer except as otherwise specified on individual WMAs. Archery season restricted or closed on certain WMAs when special

seasons for youth or handicapped hunters are in progress. Consult regulations pamphlet for specific seasons.

q. Either sex deer may be taken on WMAs at any time during archery season except when bucks only seasons are in progress on the respective WMAs. Archers must abide by bucks only regulations and other restrictions when such seasons are in progress.

r. Muzzleloader season for deer. See WMA deer schedule.

6. Camping

a. Camping on WMAs, including trailers, houseboats, recreational vehicles and tents, is allowed only in designated areas and for a period not to exceed sixteen (16) consecutive days, regardless if the camp is attended or unattended. Houseboats shall not impede navigation. At the end of the 16 day period, camps must be removed from the area for at least 48 hours. Camping area use limited exclusively to outdoor recreational activities.

b. Houseboats are prohibited from overnight mooring within WMAs except on stream banks adjacent to Department-owned designated camping areas. Overnight mooring of vessels that provide lodging for hire are prohibited on WMAs. On Atchafalaya Delta WMA and Pass-a-Loutre, houseboats may be moored in specially designated areas throughout the hunting season. At all other times of the year, mooring period is limited to a period not to exceed sixteen (16) consecutive days. Permits are required for camping and overnight mooring of houseboats on Pass-a-Loutre. Houseboat mooring permits are required for Atchafalaya Delta Wildlife Management Area. Permits may be obtained from headquarters on respective WMAs or from the New Iberia office for Atchafalaya Delta WMA.

c. Anyone camping on WMAs is required to have an operational waste disposal system attached to the camper, trailer, houseboat or other unit or a portable waste disposal unit to remove all human waste upon leaving the WMA camping area. Discharge of human waste on a WMA is prohibited. Additionally it is against both Federal and State law to discharge human waste into the waterways of Louisiana.

d. No refuse or garbage may be dumped from these boats.

e. Firearms may not be kept loaded or discharged in a camping area.

f. Campsites must be cleaned by occupants prior to leaving and all refuse placed in designated locations when provided or carried off by campers.

g. Non-compliance with camping regulations will subject occupant to immediate expulsion and/or citation, including restitution for damages.

h. Swimming prohibited within 100 yards of boat launching ramps.

7. Restricted Areas

a. All oil and gas production facilities (wells, pumping stations and storage facilities) are off limits.

b. No unauthorized entry or hunting in restricted areas or refuges.

8. Dogs. All use of dogs on WMAs, except for bird hunting and duck hunting, is experimental as required by law. except for nighttime experimental raccoon hunting, squirrel hunting, rabbit hunting, bird hunting, duck hunting and bird dog training when allowed, having or using dogs on

any WMA is prohibited. Dogs running at large are prohibited on WMAs. The owner or handler of said dogs shall be held liable. Only recognizable breeds of bird dogs and retrievers are allowed for quail and migratory bird hunting. Only beagle hounds which do not exceed 15 inches at the front shoulders and which have recognizable characteristics of the breed may be used on WMAs having experimental rabbit seasons.

9. Vehicles

a. Vehicles having wheels with a wheel-tire combination having a radius of 17 inches or more from the center of the hub (measured horizontal to ground) are prohibited.

b. The testing, racing, speeding or unusual maneuvering of any type of vehicle is prohibited within wildlife management areas due to property damages resulting in high maintenance costs, disturbance of wildlife and destruction of forest reproduction.

c. Tractor implement tires with farm tread designs R1, R2 and R4 known commonly as spade or lug grip types are prohibited on all vehicles. ATV tires are restricted to those with maximum allowable tire pressure of 5 psi, as indicated on the tire by the manufacturer.

d. Airboats, aircraft, personal water craft and hover craft are prohibited on all WMAs and Refuges. Personal water craft are defined as a vessel which uses an inboard motor powering a water jet pump as its primary source of propulsion and is designed to be operated by a person sitting, standing or kneeling on the vessel rather than in the conventional manner of sitting or standing inside the vessel. Personal water craft allowed on designated areas of Alexandria State Forest WMA.

e. No internal combustion engines allowed in certain Greentree reservoir.

f. Driving or parking vehicles on food or cover plots and strips is prohibited.

g. Blocking the entrance to roads and trails is prohibited.

h. Motorized vehicles, including ATVs, ATCs and motorcycles, are restricted entirely to designated roads and ATV trails as indicated on WMA maps, except on Atchafalaya Delta WMA where ATVs, ATCs and motorcycles are prohibited. WMA maps available at all region offices. This restriction does not apply to bicycles.

i. Use of special ATV trails for handicapped persons restricted to special ATV handicapped permittees. Handicapped ATV permittees restricted to handicapped ATV trails or other ATV trails only as indicated on WMA maps. Persons 70 years of age and older, with proof of age, are also allowed to use special handicapped trails and need not obtain a permit. However, these persons must abide by all rules in place for these trails. Handicapped persons should make application for a Physically Challenged Hunter Program Permit with the Department.

j. Entrances to ATV trails will be marked with peach colored paint. Entrances to handicapped-only ATV trails will be marked with blue colored paint. Routes of all trails are as indicated on WMA maps. Deviation from the trails indicated on the map constitutes a violation of WMA rules and regulations.

k. Roads and trails may be closed due to poor condition or construction.

1. ATVs, ATCs and motorcycles cannot be left overnight on WMAs except on designated camping areas. ATVs are prohibited from two hours after sunset to 3:00 AM. All roads including trails and roads designated as ATV trails shall be closed from March 1 through August 31 unless otherwise specified. Certain trails may be open during this time period to provide access for fishing or other purposes. These trails will be marked by signs at the entrance of the trail.

m. Caution: Many Department-maintained roadways on WMAs are unimproved and substandard. A maximum 20 mph speed limit is recommended for all land vehicles using these roads.

10. Wildlife Management Areas Basic Season Structure. For season dates, bag limits, shooting hours, special seasons and other information consult the annual regulations pamphlet for specific details.

11. Resident Small Game (squirrel, rabbit, quail, dove, woodcock, snipe, rail and gallinule). Consult regulations pamphlet.

12. Waterfowl (ducks, geese and coots). Consult regulations pamphlet.

13. Archery. Consult regulations pamphlet.

14. Hogs. Consult regulations pamphlet.

15. Outlaw Quadrupeds and Birds. Consult regulations pamphlet.

16. Wildlife Management Areas Hunting Schedule and Regulations:

a. Alexander State Forest. Vehicles restricted to paved and graveled roads. No parking on or fishing or swimming from bridges. No open fires except in recreation areas.

b. Atchafalaya Delta. Water control structures are not to be tampered with or altered by anyone other than employees of the Department of Wildlife and Fisheries at any time. ATVs, ATCs and motorcycles prohibited.

c. Attakapas. Free-ranging livestock prohibited.

d. Bayou Macon. All night activities prohibited except as otherwise provided. Mules are allowed for nighttime raccoon hunting.

e. Bayou Pierre. No ATVs or ATCs allowed on the area. Motorized vehicles are allowed only on parish roads and roads marked on WMA map.

f. Bens Creek. All motorized vehicles restricted to designated roads. Refer to WMA map for location of designated roads. No hunting in restricted areas. (See WMA Map). Horses and mules are specifically prohibited during gun seasons for deer and during the spring turkey season.

g. Big Colewa Bayou. ATVs restricted to designated trails. Refer to WMA map for location of designated trails. All other motorized vehicles prohibited. All nighttime activities prohibited.

h. Big Lake. Free-ranging livestock prohibited.

i. Biloxi

j. Bodcau

k. Boeuf. Free-ranging livestock prohibited.

l. Boise-Vernon. Road travel and hunting restrictions: All motorized vehicles restricted to designated roads. Refer to WMA map for location of designated roads. Hunting prohibited on roads designated for motorized vehicle travel.

m. Buckhorn. Free-ranging livestock prohibited.

n. Camp Beauregard. Daily military clearance required for all recreational users. Registration for use of Self Clearing Permit required once per year. Free-ranging livestock prohibited. All game harvested must be reported. Retriever training allowed on selected portions of the WMA.

o. Dewey W. Wills. Crawfish: 100 pounds per person per day. Roads may be closed during wet weather conditions.

p. Elm Hall. No ATVs allowed.

q. Fort Polk. Daily military clearance required to hunt or trap. Registration for use of Self Clearing Permit required once per year. Special regulations apply to ATV users.

r. Georgia-Pacific. except as otherwise provided, all nighttime activities prohibited.

s. Grassy Lake. Commercial Fishing: Permitted except on Smith Bay, Red River Bay and Grassy Lake proper on Saturday and Sunday and during waterfowl season. Permits available from area supervisor at Spring Bayou headquarters or Opelousas Region Office. Free-ranging livestock prohibited. No hunting in restricted area.

t. Jackson-Bienville. ATVs are allowed on non-public maintained gravel roads and timber management roads and trails. However, all ATVs/ATCs prohibited March 1 through September 15.

u. Joyce. Swamp Walk: Adhere to all WMA rules and regulations. No firearms or hunting allowed within 100 yards of walkways. Check hunting schedule and use walkway at your own risk.

v. Lake Boeuf

w. Lake Ramsay. Foot traffic only - all vehicles restricted to Parish Roads.

x. Little River. Roads may be closed during wet conditions.

y. Loggy Bayou

z. Manchac. Crabs: No crab traps allowed. Attended lift nets are allowed.

aa. Ouachita. Waterfowl Refuge: North of La. Hwy. 15 closed to all hunting, fishing and trapping during waterfowl season. Crawfish: 100 pounds per person per day limit. Night crawfishing prohibited. No traps or nets left overnight. Commercial Fishing: Closed. All nighttime activities prohibited except as otherwise provided.

ab. Pass-a-Loutre. Commercial Fishing: Same as outside. Commercial mullet fishing open only in: South Pass, Pass-a-Loutre, North Pass, Southeast Pass, Northeast Pass, Dennis Pass, Johnson Pass, Loomis Pass, Cadro Pass, Wright Pass, Viveats Pass, Cognevich Pass, Blind Bay, Redfish Bay, Garden Island Bay and Northshore Bay, East Bay (west of barrier islands) and oil and gas canals as described on the Department Pass-a-Loutre WMA map. ATVs, ATCs and motorcycles prohibited on this area.

ac. Pearl River. All roads closed 8 p.m. to 4:30 a.m. to all vehicles. Old Hwy. 11 will be closed when river gauge at Pearl River, Louisiana, reaches 16.5 feet. All hunting will be closed when the river stage at Pearl River reaches 16.5 feet except waterfowl hunting south of Hwy. 90. No hunting in the vicinity of Nature Trail. Observe "No Hunting" signs. Rifle range open noon until 4 p.m. Friday, and 8 a.m. to 4:30 p.m. Saturday and Sunday with a fee.

ad. Peason Ridge. Daily military clearance required to hunt or trap. Registration for use of Self Clearing Permit

required once per year. Special federal regulations apply to ATV users.

ae. Pointe-au-Chien. Hunting until 12 noon on all game, except for dove hunting as specified in regulation pamphlet. Point Farm: Gate will be open during opening weekend of the second split of dove season and all weekends during month of February. No motorized vessels allowed in the drainage ditches. Recreational Fishing: Shrimp may be taken by the use of cast nets only. During the inside open shrimp season, 25 pounds per boat per day (heads on) shall be allowed. Size count to conform with open season requirements. During the inside closed season, 10 pounds per boat per day (heads on) may be taken for bait. Fish may be taken by rod and reel or hand lines for recreational purposes only. Crabs may be taken through the use of hand lines or nets; however, none are to remain set overnight. Twelve dozen crabs are allowed per boat or vehicle per day. Crawfish may be harvested in unrestricted portions of the wildlife management area and shall be limited to 100 pounds per boat or group. Fishing gear used to catch crawfish shall not remain set overnight. The harvest of all fish, shrimp, crabs and crawfish are for recreational purposes only and any commercial use is prohibited. Mudboats or vessels with engines larger than 25 h.p. prohibited in the Montegut and Grand Bayou marsh management units. Public is allowed to travel anytime through the WMA for access purposes only, in the waterways known as Grand Bayou, Humble Canal, Little Bayou Blue and Grand Bayou Blue. Vehicles prohibited on Point Farm properties unless authorized by the department. ATVS, ATCs and motorcycles prohibited on this area.

af. Pomme de Terre. Commercial Fishing: allowed Monday through Friday, except closed during duck season. Commercial Fishing permits available from area supervisor, Opelousas Region Office or Spring Bayou headquarters. Sport Fishing: Same as outside except allowed after 2 p.m. only during waterfowl season. Crawfish: April 1 - July 31, 100 lbs. per person per day limit. No traps or nets left overnight. Free-ranging livestock prohibited.

ag. Red River. Free-ranging livestock prohibited. Crawfishing prohibited on Wetland Restoration Areas.

ah. Russell Sage. Transporting trash or garbage on WMA roads is prohibited. All nighttime activities prohibited except as otherwise provided.

Note: All season dates on Chauvin Tract (U.S. 165 North) same as outside, except still hunt only and except deer hunting restricted to archery only. Waterfowl hunting after 2 p.m. prohibited. All vehicles including ATVs prohibited.

ai. Sabine

aj. Sabine Island. Sabine Island boundaries are Sabine River on the west, Cut-Off Bayou on the north, and Old River and Big Bayou on the south and east.

ak. Salvador/Timken. Hunting until 12 noon only for all game. All nighttime activities prohibited, including frogging. Recreational Fishing: Shrimp may be taken by the use of cast nets only. During the inside open shrimp season, 25 pounds per boat per day (heads on) shall be allowed. Size count to conform with open season requirements. During the inside closed season, 10 pounds per boat per day (heads on) may be taken for bait. Fish may be taken by rod and reel or hand lines for recreational purposes only. Crabs may be taken through the use of hand lines or nets; however, none of the lines are to remain set overnight. Twelve dozen crabs

maximum are allowed per boat or vehicle per day. Crawfish may be harvested in unrestricted portions of the wildlife management area and shall be limited to 100 pounds per boat or group. Fishing gear used to catch crawfish shall not remain set overnight. The harvest of all fish, shrimp, crabs and crawfish are for recreational purposes only and any commercial use is prohibited. Boats powered by internal combustion engines having horsepower ratings above 25 H.P. are allowed only in oil company access canals, Louisiana Cypress Canal, the Netherlands Pond including the West Canal, Lakes - "Baie Des Chactas" and "Baie du Cabanage" and the Rathborne Access ditch. Operation of the above described internal combustion engines in interior ditches is prohibited except by experimental permit to be obtained from the New Orleans Office, Fur and Refuge Division, Room 217. Pulling boats over levees, dams or water control structures or any other activities which cause detriment to the integrity of levees, dams and water control structures is prohibited. Special Use Permits may be issued for persons interested in clearing existing ditches (trenasses). Permits will be considered on a case-by-case basis. Contact New Orleans Region Office-Fur and Refuge Division. ATVS, ATCs and motorcycles prohibited on this area.

al. Sandy Hollow. Bird Dog Training: Consult regulation pamphlet. Wild birds only (use of pen-raised birds prohibited). Bird Dog Field Trials: Permit required from Baton Rouge Region Office. Horseback Riding: Organized trail rides prohibited. Horses and mules are specifically prohibited during turkey and gun season for deer except as allowed for bird dog field trials. No horses and mules on green planted areas. No motorized vehicles allowed off designated roads. Free-ranging livestock prohibited.

am. Sherburne. Crawfishing: permits required, for South Farms from Area Headquarters. Free-ranging livestock prohibited. Retriever training allowed on selected portions of the WMA. Contact the Region Office for specific details. Vehicular traffic prohibited on east Atchafalaya River Basin levee road within Sherburne WMA boundaries. Rifle and Pistol Range open daily. Skeet ranges open by appointment only, contact Hunter Education Office. No trespassing in restricted area behind ranges. Note: Atchafalaya National Wildlife Refuge, and U.S. Army Corps of Engineers land holdings adjacent to the Sherburne Wildlife Management Area will have the same rules and regulations as Sherburne WMA. No hunting or trapping in restricted area. No commercial activity on ANWR, except trapping.

an. Sicily Island Hills. Firearms and any game harvested cannot be transported through the area except during the corresponding open season on area. Free-ranging livestock prohibited.

ao. Soda Lake. Entire area is walk-in only - no motorized vehicles allowed. Access into the area is allowed only from south end of the area off of Hwy. 173 at Twelve Mile Bayou. All trapping and hunting prohibited except archery hunting for deer.

ap. Spring Bayou. Commercial Fishing: allowed Monday through Friday except slat traps and hoop nets allowed any day. Permits available from area supervisor or Opelousas Region Office. Closed until after 2 p.m. during waterfowl season. Sport Fishing: Same as outside except allowed only after 2 p.m. during waterfowl season.

Crawfish: 100 lbs. per person per day limit. Permit required from area supervisor. No hunting allowed in headquarters area. Only overnight campers allowed in the improved Boggy Bayou Camping area. Rules and regulations posted at camp site. A fee is assessed for use of this camp site. Water skiing allowed only in Old River and Grand Lac.

aq. Thistlethwaite. No hunting or trapping in restricted area (See WMA Map). All motorized vehicles restricted to improved roads only. All users must enter and leave through main gate only. No entry into restricted areas.

ar. Three Rivers. Free-ranging livestock prohibited in area.

as. Tunica Hills. All vehicles restricted to Parish roads. ATV's restricted to designated trails. Driving on food plots prohibited. Access to restricted areas is unauthorized. Refer to WMA map. Camping prohibited on area. North of Highway 66 (Angola Tract) closed to the general public March 1 - September 30 except spring turkey hunting access allowed for those individuals drawn for special lottery hunt.

at. Union. All nighttime activities prohibited except as otherwise provided.

au. West Bay. Road Travel and Hunting Restrictions: All motorized vehicles restricted to designated roads. Refer to WMA map for location of designated roads. Hunting prohibited on roads designated for motorized vehicular travel.

av. Wisner

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115 and R.S. 56:116.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:1279 (July 1999), amended LR 26:

Public hearings will be held at regularly scheduled Wildlife and Fisheries Commission Meetings from April through July. Additionally interested persons may submit written comments relative to the proposed rule until May 19, 2000 to Mr. Tommy Prickett, Wildlife Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA, 70898-9000.

In accordance with Act 1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent: This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Thomas M. Gattle, Jr.
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: General and WMA Hunting Rules and Regulations

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

This rule amends permanent rules and regulations for the state at large as well as Wildlife Management Areas. Establishment of hunting regulations is an annual process. The cost of implementing the proposed rules, aside from staff time, is the production of the regulation pamphlet. Cost of printing the 1999-2000 state hunting pamphlet was \$12,820 and no

major increase in expenditures is anticipated in 2000-2001. Local government units will not be impacted.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Projected hunting license fee collections are between 4.0-5.0 million dollars, annually. Additionally hunting and related activities generates approximately \$25 million in state sales tax and \$5.6 million in state income tax (Southwick and Assoc., 1997). Based upon the Southwick and Associates survey and a statewide weighted local sales tax rate of 3.8 percent, these activities would generate approximately \$22.6 million in local sales tax revenue. Failure to adopt rule changes would result in no hunting season being established and a potential loss of some of these revenues.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Approximately 352,000 resident and nonresident recreational sportsmen who participate in hunting and numerous retail outlets, distributors, manufactures, landowners and other commercial operations that cater to the hunting public would be directly affected if hunting rules and regulations are not promulgated. Hunting in Louisiana generates in excess of \$596,000,000 annually through the sale of outdoor related equipment, associated items and trip related expenditures (Southwick and Assoc., 1997).

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Hunting in Louisiana provides 15,271 jobs (Southwick and Assoc., 1997). Not establishing hunting seasons might have a negative and direct impact on these jobs.

James L. Patton
Undersecretary
0003#040

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

King and Spanish Mackerel and Cobia Size Limits (LAC 76:VII.323)

The Wildlife and Fisheries Commission does hereby give notice of intent to amend a Rule, LAC 76:VII.323, changing the minimum size limit and measurement requirements for the harvest of cobia, Spanish mackerel, and king mackerel. Authority for adoption of this Rule is included in R.S. 56:326.1 and R.S. 56:326.3. Said Rule is attached to and made a part of this Notice of Intent.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery §323. Size Limits of King and Spanish Mackerel and Cobia

A. The Wildlife and Fisheries Commission does hereby adopt the following rules and regulations establishing size limits.

1. The minimum legal size for possession of Spanish mackerel (*Scomberomorus maculatus*) shall be 12 inches fork length and king mackerel (*Scomberomorus cavalla*) shall be 24 inches fork length whether caught within or without the territorial waters of Louisiana. No person shall possess, sell, barter, trade or exchange or attempt to sell,

barter, trade or exchange Spanish mackerel or king mackerel less than the minimum size requirements.

2. The minimum legal size for possession of cobia (*Rachycentron canadum*) whether caught within or without the territorial waters of Louisiana shall be 33 inches fork length. No person shall possess, sell, barter, trade or exchange or attempt to sell, barter, trade or exchange cobia less than the minimum size requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:326.1 and R.S. 56:326.3.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 13:502 (September 1987), amended LR 17:207 (February 1991), LR 26:

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final rule, including but not limited to, the filing of the fiscal and economic impact statements, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may submit comments relative to the proposed Rule to: Randy Pausina, Marine Fisheries Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000, prior to Wednesday, May 3, 2000.

In accordance with Act #1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent: This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Thomas M. Gattle, Jr.
Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: King and Spanish Mackerel and Cobia
Size Limits**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

There will be no state or local governmental implementation costs. Enforcement of the proposed rule will be carried out using existing staff and funding levels.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE
OR LOCAL GOVERNMENTAL UNITS (Summary)**

There will be no effect on revenues to state or local governmental units from the proposed rule.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL
GROUPS (Summary)**

The proposed rule modifications are intended to provide consistent regulations for recreational and commercial fishers harvesting Spanish mackerel, king mackerel, and cobia in state waters and in adjacent Federal waters. The proposed modifications will establish a more conservative size limit of 24 inches fork length for king mackerel and will improve consistency with Federal regulations changing the measurement requirements from total length to fork length, thereby improving enforcement. Economic impact of the increased king mackerel size limit on the recreational,

commercial, or for-hire sectors and non-consumptive sector is expected to be negligible. Approximately ninety percent (90%) of the commercial king mackerel harvest is greater than 24 inches and the average recreational harvest size is estimated to be 40 inches fork length. No additional costs, permits, fees, workload or paperwork will incur from the proposed rule change.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

There will be little or no effect on employment in the public or private sector.

James Patton
Undersecretary
0003#062

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

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

**Jewfish and Nassau Grouper Taking and
Possession Prohibited (LAC 76:VII.337)**

The Wildlife and Fisheries Commission does hereby give notice of intent to amend a Rule, LAC 76:VII.337, prohibiting the take and possession of Nassau grouper (*Epinephelus striatus*). Authority for adoption of this Rule is included in R.S. 56:325.1 and R.S. 56:326.3. Said Rule is attached to and made a part of this Notice of Intent.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

**Chapter 3. Saltwater Sport and Commercial Fishery
§337. Taking and Possession of Jewfish and Nassau
Grouper Prohibited**

A. The Wildlife and Fisheries Commission hereby prohibits the taking and possession of jewfish (*Epinephelus itajara*) and Nassau grouper (*Epinephelus striatus*) from within or without Louisiana waters.

B. No person shall take, transport or possess within the territorial jurisdiction of the state of Louisiana jewfish (*Epinephelus itajara*) and Nassau grouper (*Epinephelus striatus*).

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:325.1 and R.S. 56:326.3.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 16:1070 (December 1990), amended LR 19:1442 (November 1993), LR 26:

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final rule, including but not limited to, the filing of the fiscal and economic impact statements, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may submit comments relative to the proposed Rule to: Randy Pausina, Marine Fisheries Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000, prior to Wednesday, May 3, 2000.

In accordance with Act #1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent: This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Thomas M. Gattle, Jr.
Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Jewfish and Nassau Grouper Taking
and Possession Prohibited**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

There will be no state or local governmental implementation costs. Enforcement of the proposed rule will be carried out using existing staff and funding levels.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE
OR LOCAL GOVERNMENTAL UNITS (Summary)**

There will be no effect on revenues to state or local governmental units from the proposed rule.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL
GROUPS (Summary)**

The rule is intended to provide consistent regulations for recreational and commercial harvest of Nassau grouper in state waters and in adjacent Federal waters. Nassau grouper has been designated by the National Marine Fisheries Service (NMFS) as overfished under the provisions of the Magnuson-Stevens Act, and is a candidate on the list of threatened or endangered species under the Endangered Species Act. Harvest or possession of a Nassau grouper is currently prohibited in Federal waters.

Recreational and commercial fishers who harvest Nassau grouper in state waters will be directly impacted, since they will be unable to harvest Nassau grouper. However, this impact is anticipated to be negligible. Harvesters may redirect their fishing efforts to other species, practice catch and release, or participate in non-fishing activities. Long-term benefits may accrue to harvesters in both the recreational and commercial sectors and the general public as a result of possible increases in the stocks protected by the proposed rule modification. No additional costs, permits, fees, workload or paperwork will occur from the proposed rule change.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

There will be little or no effect on competition or employment in the public or private sector.

James Patton
Undersecretary
0003#063

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Public Oyster Seed Grounds (LAC 76:VII.517)

The Wildlife and Fisheries Commission does hereby give notice of its intent to set aside additional areas in portions of

Lake Mechant, Lake Tambour, Lake Chien, Lake Felicity, all in Terrebonne Parish, Deep Lake, Lafourche Parish, and Barataria Bay (next to Queen Bess Island), Jefferson Parish as public oyster seed grounds. This is being done under the authority of R.S. 56:434.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 5. Oyster

**§517. Public Oyster Seed Grounds-Portions of Lake
Mechant, Lake Tambour, Lake Chien, Lake
Felicity, Deep Lake, and Barataria Bay**

A. The following areas are designated as oyster seed grounds.

1. Lake Mechant, Terrebonne Parish: The state waterbottoms within a six sided figure with the following corners:

29E 19' 45.36273" N 90E 58' 19.84034" W
29E 18' 52.50955" N 90E 57' 32.90680" W
29E 18' 41.04086" N 90E 55' 58.95532" W
29E 16' 47.29750" N 90E 56' 44.37133" W
29E 18' 33.55333" N 90E 57' 37.82946" W
29E 18' 46.69380" N 90E 59' 21.09926" W

2. Lake Tambour, Terrebonne Parish: The state waterbottoms within a four sided figure with the following corners:

29E 20' 30.73200" N 90E 31' 09.14598" W
29E 19' 51.16104" N 90E 29' 28.99726" W
29E 19' 59.29224" N 90E 29' 26.60078" W
29E 19' 50.06346" N 90E 30' 49.92953" W

3. Lake Chien, Terrebonne Parish: The state waterbottoms within a four sided figure with the following corners:

29E 20' 32.76107" N 90E 27' 00.06196" W
29E 19' 52.97766" N 90E 27' 17.37544" W
29E 19' 48.08926" N 90E 26' 08.51018" W
29E 20' 17.07711" N 90E 26' 01.32145" W

4. Lake Felicity, Terrebonne Parish: The state waterbottoms within a four sided figure with the following corners:

29E 19' 04.72932" N 90E 26' 58.50922" W
29E 18' 01.44630" N 90E 27' 47.32882" W
29E 18' 24.61153" N 90E 24' 04.57895" W
29E 19' 11.54946" N 90E 25' 19.67927" W

5. Deep Lake, Lafourche Parish: The state waterbottoms within a four sided figure with the following corners:

29E 17' 59.74050" N 90E 21' 25.89465" W
29E 17' 18.88030" N 90E 21' 24.62348" W
29E 17' 17.26209" N 90E 21' 03.04101" W
29E 18' 17.57225" N 90E 21' 01.40994" W

6. Barataria Bay, Jefferson Parish: The state waterbottoms within a four sided figure with the following corners:

29E 20' 13.14881" N 89E 56' 51.91540" W
 29E 14' 47.14426" N 89E 56' 59.91355" W
 29E 20' 12.06107" N 89E 56' 19.01249" W
 29E 17' 46.05927" N 89E 56' 23.01176" W

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:434.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 26:

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final rule, including but not limited to, the filing of the fiscal and economic impact statements, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may submit written comments relative to the proposed rule until 4:30 p.m., May 5, 2000 to Mr. Ron Dugas, Department of Wildlife and Fisheries, 1600 Canal St., Ste. 306, New Orleans, Louisiana 70112.

In accordance with Act #1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent: This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Thomas M. Gattle, Jr.
 Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT
 FOR ADMINISTRATIVE RULES
 RULE TITLE: Public Oyster Seed Grounds**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There will be no state or local governmental implementation costs.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The established of public oyster seed grounds in Lake Mechant, Lake Tambour, Lake Chien, Lake Felicity, Deep Lake and Barataria Bay will result in a slight increase of state revenue collections over time. Increased revenues will be realized from the collection of oyster severance taxes, based upon the assessed rate of three cents (34) per barrel, for oysters harvested from public grounds and will depend on the quantity of oysters harvested. There will be no effect on revenues to local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Long term economic benefits of an undetermined magnitude will occur to oyster harvesters who harvest and transplant seed oysters for oyster bed propagation, fish public seed oyster grounds for direct product sale or for means of personal consumption. There will be no effect on costs, workload adjustments and additional paperwork from the proposed actions.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed action will have little or no effect on competition and employment in the public and private sectors.

James L. Patton
 Undersecretary
 0003#064

Robert E. Hosse
 General Government Section Director
 Legislative Fiscal Office

NOTICE OF INTENT

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

**Reef Fish Daily Take, Possession and Size Limits
 (LAC 76:VII.335)**

The Wildlife and Fisheries Commission does hereby give notice of intent to promulgate a Rule, LAC 76:VII.335, changing the minimum size limits and recreational bag limits for the harvest of reef fish and adding, deleting, or reorganizing list. Authority for adoption of this Rule is included in R.S. 56:6(25)(a), 56:326.1, and 56:326.3. Said Rule is attached to and made a part of this Notice of Intent.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery

§335. Reef Fish - Daily Take, Possession and Size Limits

Set by Commission

A. The Louisiana Wildlife and Fisheries Commission does hereby adopt the following rules and regulations regarding the harvest of triggerfishes (excluding queen triggerfish), amberjacks, grunts, wrasses, snappers, groupers, sea basses, tilefishes, and porgies within and without Louisiana's territorial waters:

<u>Species</u>	<u>Recreational Bag Limits</u>
1. Red Snapper	Four fish per person per day
2. Queen, mutton, schoolmaster, blackfin, cubera, gray, dog, mahogany, silk, yellowtail snappers, and wenchman	10 fish per person per day (in aggregate)
3. Vermilion snapper, lane snapper, gray triggerfish, almaco jack, goldface tilefish, tilefish, blackline tilefish, anchor tilefish, blueline tilefish	20 per person per day (in aggregate)
4. All groupers	Five fish per person per day (in aggregate) excluding jewfish and Nassau grouper and with not more than one speckled hind and one warsaw grouper per vessel
5. Greater amberjack	One fish per person per day
6. Banded rudderfish and lesser amberjack	Five fish per person per day (in aggregate)
7. Hogfish	5 fish per person per day
* * *	
<u>H. Species</u>	<u>Minimum Size Limits</u>
1. Red Snapper	16 inches total length (Recreational) 15 inches total length (Commercial)
2. Gray, yellowtail, cubera, dog, mahogany snapper, and schoolmaster	12 inches total length
3. Lane snapper	8 inches total length
4. Mutton snapper	16 inches total length
5. Vermilion snapper	10 inches total length

6. Red, gag, black and yellowfin grouper	20 inches total length
7. Scamp	16 inches total length
8. Greater amberjack	28 inches fork length (Recreational) 36 inches fork length (Commercial)
9. Black seabass	8 inches total length
10. Hogfish	12 inches fork length
11. Banded rudderfish and lesser amberjack	14 inches fork length (minimum size); 22 inches fork length (maximum size)
12. Gray triggerfish	12 inches total length

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(25)(a), R.S. 56:326.1 and R.S. 56:326.3.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 16:539 (June 1990), amended LR 19:1442 (November 1993), LR 20:797 (July 1994), LR 21:1267 (November 1995), LR 22:860 (September 1996), LR 24:1138 (June 1998), LR 24:1139 (June 1998), LR 24:1972 (October 1998), LR 26:000 (March 2000).

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final rule, including but not limited to, the filing of the fiscal and economic impact statements, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may submit comments relative to the proposed Rule to: Randy Pausina, Marine Fisheries Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000, prior to Wednesday, May 3, 2000.

In accordance with Act#1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent: This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Thomas M. Gattle, Jr.
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Reef Fish-Daily Take, Possession and Size Limits Set by Commission

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There will be no state or local governmental implementation costs. Enforcement of the proposed rule will be carried out using existing staff and funding levels.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenues to state or local governmental units from the proposed rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change is intended to provide consistent regulations for recreational and commercial fishers harvesting reef fish in state waters and in adjacent Federal waters. The proposed modifications will establish more conservative bag and size limits for several reef fish species where the majority of the harvest of this species occurs and will improve

consistency with Federal regulations, thereby improving enforcement. Economic impact on the recreational, commercial, or for-hire and con-sumptive sectors is expected to be negligible. Some recreational harvesters affected by the proposed bag limits and minimum size restrictions may redirect their fishing efforts to other species, practice catch and release and/or participate in non-fishing activities. Commercial harvesters affected by the minimum size limits may experience per unit increase in trip costs and may redirect their fishing efforts to other species, fish for longer periods, or exit the fishery. No additional costs, permits, fees, workload or paperwork will occur from the proposed rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be little or no effect on employment in the public or private sector.

Thomas M. Gattle, Jr.
Chairman
0003#037

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Resident Game Hunting Season, 2000-2001
(LAC 76:XIX.101 and 103)

The Wildlife and Fisheries Commission does hereby give notice of its intent to promulgate rules and regulations governing the hunting of resident game birds and game quadrupeds.

Title 76

WILDLIFE AND FISHERIES

Part XIX. Hunting and WMA Regulations

Chapter 1. Resident Game Hunting Season

§101. General

The Resident Game Hunting Season, 2000-2001 regulations are hereby adopted by the Wildlife and Fisheries Commission. A complete copy of the Regulation Pamphlet may be obtained from the Department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 21:707 (July 1995), amended LR 22:585 (July 1996), LR 23:871 (July 1997), LR 24:1324 (July 1998), LR 25:1290 (July 1999), LR 26:

§103. Resident Game Birds and Animals 2000-2001

A. Shooting hours. One-half hour before sunrise to one-half hour after sunset.

B. Consult Regulation Pamphlet for seasons or specific regulations on Wildlife Management Areas or specific localities.

Species	Season Dates	Daily Bag Limit	Possession Limit
Quail	Nov. 18-Feb. 28	10	20
Rabbit	Oct. 7-Feb. 28	8	16
Squirrel	Oct. 7-Feb. 11	8	16
Pheasant	Nov. 18-Jan. 31	2 (Cock Only)	4
Deer	See Schedule	1 antlered and 1 antlerless (when legal on private lands)	6/season

C. Deer Hunting Schedule

Area	Archery	Muzzleloader (All Either Sex)	Still Hunt	With or Without Dogs
1	Oct. 1-Jan. 31	Nov. 11-Nov. 17 Jan. 22-Jan. 28	Nov. 18-Dec. 3 Jan. 8-Jan. 21	Dec. 9-Jan. 7
2	Oct. 1-Jan. 31	Oct. 28-Nov. 3 Jan. 13-Jan. 19	Nov. 4-Dec. 8	Dec. 9-Jan. 12
3	Sept. 16-Jan. 16	Oct. 7-Oct. 13 Dec. 11-Dec. 15	Oct. 14-Dec. 10 Dec. 16-Jan. 1	
4	Oct. 1-Jan. 31	Nov. 11-Nov. 17 Jan. 13-19	Nov. 18-Jan. 12	
5	Oct. 1-Jan. 31	Nov. 11-Nov. 17 Jan. 13-19 Bucks Only	Nov. 18-26	
6	Oct. 1-Jan. 31	Nov. 11-Nov. 17 Jan. 22-Jan. 28	Nov. 18-Dec. 3	Dec. 9-Jan. 21
7	Oct. 1-Jan. 31	Oct. 7-Oct. 13 Jan. 15-Jan. 21	Oct. 14-Oct. 29 Nov. 18-Dec. 3	Dec. 9-Jan. 14

D. Modern Firearm Schedule (Either Sex Seasons)

Parish	Modern Firearm Either-sex Days
Acadia	Oct. 14-15, 21-22, 28-29, Nov. 4-5, 18-19, 24-26
Allen	Area 2: Nov. 4-5, 11-12, 18-19, 24-26, Dec. 2-3, 9-10 Area 3: Oct. 14-15, 21-22, 28-29, Nov. 4-5, 18-19, 24-26
Ascension	Nov. 18-19, 24-26, Dec. 2-3, 9-10, 16-18
Assumption	Nov. 18-19, 24-26, Dec. 2-3, 9-10, 16-17
Avoyelles	Area 1: Nov. 18-19, 24-26, Dec. 9-10 Area 2: Nov. 4-5, 24-26, Dec. 9-10 Area 6: Nov. 18-19, 24-26, Dec. 9-10
Beauregard	Area 2: Nov. 4-5, 11-12, 18-19, 24-26, Dec. 2-3, 9-10 Area 3: Oct. 14-15, 21-22, 28-29, Nov. 4-5, 18-19, 24-26
Bienville	Nov. 4-5, 11-12, 18-19, 24-26, Dec. 2-3, 9-10
Bossier	Nov. 4-5, 11-12, 18-19, 24-26, Dec. 2-3, 9-10
Caddo	Nov. 4-5, 11-12, 18-19, 24-26, Dec. 2-3, 9-10
Calcasieu	Area 2: Nov. 4-5, 11-12, 18-19, 24-26, Dec. 2-3, 9-10 Area 3: Oct. 14-15, 21-22, 28-29, Nov. 4-5, 18-19, 24-26 Nov. 4-5, 24-26, Dec. 9-10
Caldwell	Nov. 4-5, 24-26, Dec. 9-10
Cameron	Oct. 14-15, 21-22, 28-29, Nov. 4-5, 18-19, 24-26
Catahoula	Area 1: Nov. 18-19, 24-26, Dec. 9-10 Area 2: Nov. 4-5, 24-26, Dec. 2-3
Claiborne	Nov. 4-5, 11-12, 18-19, 24-26, Dec. 2-3, 9-10
Concordia	Nov. 18-19, 24-26, Dec. 2-3, 9-10, 16-17
DeSoto	Nov. 4-5, 11-12, 18-19, 24-26, Dec. 2-3, 9-10
East Baton Rouge	Nov. 18-19, 24-26, Dec. 2-3, 9-10, 16-17
East Carroll	Nov. 18-19, 24-26, Dec. 2-3, 9-10, 16-17 East of mainline Mississippi River Levee and south and east of La. 877 from West Carroll Parish line to La. 580, south of La. 580 to U.S. 65, west of U.S. 65 to Madison parish line. Nov. 18-19, 24-26, the remainder of the parish.
East Feliciana	Nov. 18-19, 24-26, Dec. 2-3, 9-10, 16-17
Evangeline	Area 2: Nov. 4-5, 11-12, 18-19, 24-26, Dec. 2-3, 9-10 Area 6: Nov. 18-19, 24-26, Dec. 2-3, 9-10, 16-17
Franklin	Nov. 18-19, 24-26
Grant	Area 1: Nov. 18-19, 24-26, Dec. 2-3, 9-10 Area 2: Nov. 4-5, 11-12, 18-19, 24-26, Dec. 2-3, 9-10
Iberia	Area 3: Oct. 14-15, 21-22, 28-29, Nov. 4-5, 18-19, 24-26 Area 6: Nov. 18-19, 24-26, Dec. 2-3, 9-10, 16-17 Area 7: Oct. 14-15, Nov. 18-19, 24-26, Dec. 9-10
Iberville	Nov. 18-19, 24-26, Dec. 2-3, 9-10, 16-17

Parish	Modern Firearm Either-sex Days
Jackson	Nov. 4-5, 11-12, 18-19, 24-26, Dec. 2-3, 9-10
Jefferson	Nov. 18-19, 24-26, Dec. 2-3, 9-10, 16-17
Jefferson Davis	Area 2: Nov. 4-5, 11-12, 18-19, 24-26, Dec. 2-3, 9-10 Area 3: Oct. 14-15, 21-22, 28-29, Nov. 4-5, 18-19, 24-26
Lafayette	Area 3: Oct. 14-15, 21-22, 28-29, Nov. 4-5, 18-19, 24-26 Area 6: Nov. 18-19, 24-26, Dec. 2-3, 9-10, 16-17
Lafourche	Nov. 18-19, 24-26, Dec. 2-3, 9-10, 16-17
LaSalle	Area 1: Nov. 18-19, 24-26, Dec. 9-10 Area 2: Nov. 4-5, 24-26, Dec. 9-10
Lincoln	Nov. 4-5, 11-12, 18-19, 24-26, Dec. 2-3, 9-10
Livingston	Nov. 18-19, 24-26, Dec. 2-3, 9-10, 16-17
Madison	Nov. 18-19, 24-26, Dec. 2-3, 9-10, 16-17
Morehouse	Area 2: Nov. 4-5, 11-12, 18-19, 24-26, Dec. 2-3, 9-10 Area 4: Nov. 18-19, 24-26
Natchitoches	Nov. 4-5, 11-12, 18-19, 24-26, Dec. 2-3, 9-10
Orleans	Closed to all deer hunting
Ouachita	Area 2: Nov. 4-5, 11-12, 18-19, 24-26, Dec. 2-3, 9-10 Area 4: Nov. 18-19, 24-26
Plaquemines	Nov. 18-19, 24-26, Dec. 2-3, 9-10, 16-17
Pointe Coupee	Nov. 18-19, 24-26, Dec. 2-3, 9-10, 16-17
Rapides	Area 1: Nov. 18-19, 24-26, Dec. 2-3, 9-10 Area 2: Nov. 4-5, 11-12, 18-19, 24-26, Dec. 2-3, 9-10 Area 3: Oct. 14-15, 21-22, 28-29, Nov. 4-5, 18-19, 24-26 Area 6: Nov. 18-19, 24-26, Dec. 2-3, 9-10
Red River	Nov. 4-5, 11-12, 18-19, 24-26, Dec. 2-3, 9-10
Richland	Nov. 18-19, 24-26
Sabine	Nov. 4-5, 11-12, 18-19, 24-26, Dec. 2-3, 9-10
St. Bernard	Nov. 18-19, 24-26, Dec. 2-3, 9-10, 16-17
St. Charles	Nov. 18-19, 24-26, Dec. 2-3, 9-10, 16-17
St. Helena	Nov. 18-19, 24-26, Dec. 2-3, 9-10, 16-17
St. James	Nov. 18-19, 24-26, Dec. 2-3, 9-10, 16-17
St. John	Nov. 18-19, 24-26, Dec. 2-3, 9-10, 16-17
St. Landry	Area 3: Oct. 14-15, Nov. 24-26, Dec. 9-10 Area 6: Nov. 18-19, 24-26, Dec. 9-10
St. Martin	Nov. 18-19, 24-26, Dec. 2-3, 9-10, 16-17
St. Mary	Area 6: Nov. 18-19, 24-26, Dec. 2-3, 9-10, 16-17 Area 7: Oct. 14-15, Nov. 18-19, 24-26, Dec. 9-10
St. Tammany	Nov. 18-19, 24-26, Dec. 2-3, 9-10, 16-17
Tangipahoa	Nov. 18-19, 24-26, Dec. 2-3, 9-10, 16-17
Tensas	Nov. 18-19, 24-26, Dec. 2-3, 9-10, 16-17
Terrebonne	Oct. 14-15, Nov. 18-19, 24-26, Dec. 9-10
Union	Nov. 4-5, 11-12, 18-19, 24-26, Dec. 2-3, 9-10
Vermillion	Oct. 14-15, 21-22, 28-29, Nov. 4-5, 18-19, 24-26
Vernon	Area 2: Nov. 4-5, 11-12, 18-19, 24-26, Dec. 2-3, 9-10 Area 3: Oct. 14-15, 21-22, 28-29, Nov. 4-5, 18-19, 24-26
Washington	Nov. 18-19, 24-26, Dec. 2-3, 9-10, 16-17
Webster	Nov. 4-5, 11-12, 18-19, 24-26, Dec. 2-3, 9-10
West Baton Rouge	Nov. 18-19, 24-26, Dec. 2-3, 9-10, 16-17
West Carroll	Closed
West Feliciana	Nov. 18-19, 24-26, Dec. 2-3, 9-10, 16-17
Winn	Nov. 4-5, 11-12, 18-19, 24-26, Dec. 2-3, 9-10

E. Farm Raised White-tailed Deer on Supplemented Shooting Preserves

Archery	Modern Firearm	Either Sex	Muzzleloader
Oct. 1-Jan. 31 (Either Sex)	Nov. 1-Dec. 6 Dec. 21-23 Dec. 26-Jan. 31	Nov. 1-3 Dec. 21-23 Dec. 26-30	Dec. 7-20 (Either Sex)

F. Exotics on Supplemented Shooting Preserves: Either Sex, no closed season.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR

21:707 (July 1995), amended LR 22:585 (July 1996), LR 23:871 (July 1997), LR 24:1324 (July 1998), LR 25:1290 (July 1999), repromulgated LR 25:1526 (August 1999), LR 26: .

Public hearings will be held at regularly scheduled Wildlife and Fisheries Commission Meetings from April through July. Additionally interested persons may submit written comments relative to the proposed rule until May 19, 2000 to Mr. Tommy Prickett, Wildlife Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA, 70898-9000.

In accordance with Act 1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent: This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Thomas M. Gattle, Jr.
Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Resident Game Hunting Seasons
2000-2001**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Establishment of hunting regulations is an annual process. The cost of implementing the proposed rules, aside from staff time, is the production of the regulation pamphlet. Estimated cost of printing the 2000-2001 state hunting pamphlet is \$12,850. Local government units will not be affected.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Projected hunting license fee collections are between 4.0-5.0 million dollars, annually. Additionally hunting and related activities generates approximately \$25 million in states sales tax and \$5.6 million in state income tax (Southwick and Assoc., 1997). Based upon the Southwick and Associates survey and a statewide weighted local sales tax rate of 3.8 percent, these activities would generate approximately \$22.6 million in local sales tax revenue. Failure to adopt rule changes would result in no hunting season being established and a potential loss of some of these revenues.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Approximately 352,000 resident and nonresident recreational sportsmen who participate in hunting and numerous retail outlets, distributors, manufactures, landowners and other commercial operations that cater to the hunting public would be directly affected if hunting rules and regulations are not promulgated. Hunting in Louisiana generates in excess of \$596,000,000 annually through the sale of outdoor related equipment, associated items and trip related expenditures (Southwick and Assoc., 1997).

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Hunting in Louisiana provides 15,271 jobs (Southwick and Assoc., 1997). Not establishing hunting seasons might have a negative and direct impact on these jobs.

James L. Patton
Undersecretary
0003#039

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

Potpourri

POTPOURRI

**Department of Environmental Quality
Office of Environmental Assessment
Environmental Planning Division**

Hospital/Medical/Infectious Waste
Incinerators (HMIWIs) Deadlines

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2051 et seq. and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that compliance with 40 CFR 60, subparts Ec and Ce is required on or before August 16, 2000.

All hospital/medical/infectious waste incinerators (HMIWIs) are required to submit a Title V Air Quality Operating Permit application. Those permit applications should be received at the Department of Environmental Quality on or before May 22, 2000. Commercial HMIWIs should mail Title V permits to the Municipal and Commercial Waste Permits Group, Box 82135, Baton Rouge, LA 70884-2135. Independent hospitals or other smaller facilities should mail Title V permits to the Minor Industrial Permits Group, Box 82135, Baton Rouge, LA 70884-2135.

In the case where a facility cannot meet the August 16, 2000, deadline and qualifies for an extension of compliance deadlines in accordance with 40 CFR 60.39e (d)(i), requests for an extension must also be submitted on or before May 22, 2000. HMIWIs requesting extensions should mail those requests to Mr. Todd Higginbotham, Office of Environmental Assessment, Box 82178, Baton Rouge, LA 70884-2178.

Questions about this notice should be directed to Todd Higginbotham. Mr. Higginbotham can be reached at (225) 765-0268.

James H. Brent, Ph.D.
Assistant Secretary

0003#072

POTPOURRI

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

Private Nursing Facilities
Revised Reimbursement Rates

Effective for dates of service March 1, 2000 and thereafter, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing has established the following reimbursement rates for private nursing facility services:

Level Of Care	Per Diem Rate	Monthly Rate
Skilled Nursing	\$ 66.63	\$2,026.66
Intermediate Care I	\$ 63.95	\$1,945.15
Intermediate Care II	\$ 63.95	\$1,945.15
Skilled Nursing- Infectious Disease	\$233.51	\$7,102.60
Skilled Nursing- Technology Dependent Care	\$178.59	\$5,432.11

It should be noted that the above rates include a provider fee of \$5.16. Inquiries regarding these rates may be directed to the Director of Institutional Reimbursement, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, Louisiana 70821-9030.

David W. Hood
Secretary

0003#075

POTPOURRI

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

Private Intermediate Care Facilities
for the Mentally Retarded

Effective for dates of service March 1, 2000 and thereafter, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing establishes the following reimbursement rates for private intermediate care facility services for the mentally retarded:

Level Of Care	1-8 Beds Per Diem Rate	1-8 Beds Monthly Rate	9-32 Beds Per Diem Rate
2	\$109.40	\$3,327.58	\$88.90
3	\$118.04	\$3,590.38	\$95.76
4	\$122.47	\$3,725.13	\$103.22
5	\$128.64	\$3,912.80	\$111.32
6	\$131.74	\$4,007.09	\$120.13
7	\$144.22	\$4,386.69	\$141.84

Level Of Care	9-32 Beds Monthly Rate	33+ Beds Per Diem Rate	33+ Beds Monthly Rate
2	\$2,704.04	\$79.09	\$2,405.65
3	\$2,912.70	\$85.10	\$2,588.46
4	\$3,139.61	\$91.63	\$2,787.08
5	\$3,385.98	\$98.73	\$3,003.04
6	\$3,653.95	\$115.34	\$3,508.26
7	\$4,314.30	\$123.77	\$3,764.67

It should be noted that the above rates include a provider fee of \$10.01. Inquiries regarding these rates may be directed to the Director of Institutional Reimbursement, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, Louisiana 70821-9030.

David W. Hood
Secretary

0003#074

POTPOURRI

**Department of Insurance
Office of the Commissioner**

Third Public Hearing of Regulation 70 Replacement of Life Insurance and Annuities (LAC 37:XIII.Chapter 89)

**Title 37
INSURANCE**

Part XIII. Regulations

Chapter 89. Regulation 70 Replacement of Life Insurance and Annuities

The Department of Insurance will hold a second public hearing on March 24, 2000 as indicated in its Potpourri Notice published on page 433 of the February 2000 *Louisiana Register*. The Department anticipates commentary, oral and written, regarding the incorporation of language provided by the American Counsel of Life Insurance (ACLI). Due to the nature of this Regulation and the unsettled language therein, the Department will now schedule a third public hearing (second substantive change hearing) to review the changes resulting from the March 24 hearing. The third public hearing is scheduled for 10:00 a.m. on April 26, 2000, and will be held in the Plaza Hearing Room at the Department of Insurance located at 950 N. 5th Street, Baton Rouge, LA 70802. This hearing will allow the public an opportunity to express their views concerning the incorporation of proposed changes prior to final promulgation in June 2000.

Interested persons may submit oral or written comments or obtain a copy of the proposed changes by contacting Barry E. Ward, Department of Insurance, P.O. Box 94214, Baton Rouge, LA 70804-9214, (225) 219-4750. Comments will be accepted through the close of business at 4:30 p.m. on April 26, 2000.

James H. "Jim" Brown
Commissioner

0003#058

POTPOURRI

**Department of Natural Resources
Office of Conservation**

Orphaned Oilfield Sites

Office of Conservation records indicate that the Oilfield Sites listed in the table below have met the requirements as set forth by Section 91 of Act 404, La. R.S. 30:80 et seq., and as such are being declared Orphaned Oilfield Sites.

Operator	Field	Well Name	Well Number	Serial Number
Arthur Arnold	Bellevue	Lodwick Lumber Co	009	049138
Arthur Arnold	Bellevue	Lodwick Lbr Co	005	037885
Atlantic Petroleum Co.	Wilmer	L TUSC SUD ;LK Superior Plg FW	001	078493
Sam Barnwell et al	Bellevue	Wurtsbaugh Knighton et al	008	105234
Big West Drilling Company	Bellevue	Continental Amer Bk & Tr Co	001	030773
Levewhite Martin Gauthreaux et al	Chauvin	Israel Martin SWD	002	120747
H ochendel Consultants	Leeville	L Bernard	014	205253
Charles E. Mayfield	Bellevue	Lodwick Lumber Company C	005	050004
J.C. Mayfield	Bellevue	Lodwick Lumber Co	002	058216
J.C. Mayfield et al	Bellevue	Lodwick Lumber Co	006	052577
Mississippi River Fuel Corp	Lake Enfermer	A T Dusenbury et al	001	074560
NO EX, L.L.C.	Stella	L CR ISI RA SUA;13772	001	212107
NO EX, L.L.C.	Stella	SL 13772	002	212849
Geo. L. Pae	Converse	Logan Oil Co	001	016644
George H. Perce	Bellevue	Wurtsbaugh Knighton et al	006	104640
George H. Perce	Bellevue	Wurtsbaugh-Knighton et al	009	106007
Shoreline Exploration, Inc.	East Golden Meadow	Lafourche Realty Co	003	076396
Sam Segel et al	Bellevue	Bellevue Unit	003	037477
Sam Segel et al	Bellevue	Bellevue Unit	004	037770
Sam Segel et al	Bellevue	Bellevue Unit	006	038277
Sam Segel et al	Bellevue	Bellevue Unit	009	038193

Sam Segel etal	Bellevue	Bellevue Unit	017	037771
Sam, Segel etal	Bellevue	Lodwick Lbr Co	004	037595
Sam Segel etal	Bellevue	Lodwick Lbr Co	011	053219
Sam Segel etal	Bellevue	Lodwick Lbr Co	001	050148
Sam Segel etal	Bellevue	Bellevue Unit	022	038391
Sam Segel, Trustee	Bellevue	Sam ple & Macher Fee	002	059053
Warren Petroleum Corporation	Wildcat	Lafourche Realty	002	064119
Geo. W. Wetherbee	Bellevue	Bliss & Wetherbee	E-1	007008
Geo. W. Wetherbee	Bellevue	Bliss & Wetherbee	E-2	007078
Geo. W. Wetherbee	Bellevue	Bliss & Wetherbee	E-3	007096
Geo. W. Wetherbee	Bellevue	Fee	E-7	008161
Geo. W. Wetherbee	Bellevue	Wetherbee Fee	F-9	008755
Geo W. Wetherbee	Bellevue	Fee	F-12	008898

Compensation Fund, P.O. Box 94396, Baton Rouge, LA 70804, or you can call (225) 342-0122.

Jack Caldwell
Secretary

0003#053

POTPOURRI
Department of Revenue
Tax Commission

Ad-Valorem Tax Ratio Studies

Pursuant to R.S. 47:1837 the following is the result of the Tax Commission's measurement of the level of appraisal and/or assessment and the degree of uniformity for Vacant Land Ratio Study for the year 1999 (2000 Orleans Parish).

Philip N. Asproditis
Commissioner

0003#073

POTPOURRI
Department of Natural Resources
Office of the Secretary
Fishermen's Gear Compensation Fund

Loran Coordinates

In accordance with the provisions of R.S. 56:700.1 et seq., notice is given that 43 claims in the amount of \$115,857.86 were received during the period December 1999 - February 2000. There were 37 claims paid and 6 claims denied. Loran Coordinates of reported underwater obstructions are:

26795	46978	Cameron
27009	46996	Cameron
27154	46965	Vermilion
27417	46933	Iberia
27549	46923	Vermilion
27551	46924	Lafourche
27714	46880	Terrebonne
27772	46875	Terrebonne
27889	46840	Terrebonne
27906	46861	Terrebonne
27997	46870	Terrebonne
28136	46904	Terrebonne
28145	46916	Terrebonne
28364	46836	Lafourche
28807	47006	St Bernard
28936	46792	Plaquemines
29031	46867	Plaquemines
29219	47026	St Bernard

A list of claimants and amounts paid, can be obtained from Verlie Wims, Administrator, Fishermen's Gear

<u>Parish</u>	<u>Mean (%)</u>	<u>Median (%)</u>	<u>Coefficient Of Dispersion</u>
Acadia	10.4	10.0	3.6
Allen	10.7	11.0	13.0
Ascension	9.0	9.5	12.5
Assumption	9.9	10.0	19.9
Avoyelles	10.9	10.6	11.8
Beauregard	10.2	10.0	6.9
Bienville	9.8	10.0	12.9
Bossier	9.4	10.0	14.5
Caddo	10.2	10.0	18.8
Calcasieu	9.7	9.9	8.8
Caldwell	10.9	10.0	16.6
Cameron	10.5	10.5	6.7
Catahoula	9.3	10.0	7.4
Claiborne	9.2	9.0	15.0
Concordia	9.8	9.4	10.4
Desoto	9.9	9.9	14.6
East Baton Rouge	9.8	10.0	8.6
East Carroll	9.9	10.0	2.3
East Feliciana	6.8	5.7	30.7
Evangeline	9.5	10.0	15.2
Franklin	9.0	10.0	9.7
Grant	9.6	9.8	10.2
Iberia	10.2	10.0	18.0
Iberville	9.7	9.6	19.6
Jackson	9.7	9.7	14.5
Jefferson	10.9	10.4	17.7
Jefferson Davis	10.3	10.0	10.7
Lafayette	9.7	9.8	5.2
Lafourche	9.8	9.6	5.1
Lasalle	10.5	10.4	14.4
Lincoln	10.6	10.0	12.2
Livingston	7.9	7.5	15.7

Madison	10.1	10.0	4.1	St. John	9.0	9.5	19.9
Morehouse	9.9	10.0	2.4	St. Landry	9.9	10.0	13.2
Natchitoches	9.7	9.7	9.1	St. Martin	10.2	10.0	13.9
Orleans-*1 st District	10.6	10.0	9.0	St. Mary	10.6	10.9	12.8
*2 nd District	10.1	10.0	5.0	St. Tammany	8.9	9.5	14.6
*3 rd District	10.2	10.0	2.0	Tangipahoa	10.0	10.0	1.2
*4 th District	9.7	10.0	13.0	Tensas	9.9	10.0	2.2
*5 th District	9.9	10.0	3.0	Terrebonne	9.3	9.5	7.7
*6 th District	10.3	10.0	6.0	Union	10.5	10.9	11.3
*7 th District	10.1	10.0	9.0	Vermilion	9.6	9.8	11.4
Ouachita	9.7	10.0	9.6	Vernon	9.7	10.9	19.1
Plaquemines	10.0	10.0	8.1	Washington	6.4	4.5	81.0
Pt. Coupee	10.8	10.6	13.2	Webster	9.4	9.6	6.5
Rapides	10.8	10.1	13.0	West Baton Rouge	10.6	10.0	9.5
Red River	10.7	10.0	9.7	West Carroll	9.6	9.7	1.1
Richland	9.5	9.4	5.2	West Feliciana	10.3	10.4	14.4
Sabine	9.2	9.4	18.4	Winn	10.0	10.0	16.4
St. Bernard	10.9	10.7	13.3	*See Attached Letter			
St. Charles	9.0	9.0	12.3				
St. Helena	9.8	9.5	6.0				
St. James	4.7	5.0	26.4				



Louisiana Tax Commission

M. J. "MIKE" FOSTER, JR.
Governor

MALCOLM B. PRICE, JR.
Chairman

BATON ROUGE OFFICE
P.O. BOX 66788
BATON ROUGE, LA 70896

February 15, 2000

LOUISIANA TAX COMMISSION

ORDER

1999 - RATIO STUDY RESULTS

The Louisiana Tax Commission in the performance of its duties as required by LSA - R.S. 47:1837, has completed the 1999 Land Ratio Study for Orleans parish.

Following a thorough investigation and review of this data the Louisiana Tax Commission issues the following Order:

- 1) The market numbers used in this study could not be substantiated, and in many cases required a thorough explanation and involved added adjustments. Therefore, this study will not be used to measure the uniformity of the seven districts in Orleans parish.
- 2) Whereas, the 1998 Residential Whole Property Ratio Study, taken from the market, including land and building, will be the study used for the years 1998 and 1999 inclusively.

All data used in the determination of the Tax Commission's findings are available at its principle office, at 5420 Corporate Blvd, Baton Rouge, Louisiana for public inspection pursuant to the provisions of LSA - R.S. 47:1837 and the Administrative Procedure Act.

This order issued and executed, this 15th day of February 2000.

LOUISIANA TAX COMMISSION

Malcolm B. Price, Jr.
Chairman

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(An Equal Opportunity Employer)

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This data shall constitute prima facie evidence of the uniformity or lack of uniformity with constitutional and/or statutory requirements of each parish in the State.

According to R. S. 47:1837, the following parishes do not meet the guidelines set by this Commission:

East Feliciana

Livingston
St. James
Washington

Raymond Foster, Sr.,
LTC Director

0003#008

POTPOURRI

**Department of Social Services
Office of Community Services**

Homeless Trust Fund Grant Awards

The Louisiana Homeless Trust Fund, established by the State Legislature in 1991, has awarded grants totaling over \$30,000. Money for the grants had accumulated in the Homeless Trust Fund through voluntary "check off" donations from amounts due as refunds on state income tax returns and from other private contributions. The Office of Community Services concluded its selection of grant recipients from 39 applicants, awarding a total of six grants for \$5,000 and one grant for the balance of the Trust Fund. The following is a list of the grant recipients and a brief description of the projects to be supported through grants recently awarded by the Louisiana Homeless Trust Fund:

The Caring Center of Slidell

\$5,000 for costs of counseling, transportation, and education as supportive services in connection with emergency shelter/transitional housing services for homeless persons.

**Catholic Community Services - Families First,
Baton Rouge**

\$5,000 for costs of establishing a mini-education curriculum to teach all aspects of home living, especially home economics, to span over a six month period and provide skills to homeless families in transition so they can become self-sufficient.

Our House, Inc., Monroe

\$5,000 for costs of supportive services to women in the transitional housing program to include transportation, medical, dental and mental health assistance.

Providence House, Shreveport

\$5,000 for costs of food for the homeless families in the shelter/transitional living.

**Southwestern Louisiana Homeless Coalition, Inc.,
Lake Charles**

\$5,000 for the purchase of equipment to establish a Resource Center to assist homeless persons in the transitional living program to obtain available services, support, transportation, and access to computer for resumes and practicing job skills.

Vernon Community Action Council, Inc., Leesville

\$5,000 for assistance to families for rent/utility deposits, stipends to offset maintaining a residence, Home Starter Kits, and staff salary to provide supportive services to families in obtaining long-term housing.

Hope Ministry of Pointe Coupee, New Roads

The balance of the Fund for costs of rent and utilities for a second shelter. Inquiries about the Homeless Trust Fund can be sent in writing to the Homeless Trust Fund Coordinator, Louisiana Department of Social Services, Office of Community Services, Grants Management Division, Box 3318, Baton Rouge, LA 70821.

J. Renea Austin-Duffin
Secretary

0003#088

POTPOURRI

**Department of Social Services
Office of Community Services**

Social Services Block Grant

The Department of Social Services (DSS) announces opportunities for public review of the State's pre-expenditure report on intended uses of Social Services Block Grant (SSBG) funds for the State Fiscal Year (SFY) beginning July 1, 2000, and ending June 30, 2001. The proposed FY 2000-2001 SSBG Intended Use Report has been developed in compliance with the requirements of Section 2004 of the Social Security Act, as amended, and includes information on the types of activities to be supported and the categories or characteristics of individuals to be served through use of the State's allocation of SSBG funds. Section 2004 of the Social Security Act further requires that the SSBG pre-expenditure report shall be "made public within the State in such manner as to facilitate comment by any person." The Department of Social Services (DSS) as the designated State Services Agency will continue to administer programs funded under the Social Services Block Grant in accordance with applicable statutory requirements and federal regulations. The DSS/Office of Community Services (OCS) will be responsible for provision of social services, by direct delivery and vendor purchase, through use of federal SSBG funds. Estimated SSBG expenditures for SFY 2000-2001 total \$27,622,408.

Louisiana through the DSS Office of Community Services will utilize its allotted funds to provide comprehensive social services on behalf of children and families in fulfillment of legislative mandates for child protection and child welfare programs. These mandated services, and certain other essential social services, are provided without regard to income (WRI) to individuals in need. Individuals to be served also include low-income persons as defined in the Intended Use Report who meet eligibility criteria for services provided through SSBG funding.

Services designated for provision through SSBG funding for State Fiscal Year 2000-2001 are:

- A. adoption (pre-placement to termination of parental rights);
- B. child protection (investigation of child abuse/neglect reports, assessment, evaluation, social work intervention, shelter care, counseling, referrals, and follow-up);
- C. day care for children (direct care for portion of the 24-hour day);
- D. family services (social work intervention subsequent to validation of a report of child abuse/neglect, counseling to high risk groups);
- E. foster care/residential habilitation services (foster, residential care, and treatment on a 24-hour basis).

Definitions for the proposed services are set forth in the Intended Use Report.

Persons eligible for SSBG funded services include:

- A. persons without regard to income, who are in need of adoption services, child protection, family services, and foster care/residential habilitation services;

B. individuals without regard to income who are recipients of Title IV-E Adoption Assistance;

C. recipients of Supplemental Security Income (SSI) and recipients of Temporary Assistance for Needy Families (TANF) and those persons whose needs were taken into account in determining the needs of TANF recipients;

D. low-income persons (income eligibles) whose gross monthly income is not more than 125 percent of the poverty level. A family of four (4) with gross monthly income of not more than \$1,776 would qualify as income eligible for services;

E. persons receiving Title XIX (Medicaid) benefits and certain Medicaid applicants identified in the proposed plan as group eligibles;

The proposed SSBG Intended Use Report for SFY 2000-2001 will be available for public review at OCS parish and regional offices Monday through Friday from 8:30 a.m. to 4:00 p.m. Copies are available without charge by telephone request to (225) 342-7199 or by writing the Assistant Secretary, Office of Community Services, Box 3318, Baton Rouge, LA 70821. Inquiries and comments on the proposed

plan may be submitted until Friday, May 19, 2000, to the Assistant Secretary, OCS, at the above address.

A public hearing on the proposed SSBG Intended Use Report for State Fiscal Year 2000-2001 is scheduled for 10:00 a.m. on Tuesday, May 2, 2000, at the Office of Community Services, Training Room 652, Commerce Building, 333 Laurel Street, Baton Rouge.

At the public hearing all interested persons will have the opportunity to provide recommendations on the proposed SSBG plan, orally or in writing. Written comments will be accepted through Friday, May 19, 2000.

Post expenditure reports for the SSBG program for State Fiscal Years 1997-98 and 1998-99 are included in the SSBG Intended Use Report for SFY 2000-2001 and are available for public review at the Office of Community Services, 333 Laurel Street, Room 646, Baton Rouge.

J. Renea Austin-Duffin
Secretary

0003#089

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