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This public document was published at a total cost of \$6,100.00. 1,200 copies of this public document were published in this monthly printing at a cost of \$4,100.00. The total cost of all printings of this document including reprints is \$6,100.00. This document was published by Bourque Printing, Inc., 13112 South Choctaw Drive, Baton Rouge, LA 70815, as a service to the state agencies in keeping them cognizant of the new rules and regulations under the authority of R.S. 49:950-970. This material was printed in accordance with standards for printing by state agencies established pursuant to R.S. 43:31. Printing of this material was purchased in accordance with the provisions of Title 43 of the Louisiana Revised Statutes.

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# Emergency Rules

## DECLARATION OF EMERGENCY

### Department of Economic Development Real Estate Appraisal Subcommittee

In accordance with the provisions of R.S. 49:953(B) of the Administrative Procedure Act, the Louisiana Real Estate Appraisal Subcommittee has adopted emergency revisions to the rules and regulations affecting the experience credits of applicants for state appraisal certification.

The purpose of this declaration of emergency, effective March 4, 1991, for 120 days, is to bring the existing rules and regulations into compliance with impending federal guidelines.

#### Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part LXVII. Real Estate

#### Subpart 2. Appraisers

### Chapter 103. Certification

#### §10311. Experience Credit

A. The subcommittee shall consider for experience credit toward state appraiser certification:

1. appraisals substantially consistent with the standards of professional practice; and
2. appraisals performed within the five years immediately preceding the filing of the application for certification.

B. Applications for experience credit shall only be accepted from individuals who have:

1. met the educational requirement for the type of certification applied for; and
2. passed a national examination or its equivalent, endorsed and approved by the Appraiser Qualifications Board of the Appraisal Foundation as established by the Federal Financial Institutions Examination Council or its successors.

C. In cases where the applicant has obtained the required experience, but, has failed to meet the standards as outlined in R.S. 37:3410, and more specifically, as set forth in the "Uniform Standards of Professional Appraisal Practice", or its successor, as approved by the Appraisal Subcommittee of the Federal Financial Institutions Examination Council, or its successor, said applicant can obtain additional educational training in the deficient area, prior to receiving subcommittee approval for certification. Such educational training shall consist of not less than 15 or more than 30 classroom hours of coursework approved by the Subcommittee.

Jane H. Moody  
Executive Director

## DECLARATION OF EMERGENCY

### Board of Elementary and Secondary Education

Revisions to LTIP/LaTEP "Benchmarks" and  
Standards for Teacher Evaluation  
Bulletin 1877

The Board of Elementary and Secondary Education, at its meeting of February 28, 1991, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act R.S. 49:953B and modified the standards for satisfactory and superior ratings for LTIP/LaTEP "Benchmarks" and Standards for Teacher Evaluation by converting from percentage scores to whole number scores as recommended by the department and as printed below:

The revisions are based on concerns that were raised regarding the application of the standards for the LTIP/LaTEP. Calculating the "benchmark scores" (which are reported as percentages) sometimes resulted in a decimal number and caused confusion. The confusion arose when one tried to calculate the number of needed indicators for achieving satisfactory or superior ratings. To eliminate this concern, the component scores and the overall score will be reported as raw numbers and not as percentage scores. The revisions were adopted as an emergency rule, effective February 28, 1991 in order to eliminate some confusion in calculating the evaluations. These revisions supersede the LTIP/LaTEP "Benchmarks" and Standards For Teacher Evaluation which were published in the January, 1991 issue of the *Louisiana Register* as an emergency rule.

Successful performance is based on two types of scores. The scores are derived from two mathematical models, a compensatory model and a conjunctive model. In the compensatory model, data are combined to allow low scores on teaching and learning components to be compensated for by high scores on other teaching and learning components. The conjunctive model requires that all teaching and learning components be passed at an acceptable level. The combination model requires an overall raw score of 395 for the LaTEP and a raw score of 511 for the LTIP, which is equal to or greater than the sum of the minimum required component scores (compensatory), and a required number of the 15 component scores (conjunctive).

### Recommended Standards for Satisfactory Performance

#### Raw Scores for Satisfactory

##### Performance Dimension I: Preparation, Planning and Evaluation

Teaching and Learning Components	Raw Score
A. Goals and Objectives	18
B. Teaching Methods and Learning Tasks	18
C. Allocated Time and Content Material	18
D. Aids and Materials	18
E. Home Learning	13
F. Formal Assessment and Evaluation	31

##### Performance Dimension II: Classroom and Behavior Management

Teaching and Learning Components	Raw Score
A. Time	27
B. Classroom Routines	18
C. Student Engagement	not scored
D. Managing Task-Related Behavior	25
E. Monitoring and Maintaining Student Behavior	25

##### Performance Dimension III: Learning Environment

Teaching and Learning Components	Raw Score
A. Psychosocial Learning Environment	46
B. Physical Learning Environment	14

##### Performance Dimension IV: Enhancement of Learning

Teaching and Learning Components	Raw Score
A. Lesson and Activities Initiation	34
B. Teaching Methods and Learning Tasks	26
C. Aids and Materials	27
D. Content Accuracy and Emphasis	27
E. Thinking Skills	44
F. Clarification	18
G. Monitoring Learning Tasks and Informal Assessment	27
H. Feedback	17
I. Oral and Written Communication	20

Louisiana Teacher Evaluation Program (LaTEP)

**Satisfactory**

Teachers participating in the LaTEP will be evaluated on Dimensions II, III and IV, consisting of 15 teaching and learning components. A teacher is rated satisfactory if the teacher's overall score is at least 395 of a possible 540 and if the teacher scores at least the minimum required score on 13 of 15 teaching and learning components.

Louisiana Teaching Internship Program (LTIP)

**Satisfactory**

Teachers participating in the LTIP will be evaluated on Dimensions I, II, III and IV, consisting of 21 teaching and learning components. A teacher is rated satisfactory if the teacher's overall score is at least 511 of a possible 696 and if the teacher scores at least the minimum required score on 18 of 21 teaching and learning components.

Recommended Standards for Superior Performance

Louisiana Teacher Evaluation Program (LaTEP)

**Raw Scores for Superior:**

Performance Dimension II: Classroom and Behavior Management

Teaching and Learning Components	Raw Score
A. Time	32
B. Classroom Routines	21
C. Student Engagement	not scored
	Raw Score
D. Managing Task-Related Behavior	31
E. Monitoring and Maintaining Student Behavior	31

Performance Dimension III: Learning Environment

Teaching and Learning Components	Raw Score
A. Psychosocial Learning Environment	54
B. Physical Learning Environment	16

Performance Dimension IV: Enhancement of Learning

Teaching and Learning Components	Raw Score
A. Lesson and Activities Initiation	42
B. Teaching Methods and Learning Tasks	32
C. Aids and Materials	32
D. Content Accuracy and Emphasis	32
E. Thinking Skills	54
F. Clarification	21
G. Monitoring Learning Tasks and Informal Assessment	31

- H. Feedback
- I. Oral and Written Communication

Raw Score

21

22

**Superior**

Teachers participating in the LaTEP will be evaluated on Dimensions II, III and IV, consisting of 15 components. A teacher is rated superior if the teacher's overall score is at least 472 of a possible 540 and if the teacher scores at least the minimum required score on 14 of 15 teaching and learning components.

Carole Wallin  
Executive Director

**DECLARATION OF EMERGENCY**

**Board of Elementary and Secondary Education**

Amendment to Grievance Procedure - LTIP/LaTEP  
Bulletin 1877

The State Board of Elementary and Secondary Education, at its meeting of February 28, 1991, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act, R.S. 49:953B and directed that the number of days granted to teachers to file a grievance (LTIP/LaTEP) be extended an additional 30 days to those teachers who will be receiving a final evaluation conference in order that their right to file a grievance will not be affected by any delay in the implementation of the LTIP/LaTEP program.

This directive mentioned above is an amendment to page 28, Paragraph A. under Step 1 of amendments to Bulletin 1877, Implementation Guide for LTIP and LaTEP, which were advertised as an emergency rule in the February 1991 issue of the *Louisiana Register* and supersedes that page only of the revisions.

The revised paragraph on page 28 of Bulletin 1877 will now read:

**Step I.**

A. Any teacher who believes that he/she has a grievance may file the grievance at any time during the assessment process, but not later than 50 working days after the final assessment conference. The grievance must be in writing and shall state: (1) the precise factual basis on which it is based and (2) the specific relief requested by the teacher. The grievance shall be presented to the principal or acting administrator. The principal or acting administrator shall acknowledge receipt in writing and keep a record of its filing.

This emergency rule is necessary in order to grant an additional 30 days to teachers who will be receiving a final evaluation conference an opportunity to file a grievance, and will affect only those teachers whose final assessment conference is scheduled between the February 28, 1991 BESE meeting and the date on which the attorney general's opinion requested by the Board of Elementary and Secondary Education regarding LTIP/LaTEP is rendered. Effective date of this emergency rule is February 28, 1991.

Carole Wallin  
Executive Director

**DECLARATION OF EMERGENCY**

**Department of Health and Hospitals  
Office of Hospitals  
Bureau of Emergency Medical Services**

The Department of Health and Hospitals, Office of Hospitals, Bureau of Emergency Medical Services is adopting the following emergency rule effective February 1, 1991.

The Office of Hospitals will adjust in compensation structure for the following services performed:

**Basic EMT Course<sup>1</sup>**

Instructor Coordinator	142 hours @ \$15/hour	\$2130
Assistant Instructor	142 hours @ \$10/hour	\$1420
Medical Director	coordination	\$ 200

**Intermediate EMT Course<sup>1</sup>**

Instructor Coordinator	80 hours @ \$15/hour and clinical supervision	\$2200
Assistant Instructor	80 hours @ \$10/hour	\$ 800
Medical Director	coordination	\$ 300
Guest Faculty	per hour (see below)	\$ 500

**Paramedic EMT Course<sup>1</sup>**

Instructor Coordinator	320 hours @ \$15/hour and clinical supervision	\$7800
Assistant Instructor	320 hours @ \$10/hour	\$3200
Medical Director	coordination	\$1000
Guest Faculty	per hour (see below)	\$2000

**First Responder Course<sup>1</sup>**

Instructor Coordinator	40 hours @ \$12.50/hour	\$ 500
Assistant Instructor	40 hours @ \$7.50/hour	\$ 300

**Guest Faculty for Intermediate  
and Paramedic EMT Courses**

Basic EMT	\$ 10 per hour
Intermediate EMT	\$ 12.50 per hour
Paramedic EMT	\$ 15 per hour
Registered Nurse	\$ 20 per hour
Medical Doctor	\$ 30 per hour

All guest lecturers for courses must be approved by Office of Hospitals, Bureau of Emergency Medical Services. Funds available to any training program which are not obligated to individual faculty contracts may be used to pay guest lecturers for the course at the rates given above. No individual may receive more than 50 percent of funds allocated to any one course for Guest Faculty

<sup>1</sup>To qualify for compensation, each course must have the following based on qualified initial enrollment:

A. 15 students for compensation of Instructor Coordinator;

B. 20 students for compensation of Assistant Instructor;

C. One-third of students from different agencies or organizations.

**Basic EMT Refresher Course<sup>2</sup>**

Instructor Coordinator	24 hours @ \$15/hour	\$360
Assistant Instructor	24 hours @ \$10/hour	\$240

**Intermediate EMT Refresher Course<sup>2</sup>**

Instructor Coordinator	12 hours @ \$15/hour	\$180
Assistant Instructor	12 hours @ \$10/hour	\$120

**Paramedic EMT Refresher Course<sup>2</sup>**

Instructor Coordinator	48 hours @ \$15/hour	\$720
Assistant Instructor	48 hours @ \$10/hour	\$480

**First Responder Refresher Course<sup>2</sup>**

Instructor Coordinator	16 hours @ \$15/hour	\$240
Assistant Instructor	16 hours @ \$10/hour	\$160

No guest lecturers may be compensated for services rendered to any refresher course at any level.

<sup>2</sup>To qualify for compensation, each course must have the following based on qualified initial enrollment:

A. 10 students for compensation of Instructor Coordinator;

B. 15 students for compensation of Assistant Instructor;

C. One-third of students from different agencies or organizations.

**National Registry EMT Exam Staff<sup>3</sup>**

Examiner of Candidates	\$100 per day
Victim/Professional Partner	\$100 per day
Team Leaders	\$125 per day
Quality Assurance	\$150 per day
Practical Exam Facilitator	\$100 per day
Written Exam Monitors	\$ 75 per day

In addition to the per day rate listed above National Registry EMT exam staff will be reimbursed travel expenses not to exceed state of Louisiana approved travel regulations.

<sup>3</sup>The following penalties shall apply to National Registry Exam Staff:

A. 10 percent of daily rate for failure to present to the examination coordinator at the assigned time;

B. 10 percent of daily rate for failure to comply with requirements of assigned duties as determined by Office of Hospital staff.

Pat Paulson  
Assistant Secretary

**DECLARATION OF EMERGENCY**

**Department of Social Services  
Office of Family Support**

The Department of Social Services, Office of Family Support, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953-B to adopt the following rule effective March 1, 1991 in the Job Opportunities and Basic Skills (JOBS) Training Program, also referred to as Project Independence, the name of Louisiana's program.

Emergency rulemaking is necessary to comply with federal regulations at 45CFR255.5 concerning child care standards.

**Rule**

Participants in Louisiana's Project Independence Program shall be eligible for reimbursement of child care expenses, required as a result of program participation, which are incurred for child(ren) in family child day care homes. Eligibility for such reimbursement is contingent upon compliance with established registration procedures for family child day care homes (refer to the *Louisiana Register* of October, 1990 for the complete text of that proposed rule). Participants with child(ren) in family child day care homes who care for only related child(ren) shall be eligible for reimbursement of child care expenses upon receipt of the initial application form for registration. However, if such application is subsequently disapproved following inspection by the Office of the State Fire Marshal, the participant is not eligible for further reimbursement until such time that notification of registration approval is received.

May Nelson  
Secretary

**DECLARATION OF EMERGENCY**

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

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:953(B), notice is hereby given that the Board of Trustees of the State Employees Group Benefits Program intends to amend language in the Plan Document of Benefits. This rule goes into effect on April 1, 1991, and will remain in effect for 120 days. The Board of Trustees of the State Employees Group Benefits Program intends to adopt this rule and is publishing its notice of intent in the March, 1991, issue of the *Louisiana Register* in order to place a pre-existing condition limitation on new employees hired on or after April 1, 1991, as follows:  
Article 1, Section II.

\* \* \*

**F. Pre-Existing Condition**

**1. New employees hired on or after April 1, 1991**

a. The program will require all new employees who apply for coverage within 30 days from the date the employee became eligible for coverage to complete a statement of Physical Condition form and sign an Acknowledgment of Pre-existing Condition form.

b. Benefits will be limited to a maximum of \$1,000 during the first 12 months of coverage for any disease, illness, accident or injury for which the covered person received treatment or services, or was prescribed drugs, during the six-month period immediately prior to the effective date of coverage.

**2. Overdue application**

\* \* \*

Tommy D. Teague  
Acting Executive Director



## DECLARATION OF EMERGENCY

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

In accordance with the emergency provisions of R.S. 49:953(B) of the Administrative Procedure Act, and under the authority of R.S. 49:967 and R.S. 56:497 the Wildlife and Fisheries Commission finds that an imminent peril to the public welfare exists and accordingly adopts the following emergency rule:

#### Rule

The shrimp season in that portion of Louisiana's offshore waters from the Louisiana-Mississippi state line to the western point of Last Island, known as Raccoon Point, will open at 6 a.m. February 14, 1991; however, the area north of Last Island and Raccoon Point, known as Caillou Bay, will remain closed; that portion of Louisiana's offshore waters from the western shore of Freshwater Bayou in Vermilion Parish to the Texas state line will open at 6 a.m. February 14, 1991. The shrimp season in these areas will close immediately if the count on white shrimp exceeds 100 shrimp per pound.

The commission received public testimony from shrimp fishermen during its February 7, 1991 meeting that marketable shrimp were available in some areas of the state's offshore waters. Among other things, staff data showed some marketable shrimp were present in some areas.

Jimmy Jenkins  
Chairman

# Rules

## RULE

### Department of Agriculture and Forestry Agricultural Finance Authority

(Editors' Note: LAC 7:III.541 and 542 are being adopted pursuant to the Notice of Intent published in the November 1990 issue of the *Louisiana Register*.)

The Louisiana Agricultural Finance Authority (LAFA), an agency of the Department of Agriculture and Forestry, hereby adopts regulations pursuant to its authority under R.S. 3:266(4).

#### Title 7

### AGRICULTURE AND ANIMALS

#### Part III. Agricultural Credit Corporation

#### Chapter 5. Agricultural Finance Authority

##### §541. Meaning of National Bank

For any and all programs and regulations that Louisiana Agricultural Finance Authority (LAFA) has implemented or will implement, LAFA hereby deems the term "national bank" to include banks of foreign nations which are national in scope of operations in their domicile nation.

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

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Agricultural Finance Authority, LR 17: (March 1991).

##### §542. Construction of Maximum Amounts of Loans

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

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

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Agricultural Finance Authority, LR 17: (March 1991).

Bob Odom  
Commissioner

## RULE

### Department of Agriculture and Forestry State Market Commission

The Department of Agriculture and Forestry has adopted regulations regarding the collection of a tax on pint containers of strawberries. These regulations establish the procedures and bookkeeping requirements necessary for the implementation of this tax.

These regulations comply with and were mandated by the enactment of Act No. 980 of the 1990 Regular Legislative Session. The funds generated by this tax shall be used by the Louisiana Strawberry Marketing Board pursuant to R.S. 3:476.

#### Title 7

### AGRICULTURE AND ANIMALS

#### Part V. Advertising, Marketing and Processing

#### Chapter 35. Louisiana Strawberry Marketing Board

##### §3501. Definitions

In addition to the terms defined in R.S. 3:472, the definitions below shall apply to these regulations:

*Board* means the Louisiana Strawberry Marketing Board as established pursuant to R.S. 3:473.

*Container* means a container which is intended as a package for the sale of strawberries.

*Department* means the Louisiana Department of Agriculture and Forestry.

*First point of sale* means: (1) the initial time when title to strawberries or pint containers passes from a seller to a buyer; or (2) the time when the strawberries are removed from storage.

*Pint container* means a container which, in its in-

tended use, is meant to hold approximately 16 ounces of strawberries.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:475.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, State Market Commission, LR 17: (March 1991).

#### **§3502. Levy on Pint Containers**

A. Pursuant to Acts 1990, No. 908, an assessment in the amount of \$0.00165 is levied on each pint container used to package strawberries.

B. In the case of containers intended to hold multiple pints, the assessment shall be proportionate to the number of pints each container may hold.

C. This assessment does not apply to those strawberries merely in transit in this state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:475.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, State Market Commission, LR 17: (March 1991).

#### **§3503. Collection**

A. The assessments provided for by these regulations and R.S. 3:475 shall be collected at the first point of sale in Louisiana. The person selling the containers shall collect the assessments and complete a department prescribed assessment form.

B. Each person who collects the assessments shall remit the collections and assessment forms to the department on or before the twentieth day of the month following the month in which the assessments were collected.

C. Persons who purchase pint containers and who do not use those containers for the sale of strawberries may apply for a refund of the assessment upon the signing and submission of a refund form to the Department of Agriculture and Forestry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:475.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, State Market Commission, LR 17: (March 1991).

#### **§3504. Records**

A. Each person who collects the assessments levied by these regulations shall keep accurate records, including one copy of each completed assessment form, of the number of pint containers sold and the assessments collected.

B. Each person who collects assessments shall retain for examination by representatives of the Department of Agriculture and Forestry evidence of sales of pint containers sold within the state. This evidence shall include sales invoices and shipping tickets. Each invoice or ticket shall state the number of pint containers sold, or in the case of containers containing multiples of pints, the number of pint equivalents.

C. Each person who collects assessments shall retain for examination by representatives of the Department of Agriculture and Forestry evidence of all shipments received from outside of Louisiana for distribution within the state. This evidence shall include receiving and shipping tickets and all sales invoices. Each invoice shall state the number of pint containers of strawberries or equivalent pint containers.

D. A copy of this supporting documentation is to be submitted with each month's assessment report. Original

documentation shall be kept for a period of two years from the date of sale or distribution.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:475.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, State Market Commission, LR 17: (March 1991).

#### **§3505. Authority of Agents to Enter Premises**

A. Agents of the department are authorized and shall be allowed entrance onto any property or premises in the state of Louisiana for the purpose of carrying out the provisions of these regulations. Whenever reasonably possible, agents shall notify the dealer, distributor or shipper before performing any inspections.

B. Agents of the department are authorized to inspect all records maintained by dealers, distributors and shippers in order to enforce the provisions of R.S. 3:475 et seq. and these regulations.

C. No person shall in any way interfere with an agent in making inspections on properties or premises in carrying out the provisions of these regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:475.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, State Market Commission, LR 17: (March 1991).

#### **§3506. Refunds**

A. Each person who purchases pint containers for a use other than for the sale of strawberries may obtain a refund of the assessment by submitting a written request on a form prescribed by the department to the department on or before the twentieth day after the end of the month in which the containers were purchased.

B. Each request for a refund shall be accompanied by copies of invoices or sales receipts showing the amount of containers purchased, along with a completed and signed department-prescribed form showing that the containers were not used for the sale of strawberries. In the case of assessments against containers for strawberries produced outside of Louisiana, distributed in this state but not sold in this state, along with said signed form, documentation must be included with the request which corroborates this claim.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:475.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, State Market Commission, LR 17: (March 1991).

#### **§3507. Penalties**

A. Any person who willfully evades the payment of the tax provided for in R.S. 3:475, or who violates any other provision of these regulations, shall be fined not more than \$500.

B. Prior to the assessment of any civil penalties, there shall be an adjudicatory hearing in accordance with the Administrative Procedure Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:475 and R.S. 3:478.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, State Market Commission, LR 17: (March 1991).

Bob Odom  
Commissioner

## RULE

### Department of Agriculture and Forestry Office of Agricultural and Environmental Sciences Structural Pest Control Commission

In accordance with the provisions of the Administrative Procedure Act (R. S. 49:950 et seq.) and R. S. 3:3366, notice is hereby given that the Structural Pest Control Commission is considering new rules and regulations or amendments to existing rules and regulations regarding fumigation.

#### Title 7

#### AGRICULTURE AND ANIMALS

#### Part XXV. Structural Pest Control

#### Chapter 141. Structural Pest Control Commission

#### §14101. Definitions

A. *Fumigant* means a substance or mixture of substances that is a gas or is rapidly or progressively transformed into a gaseous state though some non-gaseous or particulate matter.

B. *Fumigation* means the application of a fumigant in residential and commercial structures, ships, railcars, trucks, commodities such as dunnage on wharves, silos or conveyors, vaults or the like.

C. *Certified Fumigation Technician* means a qualified technician to perform the following:

1. Structural Fumigation - apply and clear fumigants from structures under the supervision of a licensed fumigator.

2. Ship Fumigation - only add additional gas to a ship fumigation after the initial amount of gas has been applied, under the supervision of a licensed fumigator.

3. Commodity Fumigation apply and clear fumigants from commodities under the supervision of a licensed fumigator. This provision will not apply until two years from date of enforcement.

D. *Commodity Fumigation* means the fumigation of food or non-food items stored in stacks, rail cars, containers, trucks, barges, boxes, bins, etc. that are not normally occupied by humans. No living quarters should be in any of the above.

E. *Ship Fumigation* means the fumigation of a vessel capable of transporting or housing people and/or products. It is normally self-powered and must have a crew or living quarters.

F. *Structural Fumigation* means the fumigation by covering or sealing churches, schools, homes or any other buildings in which people are normally housed or work or is frequented by people. This also includes the covering or sealing of small boats or ships under 100 feet.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3362 and 3:3366.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 11:323 (April 1985), amended LR 17: (March 1991).

#### §14110. Requirements and Responsibilities of the Certified Fumigation Technician

A. A mandatory two-year registered technician in the fumigation phase under a licensed fumigator, as is required. After the two years, the licensed fumigator would have to submit a list of the following:

1. six jobs in structural fumigation that this particular applicant has worked from start to finish;

2. six jobs in commodity fumigation that this particular applicant has worked from start to finish;

3. six jobs in ship fumigation that this particular applicant has worked from start to finish.

B. Having met these requirements in §14110.A., the applicant would be qualified to take a written test administered by the Structural Pest Control Commission to demonstrate that the person has the necessary knowledge in the category or categories for which was applying for. The minimum score required for successful completion of the examination is 70 percent.

C. The certified fumigation technician must maintain his registration in current status by:

1. Attending a continuing education program at least once every three years.

2. The continuing education program must contain a minimum of six hours of technical training for the category of Fumigation.

3. Must attend the entire approved continued education program for technicians, otherwise the certified fumigation technician would not maintain his registration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3369 and 3:3366.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Structural Pest Control Commission, amended LR 17: (March 1991).

#### §14139. Fumigation

##### A. General

1. This rule governs all fumigation of residential and commercial structures, ships, railcars, trucks, commodity containers and vaults within the state of Louisiana, including ships at anchor in rivers within the borders of Louisiana and ships at anchor within a three-mile limit off the coast of Louisiana.

2. The licensee must not only comply with the Structural Pest Control Commission Rules and Regulations but must follow all other applicable state and federal rules and regulations.

3. The licensee is responsible for compliance with all label and labeling requirements.

4. The licensee is responsible for giving any notice to law enforcement and/or fire protection agencies required by any governing body of the locality in which the fumigation will take place.

5. The licensee must make certain that personal protection equipment for the fumigant being used is immediately accessible where the fumigation is being done.

6. The licensee or his certified fumigation technician must remove all signs, fumigation containers and/or materials, and any other debris which accumulated as a direct result of the fumigation.

##### B. Requirements for Structural Fumigation

1. The licensee must give notice, in writing, to be received by the commission at least 24 hours prior to structural fumigation. If sent through the U.S. Postal Service, the notice must be mailed at least five working days prior to such fumigation and proof of mailing should be obtained in order to assure timely delivery to the commission. Notice to the commission must include the following items:

- a. time and place where the fumigation will take place;
- b. name, address and emergency phone number of the licensee;
- c. name of the gas to be used;

- d. a brief description of the property to be fumigated;
  - e. target pest;
  - f. location of target pest; and
  - g. other information the commission requests.
2. When notice cannot be given as required by Paragraph 1 above, notice may be given by phone but must be confirmed in writing, to be received by the commission within 24 hours after the telephone notice.
  3. Before commencing fumigation of a residential structure, office building, church, school or any other building frequented by people, the structure may be inspected by an inspector of the Structural Pest Control Commission. Within five working days, fumigation may commence.
  4. A licensed fumigator must personally inspect all structures that are to be fumigated while they are being tented or sealed after the structure has been evacuated.
  5. A licensed fumigator or his certified fumigation technician must seal or supervise the sealing or the area to be fumigated and assure that there is proper and secure sealing to confine the fumigant to the area that is to be fumigated, prior to the release of the fumigant.
  6. A licensed fumigator or his certified fumigation technician must see that a sign or signs of sufficient size as to be conspicuous and bearing the word "poison" and the skull-and-crossbones symbol, is prominently displayed at all entrances to the area being fumigated continuously from the time the area is sealed until ventilation is completed.
  7. When tarp fumigation is being used, in addition to the signs on each entrance of the building, there shall be at least one sign on each side of the exterior tarp. If any side of the building exceeds 35 feet, additional signs will be added. The maximum distance between signs of any side of a building will be 60 feet.
  8. Two test lines with at least one-fourth inch outside diameter must be appropriately located on the first floor of the structure(s) being fumigated to permit sufficient readings of the gas concentrate to determine its efficacy in destroying insects. They must be on opposite sides of the building. In multi-story buildings the lines should be on different floors. A written record of gas level readings must be maintained during progress of job and will become part of job file.
  9. A licensed fumigator must post a guard(s) to prevent entry by an unauthorized person into the area being fumigated. The guard, who may or may not be an employee of the licensee, is not required to be a licensed pest control operator or registered employee.
  10. Whenever one unit of a complex containing more than one unit is to be fumigated, all units of the building to be fumigated must be evacuated during fumigation and until such time as the fumigated area is declared safe for occupancy. A licensed fumigator must inspect all units of a complex.
  11. A licensed fumigator or his certified fumigation technician must be present when the fumigant is released and immediately prior to the time when the fumigated area is declared safe for occupancy. At least one person, trained in fumigation in addition to the above, must be present when the fumigant is released and immediately prior to the time when the fumigation area is declared safe for occupancy.
  12. A licensed fumigator or his certified fumigation technician must personally inspect the area which was fumigated when ventilation is completed to assure that the fumigated area, and adjacent areas as appropriate, is safe for occupancy.

13. No one shall be permitted to enter a fumigated area after fumigation until a licensed fumigator or certified fumigation technician has inspected the area and declared it safe for human occupancy.

**C. Requirements for Shipboard Fumigation**

1. A licensed fumigator must be present for the initial application of fumigant.

2. A licensed fumigator is responsible to declare the ship safe for occupancy.

**D. Requirements for Commodity Fumigation**

1. A licensed fumigator or certified fumigation technician must:

A. check inside the container along the junctures to be sealed before fumigation;

B. all openings in vehicles being fumigated must be sealed;

C. inside and outside warning signs must be posted as required by labeling and label requirements;

D. after releasing the fumigant, check for leakage and repair any leaks which occur;

E. the licensee must notify the consignee, in writing, of the fumigant being used, antidotes and the proper procedures for handling any vehicle(s) or commodity container(s) which is shipped under gas.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 3:3306.

**HISTORICAL NOTE:** Promulgated by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 11:332 (April 1985), amended LR 17: (March 1991).

Bob Odom  
Commissioner

**RULE**

**Department of Economic Development  
Office of Commerce and Industry  
Finance Division**

**Louisiana Enterprise Zone Program**

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Economic Development, Office of Commerce and Industry, Finance Division, hereby amends and adopts the following rules regarding the Louisiana Enterprise Zone Program, R.S. 51:1781-1790.

**Title 13**

**ECONOMIC DEVELOPMENT**

**Part I. Office of Commerce and Industry**

**Subpart I. Finance**

**Chapter 9. Enterprise Zone Program**

**§901. Scope**

**A. Intent of Program**

To stimulate business and industrial growth in depressed areas of the state by the relaxation of governmental controls, by providing assistance to businesses and industries, and by providing tax incentives in these areas.

**B. Description of Program**

1. Louisiana's Enterprise Zone Program is a package of tax credits and other incentives to businesses locating in

specially-designated Enterprise Zones in both urban and rural areas. Enterprise Zone incentives are in addition to any other state-sponsored incentives such as the ad valorem property tax exemption on manufacturing facilities and equipment, and the cost-free employee training program.

2. An Enterprise Zone is an officially designated area of high unemployment, low income, and/or an area where a large number of residents are receiving some form of public assistance.

3. Any business, except residential-type development, can qualify for Enterprise Zone tax incentives. Manufacturing plants, service industries and commercial operations are equally eligible. Companies moving into an Enterprise Zone and companies located in an area at the time the region is declared an Enterprise Zone can both qualify.

#### C. Incentives

1. A one-time tax credit of \$2,500 for each net new employee added to the payroll. The credit may be used to satisfy state income and corporate franchise tax obligations. If the entire credit cannot be used in the year claimed, the remainder may be applied against the income tax or franchise tax for the succeeding ten taxable years, or until the entire credit is used, whichever occurs first.

2. In lieu of the tax credit of \$2,500, aviation and aerospace industries as defined in the 3720 and 3760 SIC (Standard Industrial Code) Title, are eligible for a one-time tax credit of \$5,000 for each net new employee added to the payroll. The credit may be used to satisfy state income and corporate franchise tax obligations. If the entire credit cannot be used in the year claimed, the remainder may be applied against income tax or franchise tax for the succeeding nine years, or until the entire credit is used, whichever occurs first.

3. Rebates from all state sales/use taxes on materials used to construct or improve a building to house a business operation.

4. Rebates from all state sales/use taxes on machinery and equipment used in the above business enterprise.

5. Rebates from local sales/use taxes on materials used to construct or improve a building to house a business operation unless the local sales tax is encumbered toward payment of bond indebtedness or is a school tax.

6. Rebates from local sales/use taxes on machinery and equipment used in the above business enterprise unless the local sales tax is encumbered toward payment of bond indebtedness or is a school tax.

#### D. Qualifications

1. To qualify for Enterprise Zone tax incentives in an urban area, a company must be located in a designated Enterprise Zone and must recruit 35 percent of its work force from among residents of that Enterprise Zone or of a contiguous Enterprise Zone. In the case of Enterprise Zones located in a rural area, 35 percent of the work force must be residents of the parish in which the company is located, but they do not have to live within the Enterprise Zone itself. These requirements apply equally to companies moving into an Enterprise Zone for the first time and to those which may have been located in an Enterprise Zone at the time it was designated as such.

2. At the option of the company, workers in certain other categories who are not residents of an Enterprise Zone may be included in the work force for purposes of attaining the 35 percent employee requirement. These alternate categories include 1) the handicapped, 2) persons receiving

some form of public assistance prior to employment, and 3) those lacking in basic skills or considered unemployable by traditional standards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1781 et seq.

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

#### §903. Use of Louisiana Manufacturers and Suppliers

The Board of Commerce and Industry requires businesses and manufacturers and their contractors to give preference and priority to Louisiana manufacturers and, in the absence of Louisiana manufacturers, to Louisiana suppliers, contractors, and labor, except where not reasonably possible to do so without added expense or substantial inconvenience or sacrifice in operational efficiency. In considering applications for tax rebates, special attention will be given to those applicants agreeing to use, purchase and contract for machinery, suppliers and equipment manufactured in Louisiana, or, in the absence of Louisiana manufacturers, sold by Louisiana residents, and to the use of Louisiana contractors and labor in the construction and operation of proposed tax rebate facilities. It is a legal and moral obligation of the businesses and manufacturers receiving rebates to favor Louisiana manufacturers, suppliers, contractors, and labor, all other factors being equal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1781 et seq.

HISTORICAL NOTE: Promulgated by the Department of Commerce and Industry, LR 8:230 (May 1982), amended LR 9:544 (August 1983), amended LR 11:95 (February 1985), amended LR 17: (March 1991).

#### §905. Endorsement Resolution

The request for such rebates must be accompanied by an endorsement resolution approved by the governing body of the appropriate municipality, parish, port district, or industrial development board in whose jurisdiction the establishment is to be located.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1781 et seq.

HISTORICAL NOTE: Promulgated by the Department of Commerce and Industry, LR 8:230 (May 1982), amended LR 9:544 (August 1983), amended LR 11:95 (February 1985), amended by the Department of Economic Development, Office of Commerce and Industry, LR 17: (March 1991).

#### §907. Documentation of Location

The business must document its location within the boundaries of a particular Enterprise Zone.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1781 et seq.

HISTORICAL NOTE: Promulgated by the Department of Commerce and Industry, LR 8:230 (May 1982), amended LR 9:544 (August 1983), amended LR 11:95 (February 1985), amended LR 17: (March 1991).

#### §909. Qualified Employees - Urban Zones

A. A business located in an urban Enterprise Zone and receiving the benefits of this Chapter must certify that at least 35 percent of its employees:

1. are residents of the same or a contiguous Enterprise Zone as the location of the business or are residents of another enterprise zone in the same parish as the location of the business;

2. are residents of the same in a contiguous parish if the business has five hundred or more employees;

3. were receiving some form of public assistance prior

to employment;

4. were considered unemployable by traditional standards, or lacking in basic skills; or

5. any combination of the above.

B. The certification must be updated annually if the business is to continue receiving the benefits of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1781 et seq.

HISTORICAL NOTE: Promulgated by the Department of Commerce and Industry, LR 8:230 (May 1982), amended LR 9:544 (August 1983), amended LR 11:95 (February 1985), amended LR 17: (March 1991).

#### §911. Qualified Employees - Rural Zones

A. A business located in a rural Enterprise Zone and receiving the benefits of this Chapter must certify that at least 35 percent of its employees:

1. are residents of the same parish as the location of the business;

2. were receiving some form of public assistance prior to employment;

3. were considered unemployable by traditional standards, or lacking in basic skills; or

4. any combination of the above.

B. Such certification must be updated annually in order for the business to continue receiving the benefits of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1781 et seq.

HISTORICAL NOTE: Promulgated by the Department of Commerce and Industry, LR 8:230 (May 1982), amended LR 9:544 (August 1983), amended LR 11:95 (February 1985), amended LR 17: (March 1991).

#### §913. AFDC Tax Credit

A. Allow tax credits to employers who hire Aid to Families with Dependent Children (AFDC) participants. This tax credit is in addition to the \$2,500 for new jobs created.

B. An employer may receive a two-year tax credit of \$2,500 for each AFDC participant employed.

C. This credit may be applied to any state income tax liability or any state franchise tax liability and shall be used for the taxable year in which the increase in average annual employment occurred.

D. An employer shall be limited to two years participation under the program.

E. An employer shall not obtain a credit for more than ten employees in the first year of participation in the program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1781 et seq. and R.S. 51:1787(G.)

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

#### §915. Arbitrary Termination of Employees

The board will not accept an application from a business which has arbitrarily terminated employees and hired others in order to qualify for the benefits of this program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1781 et seq.

HISTORICAL NOTE: Promulgated by the Department of Commerce and Industry, LR 8:230 (May 1982), amended LR 9:544 (August 1983), amended LR 11:95 (February 1985).

#### §917. Items Eligible for Sales/Use Tax Rebate

Only material used in the construction of a building, or any addition or improvement thereon, for housing any legiti-

mate business enterprise, and machinery and equipment used in that enterprise will be considered eligible for rebates of sales/use taxes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1781 et seq.

HISTORICAL NOTE: Promulgated by the Department of Commerce and Industry, LR 8:230 (May 1982), amended LR 9:544 (August 1983), amended LR 11:95 (February 1985), amended LR 17: (March 1991).

#### §919. Filing of Applications

A. A notification of intent shall be filed prior to the beginning of construction. An advance notification fee of \$100 shall be submitted with the prescribed advance notification form.

B. Application for tax rebate must be filed with the Office of Commerce and Industry, Box 94185, Baton Rouge, LA, 70804-9185 on the form prescribed within a minimum of six months after the beginning of construction and/or not later than three months before completion of construction or the beginning of operations, whichever occurs first.

C. The phrase "beginning of construction" shall mean the first day on which foundations are started, or, where foundations are unnecessary, the first day on which installation of the facility begins.

D. An application fee shall be submitted with the application based on the following: Effective date May 4, 1988 (advance notification received on or after May 4, 1988).

$$\text{FEE} = \text{ESTIMATED TAX RELIEF} \times .002$$

Estimated Tax Relief = State sales tax rebate + local sales tax rebate + jobs credit\*.

Estimated Tax Relief  $\times$  .2% (.002) = Application processing fee.

\* Jobs credit - this amount is either the total amount you calculate by multiplying the new jobs by \$2,500 or the total income and franchise tax for five years, whichever is less.

Note: Minimum Application Processing Fee \$200.

Maximum Application Processing Fee \$5,000.

Please make checks payable to Louisiana Office Of Commerce and Industry.

E. Within six months after construction has been completed, the owner of the establishment shall file on the prescribed form an affidavit of final cost showing complete cost of the project, together with a fee of \$100 for the plant inspection which will be conducted by the Office of Commerce and Industry. Upon request by the Office of Commerce and Industry, a map showing the location of all facilities claiming rebates in the project will be submitted in order that the property claiming rebates may be clearly identifiable.

F. The Office of Commerce and Industry reserves the right to return the advance notification, application, or affidavit of final cost to the applicant if the estimated rebates or the fee submitted is incorrect. The application may be resubmitted with the correct fee.

G. The application will not be considered officially received and accepted until the appropriate fee is submitted. Processing fees, for advance notifications, applications, renewals, or affidavits of final cost which have been accepted, will not be refundable.

H. Applications must be submitted to the Office of Commerce and Industry at least 60 days prior to the Board of Commerce and Industry meeting where it will be heard.

I. The business applicant proposing a project with a

construction period greater than two years must file a separate application for each construction phase. The business applicant must comply with Rule 18 requiring the creation of new permanent jobs on each application he/she files on the project. An application fee shall be submitted with each application filed based on the fee schedule in (D) above.

J. The Office of Commerce and Industry is authorized to grant a six-month extension for filing of the tax rebates application. The Board of Commerce and Industry must approve further extensions. The request for extension must be in writing and must state why the extension is required.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 51:1781 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Commerce and Industry, LR 8:230 (May 1982), amended LR 9:544 (August 1983), amended LR 11:95 (February 1985), amended LR 12:660 (October 1986), amended LR 17: (March 1991).

#### **§921. Recommendations of the Secretaries of Economic Development and Revenue and Taxation**

The Office of Commerce and Industry shall forward the application with its recommendations to the secretary of Economic Development and the secretary of Revenue and Taxation for their review. Within 30 days after the receipt of the application the secretaries of Economic Development and Revenue and Taxation shall submit their recommendations (the secretary of Revenue and Taxation shall submit a letter of no objection in lieu of a letter of recommendation) in writing to the assistant secretary for Commerce and Industry.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 51:1781 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Commerce and Industry, LR 8:230 (May 1982), amended LR 9:544 (August 1983), amended LR 11:95 (February 1985), amended LR 17: (March 1991).

#### **§923. Application Shall be Presented to the Board of Commerce and Industry**

The Office of Commerce and Industry shall present an agenda of applications to the Board of Commerce and Industry with the written recommendations of the secretaries of Economic Development and Revenue and Taxation and the endorsement resolutions outlined in §905 and shall make recommendations to the board based upon its findings.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 51:1781 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Commerce and Industry, LR 8:230 (May 1982), amended LR 9:544 (August 1983), amended LR 11:95 (February 1985), amended LR 17: (March 1991).

#### **§925. Board of Commerce and Industry Enters Into Contract**

Upon approval of the application, the Board of Commerce and Industry shall enter into contract with the applicant for rebates of the taxes allowed by R.S. 51:1781-1790. A copy of the contract shall be sent to the Department of Revenue and Taxation and the local taxing authority.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 51:1781 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Commerce and Industry, LR 8:230 (May 1982), amended LR 9:544 (August 1983), amended LR 11:95 (February 1985), amended LR 17: (March 1991).

#### **§927. Rebates on Sales/Use Taxes**

A. The contract will not authorize the applicant to make tax-free purchases from vendors. The tax rebates for state sales and use taxes will be effected through issuance of taxes rebated by the Department of Revenue and Taxation. Rebates will be secured by the filing of affidavits for each calendar month with the Department of Revenue and Taxation, Sales Tax Section, which must include the following:

1. A listing of purchases made during the month of movable property that is intended to be used on the Enterprise Zone project and the contract number of the project. The listing must include a brief description of each item, the vendor's name, date of the sale, sales price and the amount of state sales tax paid. The items included in the listing must have been purchased by the owner of the project, or by a builder or other party that has contracted with the owner to provide materials and services for the project.

2. A certification that the materials included in the listing are reasonably expected to qualify upon completion of the project for the rebates under provision of the statute.

3. A certification that the sales/use taxes have actually been paid on the items included in the listing.

B. The affidavit may be filed on official Department of Revenue and Taxation "Claim for Refund" forms or on other forms prepared by the applicant. After the Department of Revenue and Taxation has verified the information on the application, a refund check will be issued for the amount of state sales/use taxes paid.

C. Local sales and use tax rebates will be handled in the manner prescribed by the local taxing authority.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 51:1781 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Commerce and Industry, LR 8:230 (May 1982), amended LR 9:544 (August 1983), amended LR 11:95 (February 1985), amended LR 17: (March 1991).

#### **§929. Businesses With Contracts Must File State Franchise and Income Tax Returns**

A. Businesses with contracts qualifying for the tax credit per new employee employed in the business located in the Enterprise Zone, shall file the same required forms and returns with the Department of Revenue and Taxation as would be required if no credit were due. Each yearly return will have the contract number of the rebate, a certification attached showing the annual increase in employment as determined by the company's average annual employment reported to the Office of Employment Security, and the unused credits from previous years. If total tax credits are less than the total taxes, remittance in the amount of the difference must be enclosed with the return.

B. Partnerships and sole proprietorships shall file the same returns as would be required if the rebates had not been granted. In addition, each return must include a profit and loss statement for the business located in the Enterprise Zone.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 51:1781 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Commerce and Industry, LR 8:230 (May 1982), amended LR 9:544 (August 1983), amended LR 11:95 (February 1985), amended LR 17: (March 1991).

#### **§931. Violations of Rules, Statutes, or Documents**

On the initiative of the Board of Commerce and Indus-

try or whenever a written complaint of violation of the terms of tax rebates rules, the documents or the statute is received, the assistant secretary for the Office of Commerce and Industry shall cause to be made a full investigation on behalf of the board, and shall have full authority for such investigation including, but not exclusively, authority to call for reports or pertinent records or other information from the contractors. If the investigation substantiates a violation, the assistant secretary may present the subject contract to the board for formal cancellation. The businesses with contracts shall then remit any and all taxes that would have been imposed but for the issuance of a contract.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1781 et seq.

HISTORICAL NOTE: Promulgated by the Department of Commerce and Industry, LR 8:230 (May 1982), amended LR 9:544 (August 1983), amended LR 11:95 (February 1985), amended LR 17: (March 1991).

### **§933. Affidavits Certifying Eligibility Filed Annually**

On January 15 of each year, the businesses with contracts will file an affidavit with the Office of Commerce and Industry certifying that the business still qualifies under §909 or §911. If the affidavit shows the company no longer qualifies under this rule, the Board of Commerce and Industry shall cancel the contract and no further rebates will be granted. The Department of Commerce will notify the Department of Revenue and Taxation within 30 days after revocation of a contract.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1781 et seq.

HISTORICAL NOTE: Promulgated by the Department of Commerce and Industry, LR 8:230 (May 1982), amended LR 9:544 (August 1983), amended LR 11:95 (February 1985), amended 12:660 (October 1986), amended LR 17: (March 1991).

### **§935. Job Creation Requirements - Five New Jobs Must be Created**

A. For a business to qualify for the benefits of this Chapter, there must be an expansion in the capacity for new employees and/or a minimum of five new jobs must be created.

B. A "new employee" shall be a person residing and domiciled in this state, hired by the taxpayer to fill a position for a job in this state which previously did not exist in the business enterprise during the taxable year for which the credit allowed by this Section is claimed. In no case shall the new employees allowed for purpose of the credit exceed the total increase in employment. A person shall be deemed to be so engaged if such person performs duties in connection with the operation of the business enterprise on:

1. a regular, full-time basis;

2. a part-time basis, provided such person is customarily performing such duties at least 20 hours per week for at least six months during the taxable year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1781 et seq.

HISTORICAL NOTE: Promulgated by the Department of Commerce and Industry, LR 9:544 (August 1983), amended LR 11:95 (February 1985), amended LR 17: (March 1991).

### **§937. Ineligibility of Business**

Businesses that move their facility from an original Enterprise Zone/enumeration district (identified prior to July 18,

1982), into an alternative enterprise (designated after July 18, 1982), for the sole purpose of receiving the benefits of this Chapter, will not be eligible to apply for these benefits.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1781 et seq.

HISTORICAL NOTE: Promulgated by the Department of Commerce and Industry, LR 9:544 (August 1983), amended LR 11:95 (February 1985), amended LR 17: (March 1991).

### **§939. Multi-tenant Operations**

In the case of a facility where there is more than one occupant/tenant, an owner applicant for the benefits of this Chapter must occupy a minimum of 33 percent of the total floor area of the building.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1781 et seq.

HISTORICAL NOTE: Promulgated by the Department of Commerce and Industry, LR 9:544 (August 1983), amended LR 11:95 (February 1985), amended LR 17: (March 1991)

### **§941. Alternative Designation of Enterprise Zones**

A. The alternative designation of an Enterprise Zone will be on a one-time basis only, unless there are extenuating circumstances which must have prior approval of the Board of Commerce and Industry. A local governing authority requesting the alternative designation of an Enterprise Zone must provide valid reasons for requesting an exchange and must have prior approval of the Board of Commerce and Industry.

B. In order for an applicant to meet the requirements of §909 or §911, those employees who live in an enumeration district/Enterprise Zone which was deleted by virtue of alternative designation shall qualify for the 35 percent residency requirement.

C. The effective date of an alternative designation approved by the Board of Commerce and Industry shall be the date of passage affixed to the resolution of the local governing authority requesting alternative designation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1781 et seq.

HISTORICAL NOTE: Promulgated by the Department of Commerce and Industry, LR 9:544 (August 1983), amended LR 11:95 (February 1985), amended 12:660 (October 1986), amended LR 13:289 (May 1987), amended LR 17: (March 1991).

### **§943. Appeals Procedure**

Applicants who wish to appeal the action of the Board of Commerce and Industry must submit their appeals along with any necessary documentation to the Office of Commerce and Industry at least 30 days prior to the meeting of the Board of Commerce and Industry during which their appeal will be heard.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1781 et seq.

HISTORICAL NOTE: Promulgated by the Department of Commerce and Industry, LR 9:544 (August 1983), amended LR 11:95 (February 1985), amended 12:660 (October 1986), amended LR 17: (March 1991).

### **§945. Income and Franchise Tax Requirements**

In order for owners of a business to benefit from the income and corporate franchise tax benefits of this Chapter, they must be listed along with their estimated five-year income and franchise tax liability. This information will be used



only to estimate the potential tax relief lost to the state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1781 et seq.

HISTORICAL NOTE: Promulgated by the Department of Commerce and Industry, LR 9:544 (August 1983), amended LR 11:95 (February 1985), amended 12:660 (October 1986), amended LR 17: (March 1991).

**§947. Exclusion of Residential Developments**

A business engaging in residential-type development (construction, selling or leasing of single-family/multi-family dwellings, apartment buildings, condominiums, town houses, etc.) shall not be eligible for the benefits of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1781 et seq.

HISTORICAL NOTE: Promulgated by the Department of Commerce and Industry, LR 9:544 (August 1983), amended LR 11:95 (February 1985), amended 12:660 (October 1986), amended LR 17: (March 1991).

**§949. Prohibit Local Fees and Prohibit Local Conflicting Employment Practices**

No governing authority of a political subdivision shall charge any fees or require any employment practices which conflict with state law as a precondition to authorize tax benefits under this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1781 et seq.

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

**§951. Application Procedures**

A. Applicants and/or their representatives will be notified of the date of the board meeting at which their application will be considered. The applicant should have an officer of authority present who is able to answer any questions the board might have about the information contained in the application. In the event there is not a representative present, the application may be deferred.

B. When an application is approved, a tax rebate contract is supplied by the Office of Commerce and Industry. The executed contract should be returned within 30 days. Certified copies will then be forwarded to the proper local taxing authority and the Louisiana Department of Revenue and Taxation.

C. The local taxing authorities should be contacted to determine their procedure for rebating their sales/use tax. Applicants will be contacted by the staff of the Department of Revenue and Taxation who will brief them on the proper procedures to follow in order to obtain state sales/use tax rebates.

D. The sales tax rebate contract will be for the duration of the construction project. On completion of construction, as indicated in Section 3 of the application, a Project Completion Report must be filed with the Office of Commerce and Industry. Commerce and Industry will supply the necessary forms and information.

E. Within six months after construction has been completed, the owner of the establishment shall file on the prescribed form an affidavit of final cost showing complete cost of the project, together with a fee of \$100 for the plant inspection which will be conducted by the Office of Commerce and Industry.

F. An annual report must be filed (§933), certifying compliance with either §909 or §911. This report can be sub-

mitted to Commerce and Industry when income tax and franchise tax returns are filed with the Department of Revenue and Taxation. Commerce and Industry will supply the necessary forms and information.

G. Notification of any change which may affect the tax rebate contract should be made to Office of Commerce and Industry. This includes any changes in the ownership or operational name of the firm holding a tax rebate contract or the abandonment of operations. Failure to report can constitute a breach of contract.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1781 et seq.

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

Robert Paul Adams  
Finance Director

**RULE**

**Department of Economic Development  
Racing Commission**

**Title 46**

**PROFESSIONAL AND OCCUPATIONAL STANDARDS**

**Part XLI. Horseracing Occupations**

**Chapter 7. Jockeys and Apprentice Jockeys**

**§707. Apprentice Jockey Certificate**

An apprentice who is not under contract may be issued an apprentice jockey certificate on a form furnished by, and filed with, the commission. Where all parties agree an apprentice jockey contract can be terminated by mutual agreement and an apprentice jockey certificate issued, providing all wins and dates of wins are recorded on the certificate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, 148 and 150.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:431 (December 1976), repromulgated LR 3:27 (January 1977), LR 4:276 (August 1978), amended by Department of Economic Development, Racing Commission, LR 17: (March 1991).

Claude P. Williams  
Executive Director

**RULE**

**Department of Economic Development  
Racing Commission**

**Title 35**

**HORSE RACING**

**Part III. Personnel, Registration and Licensing**

**Chapter 57. Association's Duties and Obligations**

**§5742. Cellular Telephones Prohibited**

A. No person shall, in any area where pari-mutuel wagering is licensed and being conducted, possess, use or

control a cellular telephone capable of transmitting or communicating with a person, firm or corporation located outside of the confines of a racetrack or off-track wagering facility without first obtaining and having on his person the written permission of the commission.

B. Before an application may be made to the commission for permission to possess, use or control a cellular telephone for the purposes aforesaid, such person shall first give his written agreement that he will comply with LAC 35:XV.12325 and LAC 35:XV.12327.

C. Any person who violates the provisions of Subsection A of this Section shall be immediately ejected from the premises of the licensee and such person shall, before instituting any legal action seeking judicial relief, exhaust all administrative remedies before the commission.

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

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

Claude P. Williams  
Executive Director

#### **RULE**

#### **Department of Economic Development Racing Commission**

#### **Title 35 HORSE RACING**

#### **Part III. Personnel, Registration and Licensing**

#### **Chapter 57. Association's Duties and Obligations**

#### **§5702. Penalty for Failure to Comply**

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

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

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

Claude P. Williams  
Executive Director

#### **RULE**

#### **Department of Economic Development Racing Commission**

#### **Title 35 HORSE RACING**

#### **Part III. Personnel, Registration and Licensing**

#### **Chapter 57. Association's Duties and Obligations**

#### **§5717. Filming or Videotaping of Races; Preservation**

A. All race tracks under the jurisdiction...

B. Each association shall preserve the film or videotape recordings of each of its races for at least 90 days after the close of each of its race meetings. Upon a timely request of the commission within such period, an association shall furnish the commission with a clear positive print of the film recording and/or a kinescope print of the videotape of any race run during its race meeting.

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

HISTORICAL NOTE: Promulgated by the Louisiana State Racing Commission in 1971, amended by Department of Commerce, Racing Commission, LR 2:434 (December 1976), repromulgated LR 3:30 (January 1977), LR 4:278 (August 1978), amended by Department of Economic Development, Racing Commission, LR 17: (March 1991).

Claude P. Williams  
Executive Director

#### **RULE**

#### **Department of Economic Development Racing Commission**

#### **Title 35 HORSE RACING**

#### **Part V. Racing Procedures**

#### **Chapter 63. Entries**

#### **§6311. Registration of Horse**

No horse shall be allowed to enter or start in any race conducted by any licensee unless the horse is a quarter horse, thoroughbred, Appaloosa or Arabian. Registration of a thoroughbred horse by the Jockey Club of New York, a quarter horse by the American Quarter Horse Association, an Appaloosa horse by the Appaloosa Horse Club, Inc. or an Arabian horse by the Arabian Horse Registry of America, Inc. shall be prima facie evidence that such horse is a thoroughbred, quarter horse, Appaloosa or Arabian. However such registry shall not be conclusive evidence, nor binding on the commission. At the time of entry such certificate of registration and Coggins test certificate must be on file in the office of the racing secretary, except when such certificates are on file at another track which is then operating. The foal certificate must be on file with the racing secretary before a horse starts. The stewards may, at their discretion, waive this rule in the case of horses shipped in to start in stakes races in this state.

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

HISTORICAL NOTE: Promulgated by the Louisiana State Racing Commission in 1971, amended LR 2:91 (March 1976), LR 2:426 (December 1976), LR 3:32 (January 1977), repromulgated LR 4:279 (August 1978), amended by Department of Economic Development, Racing Commission, LR 15:7 (January 1989), amended LR 17: (March 1991).

Claude P. Williams  
Executive Director

**RULE**

**Department of Economic Development  
Racing Commission**

**Title 35  
HORSE RACING**

**Part XV. Off-Track Wagering**

**Chapter 127. Interstate Common Pool Wagering**

**§12701. Definitions**

As used in this Chapter, the following shall mean:

A. *Guest track* or *receiving track* shall mean the race track, off-track wagering facility or other facility in a state other than the state in which the race is run that is the subject of the interstate common pools.

B. *Guest state* shall mean the jurisdiction within which a guest track is located.

C. *Host track* or *sending track* shall mean the race track at which the race is run that is the subject of the interstate common pools.

D. *Host state* shall mean the jurisdiction within which a host track is located.

E. *Interstate common pools* or *merged pools* shall mean a pari-mutuel pool established within one state (usually at a host track) within which is combined comparable pari-mutuel pools of one or more guest tracks upon a race run at the host track, for purposes of establishing payoff prices in the various jurisdictions. There may be more than one state simultaneously combining pari-mutuel pools into the common pool in the host state. Where the laws and rules of the host and guest states permit, and with concurrence of the host track, the merged pool may be established on a regional or other basis between two or more guest states but not involving a merger into the host tracks' pari-mutuel pool, in which eventuality one of the guest tracks shall serve as if it were the host track for purposes of calculating the pari-mutuel pool on which payoff prices are calculated.

F. *Commission* or *racing commission* shall mean the regulatory body with statutory jurisdiction over the host or guest track or other pari-mutuel facilities, as applicable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, 148 and 211-226.

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

**§12703. General Provisions**

A. All contracts governing participation in interstate common pools shall be submitted to the commission for its approval.

B. Individual pari-mutuel wagering transactions are made at the point of sale in the state where placed. Pari-mutuel pools are combined for computing odds and calculating payoffs and breakage, but shall be maintained separately for auditing and all other purposes.

C. Any surcharges or withholdings on or from pari-mutuel pools, in addition to the takeout, shall be applied only in the jurisdiction imposing such surcharges or withholdings.

D. In determining whether to approve an interstate common pool which does not include the pari-mutuel pool of the host track, the commission shall consider and may approve:

1. use of a type of wager which is not utilized at the host track,

2. application of a takeout rate not in effect at the host track, or

3. such other factors which are provided to the commission.

E. The content and format of the visual display of racing and wagering information at facilities in other states where wagering is permitted in the interstate common pool, need not be identical to similar information permitted or required to be displayed in this state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, 148 and 211-226.

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

**§12705. Guest State Participation in Interstate Common Pools**

A. With the prior approval of the commission, pari-mutuel wagering pools in this state may be combined with comparable wagering pools in the host state, or with comparable pools established by one or more other jurisdictions where wagering is authorized by law.

B. The commission may permit adjustment of the takeout rate from pari-mutuel pools so that the takeout rate in this state is identical to that at the host track, or identical to that at the host track, or identical to that of other jurisdictions participating in a merged pool.

C. Where takeout rates in the merged pool are not identical, the commission shall approve the method by which the differing takeout rates shall be applied.

D. Rules of racing governing the race in the host state shall apply to the merged pool unless the commission shall have specifically determined otherwise.

E. Provisions governing the calculation of breakage under the rules of racing in this state may be waived as to wagers in interstate common pools. The commission may approve agreements between the licensee and other participants in interstate common pools governing the equitable distribution of breakage between the host and guest state, unless and to the extent otherwise provided by law.

F. If for any reason it becomes impossible to successfully merge the pari-mutuel wagers placed in this state into the interstate common pool, the licensee shall declare such accepted bets void and make refunds in accordance with the provisions of §12341 of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, 148 and 211-226.

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

**§12707. Host State Participation in Merged Pools**

A. With the prior approval of the commission, a licensee may determine that one or more of its races be utilized for pari-mutuel wagering at a guest track, and may also determine that pari-mutuel pools in guest states be combined with:

1. comparable wagering pools established by it as the host track, or

2. comparable wagering pools established by two or more states.

B. Where takeout rates in the merged pool are not identical, the commission shall approve the method by which the differing takeout rates shall be applied.

C. Rules of racing of this state shall also apply to inter-

state common pools unless the commission shall have specifically determined otherwise.

D. Rules of racing governing breakage in this state may be waived by the commission as to wagers in interstate common pools. The commission may approve agreements between the licensee and other participants in interstate common pools governing the equitable distribution of breakage between the host and guest states, unless and to the extent otherwise provided by law.

E. Any contract for interstate common pools entered into by the licensee shall contain a provision to the effect that if for any reason it becomes impossible to successfully merge the bets placed in another state into the interstate common pool formed by the licensee, or if for any reason the commission's or the licensee's representative determines that transferring or an attempt to transfer pool data from the guest state to its interstate common pool may endanger the licensee's wagering pool, neither the commission nor the licensee shall have any liability for any action(s) taken which may result in the guest track's wagers not being accepted into the pool.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, 148 and 211-226.

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

**§12709. Takeout Rates in Interstate Common Pools**

A. With the express approval of the commission, a licensee desiring to participate in an interstate common pool may change its takeout rate (within the limits permitted by state law) so to achieve a common takeout rate with all other participants in the interstate common pool.

B. A licensee desiring to participate in an interstate common pool may request that the commission approve a methodology whereby host and guest states with different takeout rates for comparable pari-mutuel pools may effectively and equitably combine wagers from the different states into an interstate common pool.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, 148 and 211-226.

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

Claude P. Williams  
Executive Director

**RULE**

**Department of Economic Development  
Racing Commission**

**Title 46**

**PROFESSIONAL AND OCCUPATIONAL STANDARDS  
Part XLI. Horseracing Occupations**

**Chapter 19. Training Tracks**

**§1904. License Renewal**

After being granted a license to operate as a training track, any person or corporation desiring to continue to oper-

ate as a training track must submit an application for a license on a yearly basis to the commission.

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

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

Claude P. Williams  
Executive Director

**RULE**

**Department of Economic Development  
Racing Commission**

**Title 35  
HORSE RACING**

**Part XV. Off-Track Wagering**

**Chapter 123. General Rules**

**§12365. Matters Not Covered**

Any matter not covered by the provisions of this Chapter shall be determined by the stewards at the host track following consultation, if deemed necessary, with the host track mutuel manager. A written report of each such determination shall be promptly made to the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and 211-222.

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

Claude P. Williams  
Executive Director

**RULE**

**Department of Economic Development  
Racing Commission**

**Title 35  
HORSE RACING  
Part IX. Weights**

**Chapter 95. Weighing Out**

**§9502. Maximum Overweight**

No horse shall carry more than two pounds overweight without the consent of its owner, his agent, or his representative. No horse, however, shall carry more than seven pounds overweight in any race. The owner or trainer of a horse may substitute a jockey to ride his horse when the engaged jockey is reported overweight in excess of two pounds.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, 142 and 148.

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

Claude P. Williams  
Executive Director

**RULE**

**Department of Economic Development  
Racing Commission**

**Title 35  
HORSE RACING**

**Part I. General Provisions**

**Chapter 17. Corrupt and Prohibited Practices  
§1742. Issuance of NSF Checks**

Upon a check payable to the order of the commission or one of its employees, agents or representatives being dishonored when presented for payment, each maker/drawer thereof shall be fined by the stewards a sum of \$25 together with the amount, if any, charged the commission by its depository.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, 148 and 150.

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

Claude P. Williams  
Executive Director

**RULE**

**Department of Economic Development  
Racing Commission**

**Title 35  
HORSE RACING**

**Part V. Racing Procedures**

**Chapter 77. Paddock to Post  
§7704. Paddock Inspection**

A. Should the carry-over pool for the Super Six exceed \$150,000, the following additional steps are to be taken in each of the six races comprising the Super Six.

1. The state veterinarian shall make a close inspection in the paddock as to the physical condition of every horse entered in any of the races comprising the Super Six. He shall sign-off as to his observations and the soundness of each horse. This report shall be submitted to the commission at the conclusion of the racing program. Any horse found unsound shall be scratched immediately.

2. The state steward shall be in the paddock from the time the horses enter the paddock until the last horse has reached the racing surface and shall likewise sign-off as to his observations of each horse.

3. The starting gate veterinarian, after close inspection, shall likewise sign-off as to the soundness of each horse when loading in the starting gate.

4. Three horses from each of the six races comprising the Super Six shall be sent to the test barn for testing. The winner, the second-place horse and third horse selected by the stewards shall be tested.

B. Should the carry-over pool for the Twin Trifecta exceed \$50,000, the following additional steps are to be taken for the two races comprising the Twin Trifecta.

1. The state veterinarian shall make a close inspection in the paddock as to the physical condition of every horse entered in the two races comprising the Twin Trifecta. He shall sign-off as to his observations and the soundness of each horse. This report shall be submitted to the commission at the conclusion of the racing program. Any horse found unsound shall be scratched immediately.

2. The state steward shall be in the paddock from the time the horses enter the paddock until the last horse has reached the racing surface and shall likewise sign-off as to his observations of each horse.

3. The starting gate veterinarian, after close inspection, shall likewise sign-off as to the soundness of each horse when loading in the starting gate.

4. The first three finishers, or in the case of a dead-heat for third, the first four finishers, in each of the two races comprising the Twin Trifecta shall be sent to the test barn for testing.

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

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

Claude P. Williams  
Executive Director

**RULE**

**Department of Economic Development  
Racing Commission**

**Title 35  
HORSE RACING**

**Part XV. Off-Track Wagering**

**Chapter 123. General Rules  
§12341. Pari-Mutuel Tickets**

A.-B. ...

C. When wagers are accepted by a host track, guest track or off-track wagering facility and a pari-mutuel ticket is issued therefor, such wagers are to be considered an enforceable contract, evidenced by possession of a winning ticket, and such ticket shall be honored by all cashiers of the host track and the off-track wagering facility where such wager is placed. Refunds of wagers shall be made only: (a) on a horse that is scratched, (b) a race is declared off, or (c) if a manual merge is rendered impossible because of an act or event beyond the control of a host track or an off-track wagering facility including, but not limited to, a catastrophe or acts of God.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and 211-222.

HISTORICAL NOTE: Promulgated by Department of Commerce, Racing Commission, LR 14:290 (May 1988), amended by Department of Economic Development, Racing Commission, LR 17: (March 1991).

Claude P. Williams  
Executive Director

#### **RULE**

### **Department of Economic Development Racing Commission**

#### **Title 35 HORSE RACING**

### **Part III. Personnel, Registration and Licensing Chapter 57. Association's Duties and Obligations §5716. Program Statistics**

Each association shall print statistics covering the top ten jockeys, trainers and winners by post position and distance, excluding quarter horse races, in a conspicuous place in its racing program. Such statistics shall be updated on a weekly basis.

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

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

Claude P. Williams  
Executive Director

#### **RULE**

### **Department of Economic Development Racing Commission**

#### **Title 35 HORSE RACING**

### **Part V. Racing Procedures**

### **Chapter 63. Entries**

### **§6319. Publication of Past Performances**

No horse shall be permitted to enter or start unless approved by the association. Further, the stewards shall require that published past performances, in races or workouts, be sufficient to enable the public to make a reasonable assessment of its capabilities. No horse shall be entered to race that has not had a published workout or a race within 60 days of the date of the entered race. Late workouts shall be posted for public view in at least one conspicuous place in the public enclosure, and announced to the public via public address system.

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

HISTORICAL NOTE: Promulgated by the Louisiana State Racing Commission in 1971, amended LR 2:436 (December 1976), repromulgated LR 3:33 (January 1977), LR 4:279 (August 1978), amended by Department of Economic Development, Racing Commission, LR 17: (March 1991).

Claude P. Williams  
Executive Director

#### **RULE**

### **Department of Economic Development Racing Commission**

#### **Title 35 HORSE RACING**

### **Part III. Personnel, Registration and Licensing Chapter 57. Association's Duties and Obligations §5731. Totalizator; Cameras**

Each association shall maintain a totalizator and totalizator board satisfactory to the commission at each of its race meetings where pari-mutuel wagering is authorized and conducted. Each association shall install and adequately maintain two photofinish cameras at the finish line at its track. A photograph of the finish of each race, when called for by the stewards and evidenced by the "photo" sign on each of the track's totalizator boards, shall be promptly posted by the association for public viewing in at least one public conspicuous place in each area of the grandstand and clubhouse areas of its track where pari-mutuel wagering is conducted.

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

HISTORICAL NOTE: Promulgated by the Louisiana State Racing Commission in 1971, amended by Department of Commerce, Racing Commission, LR 2:434 (December 1976), repromulgated LR 3:31 (January 1977), LR 4:278 (August 1978), amended by Department of Economic Development, Racing Commission, LR 17: (March 1991).

Claude P. Williams  
Executive Director

#### **RULE**

### **Department of Employment and Training Office of Workers' Compensation**

In accordance with the provisions of R.S. 49:950, et seq., of the Administrative Procedure Act, and under the authority of R.S. 23:1310.1 and Act 1083 of the 1990 Regular Legislative Session, the Office of Workers' Compensation, through the Department of Employment and Training, hereby repromulgates and readopts a rule to implement administrative procedures to be used when filing a claim before the workers' compensation hearing officers.

The rules and regulations shall provide and govern the procedures between the new administrative hearing offi-

cers of workers' compensation and the individuals practicing before the hearing officers.

A copy of this rule may be obtained by contacting Judy Albarado at the Department of Employment and Training, Office of Workers' Compensation, Box 94040, Baton Rouge, LA 70804-9040, (504) 342-7559 or through the Office of the State Register, 900 Riverside North, Baton Rouge, LA 70804-9095.

Stephen W. Cavanaugh  
Director

#### **RULE**

##### **Department of Employment and Training Office of Workers' Compensation**

In accordance with the provisions of R.S. 49:950, et seq., of the Administrative Procedure Act, and under the authority of R.S. 23:1291(10)(12) and (13) of Act 938 of the 1988 Regular Legislative Session, the Office of Workers' Compensation has adopted a rule to implement a utilization review process to resolve disputes over the necessity, advisability, and cost of proposed, or already performed, hospital care or services, medical or surgical treatment, or any non-medical treatment recognized by the laws of this state as legal and due under the Workers' Compensation Act, with the authority to audit specific medical records of a patient to determine whether an inappropriate reimbursement has been made.

Copies of this rule can be obtained through the Office of the State Register, 900 Riverside N., Baton Rouge, LA or through the Office of Workers' Compensation, Box 94040, Baton Rouge, LA 70804-9040, Attention: Judy Albarado.

Stephen W. Cavanaugh  
Director

#### **RULE**

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

Log AQ20

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Louisiana Air Quality Regulations, LAC 33:III.3301.

These regulations define the standards for liquid storage tanks which contain volatile organic compounds which were built, reconstructed, or modified since July 23, 1984. Additional requirements for recordkeeping and reporting are also identified. See *Federal Register* published April 8, 1987, 52 FR 11429, No. 67.

Copies of this rule are available at the Department of Environmental Quality, 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810 or at the Office of the State

Register, 900 Riverside North, Capitol Annex Building, Fifth Floor, Baton Rouge, LA 70804.

J. Terry Ryder  
Assistant Secretary

#### **RULE**

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

Log AQ29

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Louisiana Air Quality Regulations, LAC 33:III.6079.

This rule sets the standard method for determining fugitive releases related to "visible emissions." This method is referenced in the asbestos renovation demolition rules (LAC 33:III.Chapter 25, Subchapter F and proposed LAC 33:III.Chapter 51).

Copies of this rule are available at the Department of Environmental Quality, 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810 or at the Office of the State Register, 900 Riverside North, Capitol Annex Building, Fifth Floor, Baton Rouge, LA 70804.

J. Terry Ryder  
Assistant Secretary

#### **RULE**

##### **Department of Environmental Quality Office of Water Resources Water Quality Division**

Log WP05

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Louisiana Water Quality Regulations, LAC 33:IX.708.

This rule provides definitions and effluent limitations for discharges of wastewater associated with oil and natural gas exploration and production activities. Applicable guidelines related to spill response and to housekeeping practices have been set forth to eliminate unauthorized discharges. This amendment includes effluent guidelines for the discharge of produced water, drill cuttings and drilling fluids, stormwater runoff, and reserve and production pit closures.

Copies of this rule are available at the Department of Environmental Quality, 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810 or at the Office of the State Register, 900 Riverside North, Capitol Annex Building, Fifth Floor, Baton Rouge, LA 70804.

J. Terry Ryder  
Assistant Secretary

**RULE**

**Department of Environmental Quality  
Office of Water Resources  
Water Quality Division**

Log WP04

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Louisiana Water Quality Regulations, LAC 33:IX.1105, 1109, 1113, 1115, 1117, 1121, and 1123.

These regulations correct typographical errors, use designations, and bacterial criteria. They also clarify policy exceptions to man-made watercourses and naturally dystrophic waters and add metals criteria to Section 1113.C.6 Numerical Criteria, Table 1. Corrections and additions are also added in order to comply with federal regulations and to comply with state laws. See *Federal Register* published April 17, 1990, 55 FR 14350, No. 74.

Copies of this rule are available at the Department of Environmental Quality, 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810 or at the Office of the State Register, 900 Riverside North, Capitol Annex Building, Fifth Floor, Baton Rouge, LA 70804.

J. Terry Ryder  
Assistant Secretary

**RULE**

**Office of the Governor  
Division of Administration  
Office of Contractual Review**

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.), R.S. 39:1490(B) and R.S. 39:1521, the Office of the Governor, Division of Administration, Office of Contractual Review has amended LAC 34:V. Chapter 1. This rule revokes Sections 103, 106, 124, 133, and Appendix E of the earlier rules and regulations of this office. LAC 34:V. Chapter 1, Sections, 103, 106, 124, 133 and Appendix E are amended to read as follows:

**Chapter 1. Procurement of Professional, Personal, Consulting and Social Services**

**Subchapter A. General Provisions**

**§103. Definitions and Classes of Contractual Services**

The following services shall be contracted out in accordance with these regulations:

A. *Personal Services* means work rendered by individuals which requires use of creative or artistic skills, such as but not limited to graphic artists, sculptors, musicians, photographers, and writers, or which requires use of highly technical or unique individual skills or talents, such as, but not limited to, paramedics, therapists, handwriting analysts, foreign representatives, and expert witnesses for adjudications or other court proceedings. A *foreign representative* shall mean a person to represent the Department of Economic Development in such foreign country.

B. *Professional Service* means 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, accountants, and claims adjusters. A profession is a vocation founded upon prolonged and specialized intellectual training which enables a particular services to be rendered. The word "professional" implies professed attainments in special knowledge as distinguished from mere skill. For contracts with a total amount of compensation of \$50,000 or more, the definition of "professional service" shall be limited to lawyers, doctors, dentists, veterinarians, architects, engineers, landscape architects, accountants, claims adjusters, and any other profession that may be added by regulations adopted by the Office of Contractual Review of the Division of Administration.

C. *Consulting service* means work, other than professional, personal, or social service, rendered by either individuals or firms who possess specialized knowledge, experience, and expertise to investigate assigned problems or projects and to provide counsel, review, design, development, analysis, or advice in formulating or implementing programs or services, or improvements in 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.

The term "consulting service" includes the procurement of supplies and services by a contractor without the necessity of complying with provisions of the Louisiana Procurement Code when such supplies and services are merely ancillary to the provision of consulting services under a contingency fee arrangement, even though the procurement of such supplies or services directly by a governmental body would require compliance with the Louisiana Procurement Code. Supplies or services ancillary to the provision of consulting services are those supplies or services which assist the contractor in fulfilling the objective of his contract where the cost for such supplies and services is less than the cost of providing consulting services, as determined by the using agency. No contract for consulting service as defined in this Subparagraph shall be entered into unless it has been approved in advance by the Joint Legislative Committee on the Budget.

D. *Social service* means work rendered by a person, firm, corporation, organization, governmental body, or governmental entity in furtherance of the general welfare of the citizens of Louisiana, including but not limited to the following objectives:

1. Rehabilitation and Health Support

Services rendered by a contractor with special knowledge or service available to assist individuals to attain or maintain a favorable condition of physical and/or mental health. These services include but are not limited to health-related counseling; alcohol or drug abuse training and treatment; training to support emergency medical services; services to support family planning; counseling, delinquency prevention; genetic disease evaluation and counseling, community-based medical support services; evaluation and training for physically/mentally handicapped; and other services in support of same.

2. Habilitation and Socialization

Services rendered by a contractor with special knowl-



edge to assist specified client groups to enhance their self-sufficiency or alleviate their dependency and/or isolation from the community. Services include but are not limited to day care; work and training; early intervention for the mentally retarded, developmentally delayed, or physically handicapped; transportation for service access; homemaker, home management, and housing improvement services; in-home and out-of-home respite care; socialization services for low income and other special needs groups; nursing home ombudsman; nutritional, employment, case management, senior center activities, or other services to aid independent living by the elderly, and training and community planning services for same.

### 3. Protection for Adults and Children

Services rendered by a contractor to provide therapeutic intervention for adults or children who are in danger of or threatened with danger of physical or mental injury, neglect, maltreatment, extortion, or exploitation, including victims of family violence. These services include but are not limited to community planning for neglect/abuse; adoption; substitute care; education and training; crisis intervention type services; emergency shelter for victims of rape/family violence or services in support of same; and training and valuation services for same.

### 4. Improvement of Living Conditions and Health

Services rendered by an authorized contractor with special knowledge or services available to assist individuals to attain or maintain favorable conditions in which to live. These services include but are not limited to:

- a. distribution of foodstuffs either purchased or that are made available from government-owned commodities;
- b. determining the needs of the poor, and development of programs to distribute the available resources;
- c. determining the needs of the poor and identifying programs to alleviate these poverty conditions;
- d. providing services to respond to the educational/employment needs of eligible individuals in the communities needing these services. The primary purpose of this service is to provide the participating individuals with the skills necessary for them to advance socially, academically, and occupationally; and
- e. providing training for and evaluation of any of the above services.

### 5. Evaluation, Testing, and Remedial Educational Services for Exceptional Handicapped or Learning Disabled Nonpublic School Students.

Services rendered by a contractor with special knowledge or services available to provide special educational and related services for exceptional or handicapped students voluntarily enrolled in approved nonpublic schools of Louisiana who are not otherwise provided with such services through either their local school program or through other services afforded to them by local school boards or other public agencies. These services may include but are not limited to identification, assessment, appraisal, and evaluation of exceptional or handicapped children; development of individualized education programs; and the providing of instructional and supportive services to such eligible students in accordance with the provisions of R.S. 17:1941, et seq. (Act 754 of 1977) and P.L. 94-142 and their regulations.

**E. Performance-based energy efficiency contract** means a contract for energy efficiency services and equipment in which the payment obligation for each year of the

contract is either: (1) set as a percentage of the annual energy cost savings attributable to the services or equipment under the contract, or (2) guaranteed by the person under contract to be less than the annual energy cost savings attributable to the services or equipment under the contract.

Any state agency, board, or commission may enter into a performance-based energy efficiency contract for services and equipment. Any such agency, board, or commission shall contact the Division of Administration for assistance in preparation of the requests for proposals, analysis of the proposals, and development of the contract. The contract shall be considered a consulting services contract.

Performance-based energy efficiency contracts shall be awarded through a request for proposal process. Any performance-based energy efficiency contract entered into shall be for a period not to exceed 10 years and shall contain a guarantee of energy savings.

F. Interagency contracts between governmental entities as defined in R.S. 39:1484(23) for any of the services enumerated in A, B, C, D, or E above shall be governed by these regulations, except that contracts between boards of higher education and their respective institutions shall be exempt.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 39:1490(B).

**HISTORICAL NOTE:** Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 10:455 (June 1984), amended LR 17: (March 1991).

### §106. Contracts for \$10,000 or Less

A. The director of the Office of Contractual Review may, in accordance with R.S. 39:1488, 1490B(3), and 1508, delegate to other state-using agencies certain responsibilities in the review and approval process of professional, personal, consulting and social service contracts, to specifically include contracts for professional, personal, consulting and social services for \$10,000 and under. Such delegations of authority may be made upon written request by the head of the using agency and shall be provided for in a written Memorandum of Agreement between the Office of Contractual Review and each using agency receiving such a delegation. All provisions of law and of these regulations not delegated remain applicable. Upon execution of the Memorandum of Agreement as herein provided, such delegation of authority shall remain in full force and effect, until it may be cancelled in writing, by the director of the Office of Contractual Review.

B. A contract meeting the definition of "small purchase" under R.S. 39:1508 may be approved by the agency director without the necessity of forwarding a copy to the Office of Contractual Review. The agency shall maintain a file for all small purchase contracts. This file shall be available for inspection by the director of the Office of Contractual Review or his designee upon request.

C. The using agency shall submit a quarterly report to the Office of Contractual Review. This report shall contain a listing of all small purchase contracts to include: the name of contractor, amount of contract, specific nature of services rendered, date of contract, and total dollar amount of all small purchase contracts entered into by the using agency for that quarter. If no such contracts have been entered into during this period, a report shall still be submitted notifying the Office of Contractual Review of same. See Appendix E for format of report.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 10:455 (June 1984), amended LR 17: (March 1991).

#### §124. Exempt Occupations

The following list of occupations shall be construed as falling within the definition of medical, nursing or allied health fields given in R.S. 39:1498.2. Personnel employed in these fields would therefore be exempt from the prohibition contained in R.S. 39:1498(4) which disallows personal, professional, consulting or social service contracts between the state of Louisiana and state employees:

Audiologist  
Dental Assistant  
Dentist  
Electroencephalograph Technician  
Emergency Medical Technician  
Hospital Chaplain  
Inhalation Therapist  
Medical Laboratory Technologist  
Accredited Medical Records Technician/Administrator  
Nurse Anesthetist  
Occupational Therapist  
Optometrist  
Osteopath  
Pharmacist  
Psychologist  
Physical Therapist  
Physician  
Podiatrist  
Practical Nurse  
Professional Dietitian  
Psychiatrist  
Radiologic Technologist  
Radioisotope Technologist  
Registered Nurse  
Rehabilitation Counselor  
Respiratory Therapy Technician  
Respiratory Therapy Technologist  
Social Worker  
Speech Pathologist  
Ultrasonography Technologist

Other specialists as may be included later by the director of the Office of Contractual Review.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 10:455 (June 1984), amended LR 17: (March 1991).

#### §133. Multi-Year Contracts

All contracts in excess of one year shall be submitted to the Office of Contractual Review with written reasons why a multi-year contract is needed. Justification of multi-year contracts shall be submitted in accordance with R.S. 39:1514 in compliance with the delegation of authority from the commissioner of administration.

Any contracts which cross fiscal years should contain a funding-out clause in accordance with R.S. 39:1514.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 10:455 (June 1984), amended LR 17: (March 1991).

#### Appendix E. Quarterly Report on Small Purchase Contracts

Mrs. Bonita B. Brown, Director  
Office of Contractual Review  
Division of Administration  
Box 94095  
Baton Rouge, LA 70804-9095  
Ms. Brown:

During the quarter ending \_\_\_\_\_ the following contracts for \$10,000 or less were approved by the Department of \_\_\_\_\_.

Contract Date Contractor Purpose or Service Rendered Contract Amount

Total

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 10:455 (June 1984), amended LR 17: (March 1991).

Bonita B. Brown  
Director

#### RULE

#### Office of the Governor Louisiana Property Assistance Agency

Notice is hereby given that the Office of the Governor, Division of Administration, Louisiana Property Assistance Agency, under authority of LRS 39:321 amends the existing State Property Control Regulations LAC 34:VII, with the following addition:

#### Title 34

#### GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY CONTROL Part VII. Property Control

#### Chapter 9. Noncompliance

#### §901. Penalties

A. The commissioner shall have power and authority to make necessary and reasonable regulations and orders to carry out the provisions of these regulations when it serves the best interest of the state. The commissioner shall have the authority to invoke any and all of the following actions when agencies are found to be in noncompliance with these regulations.

1. Call in the good faith performance bonds of the respective property managers.

2. Take action to restrict or require acquisition of movable property only on approval of the commissioner until compliance with the movable property is completed.

3. Revoke or restrict purchasing authority for movable property.

4. Contract, at the expense of the agency in noncompliance, the resources necessary to resolve the compliance problem.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:321 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Property Control, LR 2:241 (August 1976), amended LR 8:144 (March 1982), amended by the Office of the Governor, Division of Administration, Property Assistance Agency, LR 12:103 (February 1986), LR 12:677 (October 1986), LR 15:830 (October 1989), LR 17: (March 1991).

Louis W. Amedee  
Director

## RULE

### Office of the Governor Division of Administration Office of Telecommunications Management

The Division of Administration, Office of Telecommunications Management, hereby gives notice in accordance with R.S. et seq., and R.S. 39:140-143 that it intends to repeal and repromulgate LAC 4:IX relative to telecommunications.

#### Chapter 1. General Provisions

##### §101. Title

These rules shall be known as the administrative rules and regulations of the Office of Telecommunications Management.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:140, R.S. 39:141, R.S. 39:143, R.S. 39:1751, R.S. 39:1752, R.S. 39:1753, R.S. 39:1754 and R.S. 39:1755.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Telecommunications Management, LR 6:722 (December 1980), repromulgated LR 10:80 (February 1984), repromulgated LR 17: (March 1991).

##### §103. Authority

These rules are adopted pursuant to R.S. 39:140-143 and R.S. 39:1751-1755.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:140, R.S. 39:141, R.S. 39:143, R.S. 39:1751, R.S. 39:1752, R.S. 39:1753, R.S. 39:1754 and R.S. 39:1755.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Telecommunications Management, LR 6:722 (December 1980), repromulgated LR 10:80 (February 1984), repromulgated LR 17: (March 1991).

##### §105. Purpose

The purpose is to establish overall policy and define areas of responsibility for the provision and management of coordinated telecommunications services to support the programs of the executive branch of state government.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:140, R.S. 39:141, R.S. 39:143, R.S. 39:1751, R.S. 39:1752, R.S. 39:1753, R.S. 39:1754 and R.S. 39:1755.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Telecommunications Management, LR 6:722 (December 1980), repromulgated LR 10:80 (February 1984), repromulgated LR 17: (March 1991).

##### §107. Scope

These rules apply to the executive branch of state government as defined in R.S. 36:3(1) and any and all entities, state or non-state, approved to utilize state telecommunications systems. All group(s) may be referred to collectively hereafter as agency or agencies.

AUTHORITY NOTE: Promulgated in accordance with

R.S. 39:140, R.S. 39:141, R.S. 39:143, R.S. 39:1751, R.S. 39:1752, R.S. 39:1753, R.S. 39:1754 and R.S. 39:1755.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Telecommunications Management, LR 6:722 (December 1980), repromulgated LR 10:80 (February 1984), repromulgated LR 17: (March 1991).

#### Chapter 3. State Agencies' Responsibilities

##### §301. General

All of the executive branch and all entities approved to utilize state telecommunications resources must comply with the requirements and standards stated in these rules and regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:140, R.S. 39:141, R.S. 39:143, R.S. 39:1751, R.S. 39:1752, R.S. 39:1753, R.S. 39:1754 and R.S. 39:1755.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Telecommunications Management, LR 6:722 (December 1980), repromulgated LR 10:80 (February 1984), repromulgated LR 17: (March 1991).

##### §303. Telecommunications Coordinator

A. All state agencies and approved entities shall appoint one or more representatives to be designated as the agency telecommunications coordinator(s). The telecommunications coordinators shall be recognized by the Office of Telecommunications Management as the agency's authorized representative for approving and coordinating telecommunications activity. Communications concerning policy and operating procedures will be directed to agencies through their respective telecommunications coordinator(s).

B. Training designed to instruct the telecommunications coordinator on the procedural aspects of interfacing with the Office of Telecommunications Management and the design and operation of various telecommunications systems will be furnished by the Office of Telecommunications Management upon request by agencies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:140, R.S. 39:141, R.S. 39:143, R.S. 39:1751, R.S. 39:1752, R.S. 39:1753, R.S. 39:1754 and R.S. 39:1755.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Telecommunications Management, LR 6:722 (December 1980), repromulgated LR 10:80 (February 1984), repromulgated LR 17: (March 1991).

##### §305. Telecommunications Problem Reporting

It is the agency's responsibility to report all repair problems to the Office of Telecommunications Management.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:140, R.S. 39:141, R.S. 39:143, R.S. 39:1751, R.S. 39:1752, R.S. 39:1753, R.S. 39:1754 and R.S. 39:1755.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Telecommunications Management, LR 6:722 (December 1980), repromulgated LR 10:80 (February 1984), repromulgated LR 17: (March 1991).

#### Chapter 5. Approval of Non-State Entity Use of State Telecommunications Services

##### §501. General

Non-state entities may be allowed to use state telecommunications services under particular circumstances.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:140, R.S. 39:141, R.S. 39:143, R.S. 39:1751, R.S. 39:1752, R.S. 39:1753, R.S. 39:1754 and R.S. 39:1755.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Telecommunications Management, LR 6:722 (December 1980), repromulgated LR 10:80 (February 1984), repromulgated LR 17: (March 1991).

### §503. Approval Criteria

A. When one of the following criteria is met and upon approval of the Office of Telecommunications Management, non-state entities may use state telecommunications services.

B. The non-state entities shall be either A) political subdivisions created by statute and whose operating expenses are financed in part or in whole from state appropriations; B) state credit unions; C) Blind Services approved operators in state buildings; or, D) the working press with offices in the State Capitol.

C. A non-state entity may be required to supply documentation or evidence of its creation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:140, R.S. 39:141, R.S. 39:143, R.S. 39:1751, R.S. 39:1752, R.S. 39:1753, R.S. 39:1754 and R.S. 39:1755.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Telecommunications Management, LR 6:722 (December 1980), repromulgated LR 10:80 (February 1984), repromulgated LR 17: (March 1991).

### §505. Charges

The non-state entities being allowed to use the state provided services will be charged the same rates as state agencies and must pay for the service within 30 days of receipt of the Office of Telecommunications Management invoice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:140, R.S. 39:141, R.S. 39:143, R.S. 39:1751, R.S. 39:1752, R.S. 39:1753, R.S. 39:1754 and R.S. 39:1755.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Telecommunications Management, LR 6:722 (December 1980), repromulgated LR 10:80 (February 1984), repromulgated LR 17: (March 1991).

### §507. Availability and Usage Constraints

The use of state services by the non-state entities shall not preclude any state agency from use of those services. The non-state entity's use of these services should not result in any additional unreimbursed cost to the state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:140, R.S. 39:141, R.S. 39:143, R.S. 39:1751, R.S. 39:1752, R.S. 39:1753, R.S. 39:1754 and R.S. 39:1755.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Telecommunications Management, LR 6:722 (December 1980), repromulgated LR 10:80 (February 1984), repromulgated LR 17: (March 1991).

## Chapter 7. Telecommunications Service Standards

### §701. General

The state of Louisiana will utilize a statewide, consolidated concept of providing telecommunications services which are most cost effective and best meet the overall needs of the state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:140, R.S. 39:141, R.S. 39:143, R.S. 39:1751, R.S. 39:1752, R.S. 39:1753, R.S. 39:1754 and R.S. 39:1755.

HISTORICAL NOTE: Promulgated by the Office of the

Governor, Division of Administration, Office of Telecommunications Management, LR 6:722 (December 1980), repromulgated LR 10:80 (February 1984), repromulgated LR 17: (March 1991).

### §703. Local Service Standards

The Office of Telecommunications Management will determine the telecommunications system to be used within a given metropolitan area. The selection of the service will be based on the best overall service alternative for that area. Agencies will be provided service through this metropolitan service vehicle.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:140, R.S. 39:141, R.S. 39:143, R.S. 39:1751, R.S. 39:1752, R.S. 39:1753, R.S. 39:1754 and R.S. 39:1755.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Telecommunications Management, LR 6:722 (December 1980), repromulgated LR 10:80 (February 1984), repromulgated LR 17: (March 1991).

### §705. Long Distance Network Service Standards

The Office of Telecommunications Management will determine the means for providing long distance telephone service for each individual metropolitan area. State agencies will be provided service through this metropolitan service vehicle.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:140, R.S. 39:141, R.S. 39:143, R.S. 39:1751, R.S. 39:1752, R.S. 39:1753, R.S. 39:1754 and R.S. 39:1755.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Telecommunications Management, LR 6:722 (December 1980), repromulgated LR 10:80 (February 1984), repromulgated LR 17: (March 1991).

## Chapter 9. Telecommunications Use

### §901. General

All agencies approved to utilize state telecommunications services are responsible for devising, implementing, and enforcing controls related to telephone usage and informing employees of such policies to preclude unnecessary and unauthorized charges.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:140, R.S. 39:141, R.S. 39:143, R.S. 39:1751, R.S. 39:1752, R.S. 39:1753, R.S. 39:1754 and R.S. 39:1755.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Telecommunications Management, LR 6:722 (December 1980), repromulgated LR 10:80 (February 1984), repromulgated LR 17: (March 1991).

### §903. Authorized Use

State telecommunications equipment and services are provided for the conduct of state business.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:140, R.S. 39:141, R.S. 39:143, R.S. 39:1751, R.S. 39:1752, R.S. 39:1753, R.S. 39:1754 and R.S. 39:1755.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Telecommunications Management, LR 6:722 (December 1980), repromulgated LR 10:80 (February 1984), repromulgated LR 17: (March 1991).

### §905. Receiving Collect Telephone Calls

Collect calls shall not be accepted on state telephones.

AUTHORITY NOTE: Promulgated in accordance with

R.S. 39:140, R.S. 39:141, R.S. 39:143, R.S. 39:1751, R.S. 39:1752, R.S. 39:1753, R.S. 39:1754 and R.S. 39:1755.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Telecommunications Management, LR 6:722 (December 1980), repromulgated LR 10:80 (February 1984), repromulgated LR 17: (March 1991).

#### **§907. Calls Billed as a Third Number Call to State Telephone Numbers**

Third number calls billed to state telephones are prohibited.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:140, R.S. 39:141, R.S. 39:143, R.S. 39:1751, R.S. 39:1752, R.S. 39:1753, R.S. 39:1754 and R.S. 39:1755.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Telecommunications Management, LR 6:722 (December 1980), repromulgated LR 10:80 (February 1984), repromulgated LR 17: (March 1991).

#### **§909. Call Detail Reporting and Management**

Call detail reporting shall be provided to agency management to assist in monitoring and controlling the usage of long distance service. Call detail reporting will be exempt upon request for elected officials, for law enforcement units where security is required, and in some instances as determined by the Office of Telecommunications Management where there are equipment limitations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:140, R.S. 39:141, R.S. 39:143, R.S. 39:1751, R.S. 39:1752, R.S. 39:1753, R.S. 39:1754 and R.S. 39:1755.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Telecommunications Management, LR 6:722 (December 1980), repromulgated LR 10:80 (February 1984), repromulgated LR 17: (March 1991).

#### **§911. Agency Usage Policy**

Agency policy concerning telephone usage must be consistent with this Chapter and should be appropriate for the particular needs of each agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:140, R.S. 39:141, R.S. 39:143, R.S. 39:1751, R.S. 39:1752, R.S. 39:1753, R.S. 39:1754 and R.S. 39:1755.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Telecommunications Management, LR 6:722 (December 1980), repromulgated LR 10:80 (February 1984), repromulgated LR 17: (March 1991).

### **Chapter 11. Telecommunications Service Request**

#### **§1101. General**

All request for modifications to existing telecommunications equipment, systems, or related services for agencies must be submitted in writing to the Office of Telecommunications Management.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:140, R.S. 39:141, R.S. 39:143, R.S. 39:1751, R.S. 39:1752, R.S. 39:1753, R.S. 39:1754 and R.S. 39:1755.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Telecommunications Management, LR 6:722 (December 1980), repromulgated LR 10:80 (February 1984), repromulgated LR 17: (March 1991).

#### **§1103. Submission**

Service requests must be submitted on forms devel-

oped by the Office of Telecommunications Management and must contain the approval of the agency telecommunications coordinator.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:140, R.S. 39:141, R.S. 39:143, R.S. 39:1751, R.S. 39:1752, R.S. 39:1753, R.S. 39:1754 and R.S. 39:1755.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Telecommunications Management, LR 6:722 (December 1980), repromulgated LR 10:80 (February 1984), repromulgated LR 17: (March 1991).

### **Chapter 13. Telecommunications Charges**

#### **§1301. General**

The Office of Telecommunications Management is responsible for coordinating the payment of all telecommunications costs incurred by agencies and provides for equitable billing to agencies for telecommunications services utilized.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:140, R.S. 39:141, R.S. 39:143, R.S. 39:1751, R.S. 39:1752, R.S. 39:1753, R.S. 39:1754 and R.S. 39:1755.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Telecommunications Management, LR 6:722 (December 1980), repromulgated LR 10:80 (February 1984), repromulgated LR 17: (March 1991).

#### **§1303. Charges for Services**

The Office of Telecommunications Management charges respective user agencies for the cost of consulting, installation, maintenance, and operation of telecommunications systems and services. The specific charges for each line of service provided will be published in the Office of Telecommunications Management's *Catalog of Services*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:140, R.S. 39:141, R.S. 39:143, R.S. 39:1751, R.S. 39:1752, R.S. 39:1753, R.S. 39:1754 and R.S. 39:1755.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Telecommunications Management, LR 6:722 (December 1980), repromulgated LR 10:80 (February 1984), repromulgated LR 17: (March 1991).

### **Chapter 15. Directory Requirements**

#### **§1501. Responsibilities**

The Office of Telecommunications Management will be responsible for the coordination and publication of all directory information for state telephone users. Respective agency telecommunications coordinators will be responsible for initiating directory listing changes and for verifying accuracy prior to publication.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:140, R.S. 39:141, R.S. 39:143, R.S. 39:1751, R.S. 39:1752, R.S. 39:1753, R.S. 39:1754 and R.S. 39:1755.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Telecommunications Management, LR 6:722 (December 1980), repromulgated LR 10:80 (February 1984), repromulgated LR 17: (March 1991).

### **Chapter 17. Types of Contracts Used**

#### **§1701. General**

The Office of Telecommunications Management will select and use the appropriate type of contract for telecommunications equipment or services according to a particular need and generally resulting from an invitation to bid (ITB) or request for proposal (RFP).

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:140, R.S. 39:141, R.S. 39:143, R.S. 39:1751, R.S. 39:1752, R.S. 39:1753, R.S. 39:1754 and R.S. 39:1755.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Telecommunications Management, LR 6:722 (December 1980), repromulgated LR 10:80 (February 1984), repromulgated LR 17: (March 1991).

#### §1703. Selection of Contract Type

Contract types used by the Office of Telecommunications Management will be in compliance with LAC 34:IX.1701-1731.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:140, R.S. 39:141, R.S. 39:143, R.S. 39:1751, R.S. 39:1752, R.S. 39:1753, R.S. 39:1754 and R.S. 39:1755.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Telecommunications Management, LR 6:722 (December 1980), repromulgated LR 10:80 (February 1984), repromulgated LR 17: (March 1991).

#### §1705. Tariffs

When determined by the Office of Telecommunications Management to be in the best interest of the state and when available, general subscriber tariffs and related special billing assemblies will be used.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:140, R.S. 39:141, R.S. 39:143, R.S. 39:1751, R.S. 39:1752, R.S. 39:1753, R.S. 39:1754 and R.S. 39:1755.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Telecommunications Management, LR 6:722 (December 1980), repromulgated LR 10:80 (February 1984), repromulgated LR 17: (March 1991).

### Chapter 19. Vendor Responsibilities

#### §1901. General

All vendor contact for sales and service of telecommunications equipment, systems, and services shall be with the Office of Telecommunications Management.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:140, R.S. 39:141, R.S. 39:143, R.S. 39:1751, R.S. 39:1752, R.S. 39:1753, R.S. 39:1754 and R.S. 39:1755.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Telecommunications Management, LR 6:722 (December 1980), repromulgated LR 10:80 (February 1984), repromulgated LR 17: (March 1991).

#### §1903. Bid Notification

It is each vendor's responsibility to notify the State Purchasing Office of its desire to receive notification of state telecommunications bids.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:140, R.S. 39:141, R.S. 39:143, R.S. 39:1751, R.S. 39:1752, R.S. 39:1753, R.S. 39:1754 and R.S. 39:1755.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Telecommunications Management, LR 6:722 (December 1980), repromulgated LR 10:80 (February 1984), repromulgated LR 17: (March 1991).

#### §1905. Acceptance of Purchase Orders

Purchase orders and purchase release orders for state-ordered telecommunications equipment and services must be approved in writing by the Office of Telecommunications Management or may be invalid.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:140, R.S. 39:141, R.S. 39:143, R.S. 39:1751, R.S. 39:1752, R.S. 39:1753, R.S. 39:1754 and R.S. 39:1755.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Telecommunications Management, LR 6:722 (December 1980), repromulgated LR 10:80 (February 1984), repromulgated LR 17: (March 1991).

#### §1907. Telecommunications Contracts

Vendors shall not enter into any contract with any state agency for telecommunications equipment or services without prior written approval from the Office of Telecommunications Management.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:140, R.S. 39:141, R.S. 39:143, R.S. 39:1751, R.S. 39:1752, R.S. 39:1753, R.S. 39:1754 and R.S. 39:1755.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Telecommunications Management, LR 6:722 (December 1980), repromulgated LR 10:80 (February 1984), repromulgated LR 17: (March 1991).

### Chapter 21. Waiver of Regulations

#### §2101. Commissioner's Authority to Waive Regulations

The commissioner of administration may waive in writing, upon the recommendation of the Office of Telecommunications Management, any provision in these rules when the best interest of the state will be served.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:140, R.S. 39:141, R.S. 39:143, R.S. 39:1751, R.S. 39:1752, R.S. 39:1753, R.S. 39:1754 and R.S. 39:1755.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Telecommunications Management, LR 6:722 (December 1980), repromulgated LR 10:80 (February 1984), repromulgated LR 17: (March 1991).

### Chapter 23. Waiver of Regulations

#### §2301. Commissioner's Authority to Waive Regulations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:140, R.S. 39:141, R.S. 39:143, R.S. 39:1751, R.S. 39:1752, R.S. 39:1753, R.S. 39:1754 and R.S. 39:1755.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Telecommunications Management, LR 6:722 (December 1980), repromulgated LR 10:80 (February 1984), repromulgated LR 17: (March 1991).

Joseph A. Lanier  
Director

### RULE

#### Department of Health and Hospitals Board of Embalmers and Funeral Directors

Under the authority of R.S. 37:840 and in accordance with the provisions of R.S. 49:951 et seq., the Board of Embalmers and Funeral Directors is amending LAC 46:XXX VII.513 in accordance with a notice of intent published in the *Louisiana Register* Vol. 16, No. 10 dated October 20, 1990.

**Title 46**  
**PROFESSIONAL AND OCCUPATIONAL STANDARDS**  
**Part XXXVII. Embalmers and Funeral Directors**

**Chapter 5. Examination**  
**§513. Passing Examination**

When the applicant has complied with all requirements, and shall receive a passing mark of not less than 75 percent on the examinations for embalming and/or funeral directing, he shall be entitled to receive a license to practice the science of embalming and/or to engage in the business of funeral directing, provided the requirements of internship have been met.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, amended and promulgated LR 5:277 (September 1979), LR 17: (March 1991).

Lloyd E. Eagan  
Secretary

**RULE**

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

In accordance with provisions of the Administrative Procedure Act, the Department of Health and Hospitals, Office of Public Health, Safe Drinking Water Program adopted the Surface Water Treatment Rule effective March 20, 1991. The rule allows the state of Louisiana to be in compliance with the United States Environmental Protection Agency Regulations promulgated pursuant to the Federal Safe Drinking Water Act P.L. 93-523 and 99-339.

Copies of the rule are available through Office of Public Health, Regional Offices located in Thibodaux, New Orleans, Baton Rouge, Lafayette, Lake Charles, Alexandria, Shreveport, Monroe and the Office of the State Register in Baton Rouge.

David L. Ramsey  
Secretary

**RULE**

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

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, is adopting the following rule in the Title XIX (Medicaid) Program. The emergency rulemaking provisions of the Administrative Procedure Act, R.S. 49:953B, were exercised effective October 1, 1990 and published in the *Louisiana Register*, Vol. 16, No. 10, page 841 on October 20, 1990 relative to this provision, and the emergency rule was readopted and published in the *Louisiana Register*, Vol. 17, No. 2, page 160 on February 20,

1991. The rule was published as a notice of intent on December 20, 1990 (Volume 16, No. 12, page 1097).

**RULE**

A parent, legal guardian, or family member who is ineligible for inclusion in his/her family's categorical certification may be considered for an AFDC-related Medically Needy certification, with the categorically eligible recipients included in the budgetary unit. Any medical liabilities for the categorically related recipients not covered by a third party, to include Medicaid, shall be used to offset any excess income.

David L. Ramsey  
Secretary

**RULE**

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

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, is adopting the following rule in the Title XIX (Medicaid) Program. The rule was published as a notice of intent on December 20, 1990 (Volume 16, No. 12, page 1098).

**RULE**

Failure to cooperate in the Louisiana Dispensing Fee Survey by a provider shall result in removal from participation as a provider of pharmacy services under Title XIX. Any provider removed from participation shall not be allowed to re-enroll until a dispensing fee survey document is properly completed and submitted to the bureau.

David L. Ramsey  
Secretary

**RULE**

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

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, is adopting the following rule in the Title XIX (Medicaid) Program. The rule was published as a notice of intent on December 20, 1990 (Volume 16, No. 12, page 1098).

**RULE**

Practitioners who participate as providers of medical services shall bill Medicaid for all covered services performed on behalf of an eligible individual who has been accepted by the provider as a Medicaid patient.

David L. Ramsey  
Secretary

**RULE**

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

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, is adopting the following rule in the Title XIX (Medicaid) Program. The emergency rulemaking provisions of the Administrative Procedure Act, R.S. 49:953B, were exercised effective July 24, 1990 and published in the *Louisiana Register*, Vol. 16, No. 8, page 674 on August 20, 1990 relative to this provision, and the emergency rule was readopted and published in the *Louisiana Register*, Vol 16, No. 12, page 1041 on December 20, 1990. The rule was published as a notice of intent on December 20, 1990 (Volume 16, No. 12, page 1099).

**RULE**

The policy for termination of disability in children during the period pending promulgation of final Federal regulations shall be the Social Security Administration interim standard.

Provisions concerning eligibility determination will be applied as follows:

For new applicants with no pending SSI application or controlling determination, the interim standard shall apply. Current policies concerning timely determination of eligibility and retroactive eligibility for Medicaid policies shall apply. Until further notice, listing of impairments and method for evaluating disabled children previously applicable do not apply.

For SSI applicants with pending claims at any level of review, Medicaid determinations shall be deferred until SSA has made a determination. Current policy regarding the retroactive eligibility period for Medicaid applies.

Applicants who ask that the state reconsider a Medicaid denial because of the Supreme Court's decision, but have not requested any action concerning a prior SSI denial of childhood disability shall be referred to SSA for a determination of SSI disability criteria.

David L. Ramsey  
Secretary

**RULE**

**Department of Natural Resources  
Office of the Secretary**

The secretary of the Department of Natural Resources, in accordance with the Administrative Procedure Act, R.S. 49:950-968, has adopted rules pursuant to the Fishermen's Gear Compensation Fund, R.S. 56:700.1 (LAC 43:1. Chapter 15)

**Title 43**

**NATURAL RESOURCES**

**Part I. Office of the Secretary**

**Chapter 15. Fishermen's Gear Compensation Fund**

**§1517. Rules for labeling equipment, tools, materials, and containers used by the oil and gas industry within Louisiana coastal waters.**

A. For the purposes of this regulation, the term "wa-

ters of the Coastal Zone" means those rivers, streams, lakes, and all other water courses within the boundaries of the Louisiana Coastal Zone, R.S. 49:214.24.

B. Materials, equipment, tools, containers, and other items used in the waters of the coastal zone which are of such shape and configuration that they are likely to snag or damage fishing devices shall be handled and marked as follows:

1. All loose material, small tools and other objects shall be kept in marked containers when not in use or before transport in waters of the coastal zone.

2. All cable, chain, tires or wire segments shall be recovered after use and securely stored.

3. Skid-mounted equipment, portable containers, spools or reels, materials on the reels, and drums shall be labeled with the owner's name prior to use or transport in waters of the coastal zone.

4. All labels shall clearly identify the owner and shall be durable enough to resist the effects of environmental conditions to which they are exposed.

C. Each incident of items lost overboard shall be reported initially by telephone to the Department of Natural Resources (504) 342-0122 during regular business hours, and also on a standard form to be provided by the Department of Natural Resources.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:700.5.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 17: (March 1991).

Ron Gomez  
Secretary

**RULE**

**Department of Public Safety and Corrections  
Office of State Fire Marshal**

**Title 55**

**PUBLIC SAFETY**

**Part V. Fire Protection**

**Chapter 3. Buildings**

**§309. Requirements for Connection of Electrical Power**

A. The installation and/or use of temporary or permanent electrical power shall be prohibited until the plans and specifications for every structure built in the state of Louisiana are submitted and reviewed by the Office of State Fire Marshal pursuant to R.S. 40:1574 and LAC 55:V.303.

B. Utility companies shall accept as proof of submission and review either the original plans stamped by the Office of State Fire Marshal or a copy of the plan review letter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 17: (March 1991).

V.J. Bella  
State Fire Marshal



**RULE**

**Department of Public Safety and Corrections  
Office of State Fire Marshal**

**Title 55  
PUBLIC SAFETY  
Part V. Fire Protection**

**Chapter 30. Fire Extinguishers, Fire Detections and Alarm Systems**

**§§3001-3059.**

In accordance with the provisions of R.S. 49:950 et seq., of the Louisiana Administrative Procedure Act, under the authority of R.S. 40:1651 et seq. (Act 268 of the 1990 Louisiana Regular Legislative Session), the Department of Public Safety and Corrections, through the Office of State Fire Marshal hereby adopts LAC 55:V:3001 et seq. for the establishment of minimum equipment and competency requirements for businesses which engage in installation and servicing portable fire extinguishers or planning certifying, installing, or servicing fixed fire extinguisher systems or fire detection and alarm systems. The rules further provide for certification, licensing, permitting, and testing requirements and related fees.

The rules may be viewed at the Office of State Fire Marshal, 5150 Florida Boulevard, Baton Rouge, LA and at the Office of the State Register, 900 Riverside N., Baton Rouge, LA 70804.

V.J. Bella  
State Fire Marshal

**RULE**

**Department of Social Services  
Rehabilitation Services**

The Department of Social Services, Rehabilitation Services adopted the following rule for Independent Living Rehabilitation Services.

Regulations required by 34 CFR part 365.2, and EDGAR 76.104 and .106(a) for the Fiscal Year 1990-93 Three-Year Plan.

**RULE**

Effective October 1, 1990, the Three-Year Plan for Independent Living Rehabilitation Services will follow the federal guidelines as required. Input was received by the Independent Living Advisory Committee and Independent Living Advisory Council.

May Nelson  
Secretary

**RULE**

**Department of Transportation and Development  
Board of Registration for Professional Engineers and Land Surveyors**

In accordance with the notice of intent published in

the *Louisiana Register* Volume 16, Number 12, page 1104 on December 20, 1990, the Board of Registration for Professional Engineers and Land Surveyors hereby adopts the following addition to LAC 46:LXI.902.

**Title 46  
PROFESSIONAL AND OCCUPATIONAL STANDARDS  
Part LXI. Professional Engineers and Land Surveyors**

**Chapter 9. Branches of Engineering  
§902. Branches Added**

\* \* \*

A. Nuclear - 1991

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:693.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 17: (March 1991).

Paul L. Landry, P.E.  
Executive Secretary

**RULE**

**Department of Transportation and Development  
Board of Registration for Professional Engineers and Land Surveyors**

In accordance with the notice of intent published in the *Louisiana Register* Volume 16, Number 12, page 1104 on December 20, 1990, the Board of Registration for Professional Engineers and Land Surveyors hereby adopts the following revisions to LAC 46:LXI.Chapter 17 and 21.

**Title 46  
PROFESSIONAL AND OCCUPATIONAL STANDARDS  
Part LXI. Professional Engineers and Land Surveyors**

**Chapter 17. Rules Governing the Use of Seals  
§1701. Seal Rules**

\* \* \*

C. 2. Specifications, reports, design calculations and information - In the case of specifications of multiple pages, the first or title page of each document shall be sealed and signed by the registrant or registrants involved. Subsequent revisions shall be dated and initialed by the registrant in responsible charge whose seal and signature appears on the first or title page. In the case of a firm, partnership or corporation, the registrant in responsible charge shall sign and seal the title or the first sheet.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:696.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 8:112 (April 1982), amended LR 12:692 (October 1986), LR 16:772 (September 1990), LR 17: (March 1991).

**Chapter 21. Rules of Professional Conduct  
§2103. Registrants**

\* \* \*

C. 2. Except as permitted by §1701(H), registrants shall not seal the work of or take the professional responsibility for any documents related to engineering or land survey-

ing not performed by the registrant or under registrant's complete direction and control.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:698.

**HISTORICAL NOTE:** Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 7:648 (December 1981), amended LR 11:950 (October 1985), LR 16:772 (September 1990), LR 17: (March 1991).

Paul L. Landry, P.E.  
Executive Secretary

## **RULE**

### **Department of Transportation and Development Flood Control and Water Management Division**

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq., notice is hereby given that the Department of Transportation and Development intends to adopt the below listed interim rules. "Regulations for Submission of Proposal - Port Construction and Development Program," in accordance with the provisions of Act 452 of the 1989 Regular Session.

#### **Title 70**

#### **DEPARTMENT OF**

#### **TRANSPORTATION AND DEVELOPMENT**

#### **Part XV. Division of Flood Control and Water Management**

#### **Chapter 1. Port Construction and Development Priority Program**

#### **§101. Interim Rules and Regulations for Submission of Proposals**

A. The Louisiana Department of Transportation and Development will evaluate requests for port project funding under the Port Construction and Development Priority Program for FY 1991-92. The evaluations shall be comprehensive and the department has developed a special methodology for this purpose. Funding of the construction program is subject to final approval by the state legislature, as stipulated in Act 452 of the 1989 Regular Session of the Legislature.

##### **B. Prerequisites for Submission**

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

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

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

funds, port authority funds, and other funds, if applicable.

3. Each port must submit verifiable evidence that local cost-sharing funds equal to 25 percent of the cost of the project are in hand or are readily available. Funds obtained from federal sources may also be used. No state funds can be used as local cost-sharing funds. Any port authority which expended funds from a non-state funding source on a capital project, new construction or rehabilitation between July 1, 1988 and July 1, 1990 shall establish the total amount of such funds expended on such project or projects by furnishing to the Department of Transportation and Development documentation of the amounts so spent. In connection with any new project forming an integral part of the facility on which said funds were expended and submitted by such port authority in accordance with these guidelines and approved to be funded by the Transportation Trust Fund, amounts established in accordance with the above shall be treated as expenditures in discharge of the port authority's agreement to provide a 25 percent local match, for FY 91-92 only.

4. No funds from the Port Priority Program will be available for land acquisition only. Land acquisition shall be eligible for funding only when it is an integral component of a larger project and critical to the development of the project. An application must be developed which presents costs and benefits for the total project.

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

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

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

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

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

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

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

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

##### **C. General Approach**

1. In order to make a proper allocation of funds among the port project requests, it is necessary to have a clear understanding, for each project, of its expected net benefits to

the state. The term "net benefits" means the difference between total costs and benefits associated with the proposed project (the "with project" condition) vs. those which would occur if the project were not undertaken (the "without project" condition).

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

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

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

#### D. Application Format

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

##### 1. Instructions for Format of Title Page

The title page of the application shall be as follows:

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

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

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

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

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

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

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

##### 2. Project Description

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

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

c. Indicate status (preliminary or final) of construction plans and provide a copy of the plans.

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

e. Layout of existing and proposed facilities.

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

##### 3. Forecast of Demand and Demonstration of Immediate Need

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

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

c. Major origins/destinations of forecasted cargoes.

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

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

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

g. Any additional factors supporting justification of project.

##### 4. Benefits to the State

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

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

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

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

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

f. Port revenue with and without project.

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

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

i. Other benefits resulting from the project.

j. Tabulate the project's costs and benefits.

##### 5. Other information

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

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

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

d. If multi-year program is necessary, summarize your anticipated investment schedule for full completion of the proposed project and prioritize your projects.

##### 6. Attachments

a. Resolution

b. Construction plans

- c. Engineering report
- d. Layout of facility
- e. Other attachments, as needed

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

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

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

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

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

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

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

#### EXHIBIT A

#### PORT CONSTRUCTION AND DEVELOPMENT PRIORITY PROGRAM

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

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

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

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

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

#### EXHIBIT B

#### RESOLUTION

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

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

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

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

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

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

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

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

This \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Presiding Officer

\_\_\_\_\_  
(Port Authority)

#### E. Evaluation and Analysis

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

- a. Technical feasibility
  - b. Financial feasibility
  - c. Economic impacts
  - d. Environmental and other impacts
  - e. Management of port
2. Technical Feasibility

- a. Indicators of technical feasibility are as follows:
  - i. completeness of project design;
  - ii. appropriate consideration of alternatives;
  - iii. compatibility of project to port's master plan;
  - iv. level of detail of preliminary plans must be adequate to allow award of a construction contract within a year but still allow input from the department;

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

3. Financial Feasibility

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

i. how verifiable are projects of revenue and expenses;

ii. supporting documentation;

iii. risk factors.

4. Economic Impacts

a. The economic impacts are to be analyzed by the following:

i. the number of permanent jobs created or saved by the port improvement after construction;

ii. the annual payroll to accommodate these new permanent jobs (may be included in the benefits).

5. Environmental and Other Impacts

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

i. no adverse impact on significant historical, archaeological, geological features, or environmentally sensitive areas;

ii. no wetland loss;

iii. letters of support from legislative delegation;

iv. no letters of objection.

6. Management of Port

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

F. Distribution of Funds

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

a. Deep Draft Ports

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

b. Shallow Draft Ports

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

c. Redistribution Procedure

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

Neil Wagoner, P.E.  
Secretary

**RULE**

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

**Title 76**

**WILDLIFE AND FISHERIES**

**Part VII. Fish and Other Aquatic Life**

**Chapter I. Freshwater Sport and Commercial Fishing**

**§123. Chicot Lake Black Bass Harvest Restriction**

Repealed

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:325(C).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 14:364 (June 1988), LR 16:38 (January 1990), Repealed LR 17: (March 1991), Repromulgated in S. 149 of this Chapter.

**§149. Black Bass Regulations-Daily Take and Size Limits**

The Louisiana Wildlife and Fisheries Commission hereby establishes a statewide daily take (creel limit) of eight fish for black bass (*Micropterus spp.*). The possession limit shall be the same as the daily take on water and twice the daily take off water.

In addition, the commission establishes special size and daily take regulations for black bass on the following waterbodies:

Concordia Lake (Concordia Parish) and False River (Pointe Coupee Parish):

Size Limit: 15 inch - 19 inch slot

Daily Take: 8 fish - of which no more than 2 fish may exceed 19 inches maximum total length.\*

Possession Limit: On Water - Same as daily take  
Off Water - Twice the daily take

A 15 - 19 inch slot limit means that it is illegal to keep or possess a black bass whose maximum total length is between 15 inches and 19 inches, both measurements inclusive.

Lake Bartholomew (Morehouse and Ouachita Parishes), Black Bayou Lake (Bossier Parish), Caney Creek Lake (Jackson Parish), Chicot Lake (Evangeline Parish), Cross Lake (Caddo Parish), Lake Rodemacher (Rapides Parish) and Vernon Lake (Vernon Parish):

Size Limit: 14 - 17 inch slot

Daily Take: 8 fish - of which no more than 4 fish may exceed 17 inches maximum total length.

Possession Limit: On Water - Same as daily take  
Off Water - Twice the daily take

A 14 - 17 inch slot means that it is illegal to keep or possess a black bass whose maximum total length is between 14 inches and 17 inches, both measurements inclusive.

This rule becomes effective April 1, 1991.

\* Maximum total length - The distance in a straight line from the tip of the snout to the most posterior point of the depressed caudal fin as measured with mouth closed on a flat surface.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6 (25)(a), 325 (c), 326.3.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 14:364 (June 1988), LR 16:38 (January 1990), Repealed LR 17: (March 1991).

James H. Jenkins  
Chairman

**RULE**

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

**Title 76**

**WILDLIFE AND FISHERIES**

**Part VII. Fish and Other Aquatic Life**

**Chapter 1. Freshwater Sport and Commercial Fishing**

**§110. Toledo Bend Reciprocal Agreement**

The Louisiana Wildlife and Fisheries Commission hereby amends the Joint Louisiana/Texas Toledo Bend and Caddo Lake Sportfishing Reciprocal Agreement, dated September 1, 1988.

The daily creel limit, (daily take), for black bass (*Microphterus spp.*) is set at eight fish and the minimum total length is set at 14 inches in Toledo Bend Reservoir and Caddo Lake. The daily creel limit for black bass is set at five fish and the minimum total length is set at 14 inches for black bass on the Sabine River from a point immediately south of the Toledo Bend Dam to the Gulf of Mexico. Said revised regulations become effective May 1, 1991, provided that the State of Texas also agrees to amend the existing Reciprocal Agreement and adopts the same regulations.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 56:6 (25)(a), 325 (c), 326.3, 673.

**HISTORICAL NOTE:** Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission LR 14:548 (August 1988), Amended LR 17: (March 1991).

James H. Jenkins  
Chairman

# Notices of Intent

**NOTICE OF INTENT**

**Department of Civil Service**

The Civil Service Commission will hold a public hearing on Wednesday, April 3, 1991, to consider proposed changes to Civil Service rules. The hearing will begin at 8

a.m. in the commission hearing room in the DOTD Annex Building at 1201 Capitol Access Road, Baton Rouge, Louisiana.

The following are proposed amendments to be considered at the meeting:

**AMEND CIVIL SERVICE RULE 13.36**

**13.36 Application for Review of a Referee's Decision**

(a) - (e) ...

(f) After consideration of the application for review, along with the pleadings and exhibits specified pursuant to Subsection (b)(5) of this rule, the commission may:

1. remand the appeal with instructions to the referee;

or

2. hold new hearings or take additional evidence or both, and render its own decision thereon;

3. reverse or modify the referee's decision on an issue of law;

4. affirm the referee's decision by denying the application for review;

5. listen to pertinent portions of the sound recordings of the proceedings conducted before the referee or read and review the transcript of the proceedings before the referee, and, thereafter, reverse or modify the referee's decision on an issue of fact, and/or take any of the actions specified in one through four above.

(g) If the commission affirms the referee's decision by denying the application for review, the order denying such review shall be filed with the director at which time the decision of the referee will become the final decision of the commission. On the same date that the order denying the application for review is filed with the director, the director shall mail a copy of the order to all parties.

(h) Any opposition to an application for review must be filed within 30 days after the date that the referee's decision was filed with the director. Such opposition may contain argument and may identify pleadings and exhibits offered into evidence before the referee that should be considered by the commission in support of the opposition. A transcript of the proceedings before the referee may not be specified as a pleading or exhibit under this rule. Such opposition shall contain a certificate that a copy was sent to the opposing party.

**EXPLANATION**

As the rule presently reads, the Civil Service Commission after consideration of the application for review is either required to deny the review or order that a transcript of the proceedings be prepared. Past practice has shown that following consideration of the application for review with any pleadings and exhibits specified, the results identified in 1, 2, and 3, above have been necessary. This rule change would allow those results without the pre-requisite of the production of a transcript of the proceedings.

Persons interested in making comments relative to this proposal may do so at the public hearing or by writing to the director of State Civil Service at Box 94111, Baton Rouge, LA 70804-9111.

Herbert L. Sumrall  
Director

**NOTICE IF INTENT**

**Department of Civil Service**

At its regular meeting on March 6, 1991, the Civil Service Commission adopted emergency rule 11.26(e), according to Civil Service rule 2.10(f), to be effective that same date.

The emergency rule will be proposed for adoption on a regular basis at the Wednesday, April 3, 1991 commission meeting. The public hearing will be conducted at 8 a.m. in the commission hearing room in the DOTD Annex Building at 1201 Capitol Access Road, Baton Rouge, Louisiana.

The emergency rule is as follows:

11.26 Military Leave

(a) - (d) ...

(e) A member of a reserve component of the Armed Forces of the United States who is called to active duty as a result of the August, 1990 Persian Gulf crisis shall, upon request, be allowed by his appointing authority to use a minimum of 300 hours of accrued annual leave and/or compensatory leave. Such employees shall also be given up to 15 working days per calendar year of military leave with pay. Such employees shall not be subject to separation for the duration of the resulting active duty, for up to four years, and if not in paid leave status, shall be retained in leave without pay status.

**EXPLANATION**

This amendment is proposed to require that up to 15 working days per calendar year of paid military leave be given to reservists who are serving on active duty in the Persian Gulf.

Persons interested in making comments relative to this proposal may do so at the public hearing or by writing to the director of State Civil Service at Box 94111, Baton Rouge, LA 70804-9111.

Herbert L. Sumrall  
Director

**NOTICE OF INTENT**

**Department of Economic Development  
Board of Examiners of Certified Shorthand Reporters**

The Board of Examiners of Certified Shorthand Reporters is hereby amending Part XXI, Chapters 3, 6 and 9 of the Louisiana Administrative Code as follows:

**Title 46**

**PROFESSIONAL AND OCCUPATIONAL STANDARDS  
Part XXI. Certified Shorthand Reporters**

**Chapter 3. Examinations**

**§301. Applications for Examinations**

\* \* \*

C. Applicant must furnish a diploma, official transcript or certificate from a licensed court reporting school that he has passed a qualifying test consisting of five minutes of two-voice Q & A at 200 wpm with 95 percent accuracy within one year prior to application to the board for examination; or a CSR certificate from another state issued with a minimum requirement of 200 wpm; or participate in a equivalent quali-

fyng test administered by the board on a date designated by the board. An application fee of \$25 shall be paid to the board by the applicant participating in a qualifying test administered by the board, which fee shall be refundable to the applicant upon completion of the qualifying test. An applicant who fails to timely appear for the qualifying examination by the board shall be deemed to have abandoned his application and shall forfeit his application fee for said qualifying test. Proof of passing said qualifying test must accompany the application for examination.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:2554.

**HISTORICAL NOTE:** Promulgated by the Department of Economic Development, Board of Examiners of Certified Shorthand Reporters, LR 9:678 (October 1983), amended LR 14:529 (August 1988), LR 16:393 (May 1990), LR 17:

**Chapter 6. Continuing Education**

**§607. Maintenance of Record**

\* \* \*

E. The board shall send notice on a quarterly basis to all Louisiana certified shorthand reporters and certified general reporters of all seminars, workshops and other educational sessions approved by the board for continuing education credits. Said quarterly notices shall be conditioned upon the board approving and receiving notice of said seminars, workshops and other educational sessions at least 120 days prior to same being held. The board shall not be responsible for notification of said seminars, workshops and other educational sessions if the organization sponsoring same fails to notify the board timely; however, this does not prohibit approval of seminars for credit submitted to the board less than 120 days prior to same being held. No notice shall be sent by the board to certified shorthand reporters and certified general reporters except on a quarterly basis.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:2554.

**HISTORICAL NOTE:** Promulgated by the Department of Commerce, Board of Examiners of Certified Shorthand Reporters, LR 17:33 (January 1991), amended LR 17:

**Chapter 9. Fees**

**§901. Fees**

\* \* \*

I. The fee to be paid for the qualifying test of Q & A at 200 wpm shall be \$25, which fee shall be refundable upon completion of the qualifying test, or forfeited should the applicant fail to appear for the taking of said qualifying test.

J. The fee to be paid for an NSF check issued to the board shall be \$15.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:2554.

**HISTORICAL NOTE:** Promulgated by the Department of Commerce, Board of Examiners of Certified Shorthand Reporters, LR 9:679 (October 1983), amended LR 10:269 (April 1984), amended by the Department of Economic Development, LR 17:34 (January 1991), LR 17:

James L. Dennis  
Chairman

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Rule Title: Examinations, Continuing Education, and Fees**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There will be no 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 NON-GOVERNMENTAL GROUPS (Summary)  
There will be no cost to students taking qualifying test since qualifying fee will be refunded upon completion of said test. The NSF check fee will be charged to anyone issuing an NSF check to the board to cover the costs associated with an NSF check.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There will be no effect on competition and employment.

Rose Marie Bye  
Treasurer

John R. Rombach  
Legislative Fiscal Analyst

**NOTICE OF INTENT**

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

Finance Division

Rule One  
Article VII, Part II, Section 21 (F)  
Of The Louisiana Constitution  
Of 1974

In accordance with the provisions of the Administrative Procedure Act R.S. 49:950 et seq., the Department of Economic Development, Office of Commerce and Industry, Finance Division, is hereby giving notice of its intention to amend and adopt the following rules regarding the Louisiana Rule One, pursuant to Article VII, Part II, Section 21 (F) of the Louisiana Constitution of 1974. This notice of intent supersedes the notice of intent that was published in the December issue of the *Louisiana Register*.

Rule One states that the Board of Commerce and Industry, with the approval of the governor, may enter into the exemption from ad valorem taxes of new manufacturing establishments and additions to existing manufacturing establishments on such terms and conditions as the board, with the approval of the governor, deems in the best interest of the state.

These rules clarify and expand Rule One relative to Louisiana labor. Manufacturers and businesses receiving exemptions, sales tax rebates, and tax credits are obligated to favor Louisiana labor. These rules describe the procedure each business must follow in complying with Rule One.

These rules will impact the following programs administered by the Finance Division: Enterprise Zone Program, R.S. 51:1781-1790, et seq.; Industrial Tax Exemption Program, Article VII, Part II, Section 21 (F) of the Louisiana Constitution of 1974; Industrial Tax Equalization Program, R.S. 47:3201-3206; Corporate Headquarters Tax Equalization Program R.S. 47:3201-3206; Industry Assistance Program, R.S. 47:4301-4306; Warehousing and Distribution Tax Equalization, R.S. 47:3201-3206.

**Title 13  
DEPARTMENT OF ECONOMIC DEVELOPMENT  
Part I. Commerce and Industry  
Subpart 1. Finance**

**Chapter 4. Rule One**

**§401. General**

**A. Intent of Law**

The intent of Rule One is to require manufacturers, businesses, and their contractors to demonstrate a good faith effort to give preference and priority to Louisiana manufacturers, suppliers, contractors and labor.

**B. Description of Rule One**

Rule One was created in the Louisiana Constitution of 1974, Article VII, Part II, Section 21 (F). In considering applications for tax incentives, the Louisiana Department of Economic Development and its board requires businesses to demonstrate a good faith effort to give preference and priority to Louisiana manufacturers, suppliers, contractors and labor.

These rules will provide the procedure that shall control the determination of a qualified Louisiana resident. This rule applies only to construction workers on a project.

**C. Incentive Programs Effected**

The amended Rule One will effect the following programs administered by the Department of Economic Development, Office of Commerce and Industry, Finance Division: Enterprise Zone Program R.S. 51:1781-1790, et seq; Industrial Tax Exemption Program, Article VII, Part II, Section (F) of the Louisiana Constitution of 1974; Industrial Tax Equalization Program, R.S. 47:3201-3206; Corporate Headquarters Tax Equalization Program, R.S. 47:3201-3206; Industrial Assistance Program, R.S. 47:4302-4306; Warehousing and Distribution Tax Equalization, R.S. 47:3201-3206.

**AUTHORITY NOTE:** Promulgated in accordance with Article VII, Part II, Section 21 (F) of the Louisiana Constitution (1974).

**HISTORICAL NOTE:** Promulgated by the Department of Economic Development, Office of Commerce and Industry, Finance Division, LR 17:

**§403. Definitions**

The following terms shall have the meanings provided herein unless the context clearly indicates otherwise.

1. *Applicant* means any business applying for any and all of Louisiana's incentive programs administered by the Department of Economic Development.

2. *Board* means the Department of Economic Development, Office of Commerce and Industry Board.

3. *Department* means the Department of Economic Development.

4. *Louisiana resident* means one who was a resident of Louisiana for not less than 30 consecutive days prior to employment as required by R.S. 23:1011.

5. *Rule One* means the original rule created by the Louisiana Constitution of 1974, Article VII, Part II, Section 21 (F).



AUTHORITY NOTE: Promulgated in accordance with Article VII, Part II, Section 21 (F) of the Louisiana Constitution (1974).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Finance Division, LR 17:

**§405. Original Rule One**

A. The Board of Commerce and Industry requires manufacturers and their contractors to give preference and priority to Louisiana manufacturers and, in the absence of Louisiana manufacturers, to Louisiana suppliers, contractors and labor, except where not reasonably possible to do so without added expense or substantial inconvenience or sacrifice in operating efficiency.

B. In considering applications for tax exemptions, special attention will be given to those applicants agreeing to use, purchase and contract for machinery, supplies and equipment manufactured in Louisiana, or in the absence of Louisiana manufacturers, sold by Louisiana residents, and to the use of Louisiana contractors and labor in the construction and operation of the proposed tax exempt facilities.

C. It is a legal and moral obligation of the manufacturers receiving exemptions/refunds to favor Louisiana manufacturers, suppliers, contractors and labor, all other factors being equal.

AUTHORITY NOTE: Promulgated in accordance with Article VII, Part II, Section 21 (F) of the Louisiana Constitution (1974).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Finance Division, LR 17:

**§407. Board Determination of Resident**

A. In order to demonstrate a good faith effort to employ Louisiana citizens §405 detailed in the preceding paragraph, the following provisions, in addition to those contained in the preceding paragraph, shall control.

1. Applicant companies shall provide evidence of the use of 100 percent qualified Louisiana resident labor on covered projects.

2. Such evidence shall be in such form as the board may determine is permissible under federal and state law and under Federal Equal Opportunity Employment Commission rules.

3. For purposes of this Rule, the term "Louisiana resident" shall mean one who was a resident of Louisiana for not less than thirty consecutive days prior to employment as required by R.S. 23:1011.

AUTHORITY NOTE: Promulgated in accordance with Article VII, Part II, Section 21 (F) of the Louisiana Constitution (1974).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Finance Division, LR 17:

**§409. Proof of Residency**

A. Proof of residency shall be furnished to the staff in the Office of Commerce and Industry within ninety days following the completion of construction.

B. Such proof shall be computed in man/days or man/hours and shall be reported on forms to be furnished by the Office of Commerce and Industry.

C. Forms shall provide for the reporting of "Louisiana resident man/days or man/hours". "Authorized non-Louisiana resident man/days or man/hours". (§ 415, see Paragraph 6). "Unauthorized non-Louisiana resident man/days

or man/hours". "Percentage of unauthorized non-Louisiana resident man/days or man/hours used on the project" and such other information as staff may recommend and the board approves.

AUTHORITY NOTE: Promulgated in accordance with Article VII, Part II, Section 21 (F) of the Louisiana Constitution (1974).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Finance Division, LR 17:

**§411. Permanent Management Employees**

Permanent management employees of the applicant company, contractor, engineering firms and project management consultants shall be excluded from the total for the purpose of calculating compliance with this rule. Permanent management employees shall be those employees who are classified as exempt under the provisions of the Fair Labor Standards Act.

AUTHORITY NOTE: Promulgated in accordance with Article VII, Part II, Section 21 (F) of the Louisiana Constitution (1974).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Finance Division, LR 17:

**§413. Employment Requirement**

Applicants for any and all of Louisiana's incentive programs administered by the Department of Economic Development shall require contractors and subcontractors to comply with this rule and to furnish adequate evidence of the employment of Louisiana residents consistent with this rule.

AUTHORITY NOTE: Promulgated in accordance with Article VII, Part II, Section 21 (F) of the Louisiana Constitution (1974).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Finance Division, LR 17:

**§415. Residency Requirement**

Proof of Louisiana residency may include one or more of the following:

1. a voter registration card or valid driver's license issued at least 30 days prior to employment; or

2. a utility bill issued to such employee or to his or her spouse for utility service at a Louisiana service address which evidences that the connection of such service occurred at least 30 days prior to employment; or

3. an ad valorem tax notice for the prior calendar year; or

4. a state income tax return from one of the previous two calendar years; or

5. a graduation certificate from a Louisiana high school, university or college; or

6. any other such proof as staff may recommend and the board approves.

AUTHORITY NOTE: Promulgated in accordance with Article VII, Part II, Section 21 (F) of the Louisiana Constitution (1974).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Finance Division, LR 17:

**§417. Less Than 100 Percent Requirement**

If less than 100 percent of the labor performed on a covered project, computed in man/days or man/hours, was performed by Louisiana residents the applicant must demonstrate that:

1. an insufficient number of Louisiana residents applied for the jobs available; or
2. that the Louisiana resident applicants were not qualified for the jobs available;
3. the applicant company, or the hiring contractor or subcontractor in the case of construction jobs, shall determine whether an applicant is qualified or not;
4. further, if an insufficient number of Louisiana residents apply for the jobs available, then the maximum percentage of Louisiana resident man/days or man/hours that shall be required of applicant company to comply with this rule shall be based on the number of qualified applicants who are Louisiana residents to the total number of jobs available.

AUTHORITY NOTE: Promulgated in accordance with Article VII, Part II, Section 21 (F) of the Louisiana Constitution (1974).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Finance Division, LR 17:

**§419. Employee Records Retained**

A. The applicant company shall cause the records of all applicants for employment, including those that are hired and those that are not hired to be retained for three years after completion of the project.

B. Alternatively, the applicant company may from time to time during the course of the project and/or upon completion of the project file a certificate specifying by job title, the total positions filled through the date of the certificate, the number of Louisiana residents applying for those positions, and the number of Louisiana residents qualified to work in those positions on the project.

C. The certificate shall be reviewed by the board at which time the board shall either accept the certificate as conclusive proof of the information contained therein, or shall require such further investigation as the board may deem appropriate. An applicant company may withdraw a certificate filed under the provisions of this Section at any time.

AUTHORITY NOTE: Promulgated in accordance with Article VII, Part II, Section 21 (F) of the Louisiana Constitution (1974).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Finance Division, LR 17:

**§421. Job Notice Requirement**

A. The applicant company, the hiring contractor or the subcontractor in the case of construction jobs, shall make a good faith effort to inform the applicable labor force that employment is available.

B. This effort shall include, at a minimum, advertising in a newspaper with general circulation in the parish in which the jobs will be located and notifying the local Louisiana Job Service offices of these jobs.

AUTHORITY NOTE: Promulgated in accordance with Article VII, Part II, Section 21 (F) of the Louisiana Constitution (1974).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Finance Division, LR 17:

**§423. Exemption Restriction**

If an applicant uses less than 100 percent Louisiana resident man/days or man/hours on a project and is unable to justify a lower percentage as provided in §417, then the

applicant shall be entitled to the full exemption, except that the labor portion of the exemption/refund shall be reduced by a percentage equal to the percentage of unauthorized non-Louisiana resident man/days or man/hours used on the project.

AUTHORITY NOTE: Promulgated in accordance with Article VII, Part II, Section 21 (F) of the Louisiana Constitution (1974).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Finance Division, LR 17:

Persons who wish to submit comments should contact Laverne Jasek, or Paul Adams, Department of Economic Development, Office of Commerce and Industry, Finance Division, 101 France Street, Baton Rouge, LA 70804, (504) 342-5398. Comments will be accepted through 4:45 p.m. April 23, 1991. The public hearing will be held in the State Land and Natural Resources Building in the Mineral Board Hearing Room located at 625 North Fourth Street in Baton Rouge, Louisiana. The meeting will be held on April 24 at 1:30 p.m.

Robert Paul Adams  
Finance Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Rule One (LAC 13:I.Chapter 4)**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The estimated increase in costs to implement the proposed action is the cost of an additional staff member to administer Rule One. This rule will require all businesses applying and receiving the benefits of the incentive programs, administered by the Finance Division, to give preference and priority to Louisiana residents. This rule will be activated through the construction phase of all projects. Fiscal year 1990-91 increases in cost is estimated at \$50,788.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There will be no effect on revenue collection of state or local governmental units.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

There is no way to estimate the benefits or costs to directly affected persons or non-governmental groups. However, there will be additional cost to businesses in complying with additional paperwork.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

There is no way to estimate the effect on competition and employment.

Harold Price  
Assistant Secretary

John R. Rombach  
Legislative Fiscal Officer

## NOTICE OF INTENT

### Department of Economic Development Office of Financial Institutions

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, and under the provisions of R.S. 9:3554 (B) notice is hereby given that the Office of Financial Institutions intends to adopt a rule to better provide for information pertaining to the financial responsibility, character and fitness that shall be required of an applicant for a license to engage in the business of making supervised loans under the provisions of the Louisiana Consumer Credit Law.

Interested parties may request copies of the proposed rule, submit written comments or make written inquiries concerning the rule until 4:30 p.m., April 9, 1991, at the following address: Ann Wise, Attorney, Office of Financial Institutions, Box 94095, Baton Rouge, LA 70804-9095.

She is the person responsible for responding to inquiries concerning the proposed rule.

A. Bridger Eglin  
Commissioner

### Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Licensed Lender Application

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Costs to revise the application form include personnel costs of \$2,300 and annual xeroxing costs of \$270. Additionally, the costs of obtaining criminal records is estimated to be \$1,800 annually.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be a reduction in revenues from new applications as a result of new requirements (20 x 400) = (8,000).

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

Costs to affected persons will be increased as a result of the additional information required by the application process. The exact costs cannot be determined.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Slightly fewer lenders entering the market will reduce employment potential with no adverse effect on competition.

Lynda A. Drake  
Deputy Commissioner

David W. Hood  
Senior Fiscal Analyst

## NOTICE OF INTENT

### Department of Economic Development Office of Financial Institutions

In accordance with LA R.S. 49:950 et seq., the Administrative Procedure Act, and as provided for by LA R.S. 9:3554 (B), notice is hereby given that the Office of Financial

Institutions intends to adopt a rule to establish minimum records that must be maintained by a licensed lender for the purpose of determining compliance with the provisions of the Louisiana Consumer Credit Law during annual examination.

### RECORDS RETENTION RULE

The following documents are to be maintained by all licensed lenders at the location where the loan is made in compliance with the provisions of LA R.S. 9:3554(h) and LA R.S. 9:3561(a) of the Louisiana Consumer Credit Law.

1. The original or a copy of all documentation signed by the consumer, including, but not limited to:

- a. note;
- b. disclosure statement;
- c. financing statement (or equivalent).

2. Individual account of the borrower (ledger card or printable computer screen) showing the following:

- a. amount of loan;
- b. origination date;
- c. repayment terms;
- d. insurance charges, whether sold in connection with the loan or not;

- e. total finance charge;
- f. annual contractual percentage rate;
- g. date, amount and application of each payment;
- h. date and amount of late charges assessed;
- i. date and amount of deferral charges;
- j. remaining unpaid balance;
- k. due date of first payment;
- l. all changes in due date of payment.

3. All paid out accounts (including those paid out by renewal) must be filed separately and contain the following:

- a. interest rebate;
  - b. itemized rebate of all insurance premiums.
4. Accounts turned over to an attorney for collection:
- a. amount paid to attorney, including court costs and attorney fees shown as separate charges;
  - b. receipt from Clerk of Court, evidencing court costs.

5. Accounts reduced to judgment:

- a. same documents as for attorney accounts;
- b. receipt from Clerk of Court, evidencing any additional court costs;

c. copy of signed judgment.

6. Death claims:

- a. copy of death certificate;
- b. copy of all checks received from insurance company in payment of claim;

c. copy of check evidencing payment to secondary beneficiary, where applicable.

7. Insurance records:

a. copy of master policy for each type of insurance sold to consumers;

b. copy of rates approved by the Insurance Rating Commission, except for those established by the Louisiana Consumer Credit Law;

c. lenders will be expected to provide proof of compliance with the licensing provisions as set out by the commissioner of insurance;

d. proof of remittance of premiums to the insurance underwriter.

8. Paid out accounts containing errors cited at the previous examination:

- a. must be filed separately
- b. must contain proof of correction of error, including

copies of refund checks issued to consumers.

9. Evidence of indebtedness or investment: Provide a complete list of the holders of all notes, debentures, or other evidence of indebtedness or investments by the licensee, including the following:

- a. name and address of each holder;
- b. amount of debt held by each;
- c. date of obligation;
- d. due date;
- e. interest rate;
- f. amount of delinquent interest;
- g. amount of interest added back to obligation.

10. Any other records that may be deemed necessary by the Office of Financial Institutions to determine compliance with the provisions of the Louisiana Consumer Credit Law.

All records must be retained for at least three years after account is paid in full unless required by law to be retained for a longer period.

Interested parties may request copies of the proposed rule, submit written comments or make written inquiries concerning the rule until 4:30 p.m., April 9, 1991, at the following address: Ann Wise, Attorney, Office of Financial Institutions, Box 94095, Baton Rouge, LA 70804-9095.

She is the person responsible for responding to inquiries concerning the proposed rule.

A. Bridger Eglin  
Commissioner

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Records Retention Rule**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

Costs of \$800 are estimated to be expended in the preparation of the rule by Office of Financial Institutions personnel.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

This rule will have no effect on revenue collections.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

This rule will have no economic effect on lenders or the consumers.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

There will be no effect on competition or employment.

Lynda A. Drake  
Deputy Commissioner

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

8(g) Annual Program and Budget, FY 1991-92

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board

of Elementary and Secondary Education has approved the proposed 8(g) Annual Program and Budget, FY 1991-92 as listed below:

8(g) Annual Program and Budget FY 1991-92 (Final Adoption - January 24, 1991)		
<b>I. Exemplary Competitive Programs Designed to Improve Student Academic Achievement or Vo-Tech Skills</b>		
A. Pre-K - 3rd Grade	\$ 1,000,000	
B. Student Enhancement (Grades 4-12)	1,000,000	
C. Vocational Education	1,500,000	
<b>II. Exemplary Block Grant Programs Designed to Improve Student Academic Achievement or Vo-Tech Skills</b>		
A. Elementary and Secondary Education	4,000,000	
1. Early Childhood Education (Pre-K - 3rd Grade)		
2. Student Enhancement (Grades 4 - 12)		
3. Educational Technology		
B. Vocational Education	650,000	
1. Extension		
2. Apprenticeship		
3. Quickstart		
4. SACS Accreditation		
<b>III. Exemplary Statewide Programs Designed to Improve Student Academic Achievement or Vo-Tech Skills</b>		
A. Administrative Leadership Academy (SDE)	400,000	460,000*
B. Teacher Tuition Exemption Program (SDE)	2,900,000	3,000,000*
C. Louisiana Writing Project (SDE)	250,000	
D. Star Schools Telelearning Project (SDE)	300,000	340,000*
E. Talent Improvement Program for Gifted and Talented Students (NSU)	60,000	
F. Vocational Education (SDE)		
1. Curriculum Upgrade	100,000	
2. Occupational Competency Testing Program	30,000	
3. VTIE Tuition Exemption Program	60,000	
4. Statewide Quickstart	1,000,000	1,200,000*
G. Mini Grant Awards of Excellence (SDE)	400,000	
H. Statewide Distance Learning Network (SDE)	2,400,000	
I. Humanities Institutes (SDE)	225,000	
J. Model Early Childhood Program (SDE)	2,000,000	
K. Enhancement of Secondary Math and Physics (UNO)	150,000	
L. LA Geography Education Alliance (SDE)	50,000	
M. Summer High School Credit Program (LSU)	49,000	
N. Classroom Strategies for Dyslexia (SDE)	50,000	
<b>IV. Research or Pilot Programs Designed to Improve Student Academic Achievement</b>		
A. Louisiana Educational Assessment Program (SDE)	1,316,000	
B. Parent Education Project (SDE)	300,000	
C. Governor's Reform Initiatives (SDE)		
1. School Incentives Program	150,000	
2. Model Career Options Program	100,000	
3. Statewide Dropout ID Program	200,000	
D. Spalding Phonics Project (SDE)	80,000	
E. Instructional Enhancement Through the Arts (SDE)	150,000	
F. Accelerated Schools for At-Risk Students (UNO)	200,000	
G. Pilot Site-Based Management Project (SDE)	40,000	
H. Identifying and Serving Under-Represented Gifted (SDE)	50,000	
I. Center for Dyslexia and Related Disorders (Nicholls)	50,000	
J. Pilot Technology Institutes (SDE)	200,000	
K. BESE/Regents NSF Project: Math & Science (SDE)	1,000,000	-0-
<b>V. Purchase of Superior Textbooks, Library Books, Supplemental and/or Reference Materials (SDE)</b>		
	2,000,000	2,400,000*
<b>VI. Remediation Programs</b>		
A. Extended Programs for Students Failing the High School Graduation Test (SDE)	700,000	
<b>VII. Teaching of Foreign Languages in Elementary and Secondary Schools</b>		
A. Foreign Language Model Program (SDE)	175,000	
<b>VIII. Scholarships or Stipends to Prospective Teachers</b>		
A. Education Majors Program (SDE)	1,800,000	2,000,000*
B. Post-Baccalaureate Scholarship Program (SDE)	500,000	
<b>IX. Management and Oversight</b>		
A. BESE Administration (1%)	282,168	
B. BESE Fiscal/Programmatic Evaluation (1.1%)	331,992	
<b>TOTAL</b>	<b>\$28,199,160</b>	

\*Funding level to be used in the event the NSF grant for matching funds does not materialize.

Interested persons may comment on the proposed policy changes and/or additions in writing, until 4:30 p.m., May 8, 1991 at the following address: State Board of Elementary and Secondary Education

Em Tampke  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Rule Title: 8(g) Allocation by B.E.S.E. for FY 1991-92**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The Board of Elementary and Secondary Education has adopted its Quality Education Support Fund budget for FY 1991-92. This budget is funded with 8(g) dedicated funds. If the Legislature appropriates these funds as allocated by BESE, the savings over the 1990-91 budget will be \$358,827. Of this amount, statewide program funding will decrease by \$601,827, vo-tech funding will increase \$200,000, and funding for administration/evaluation will increase \$43,000.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

Revenues to local education agencies for competitive projects and block grant awards will not exceed \$6,000,000.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

Up to \$6,000,000 will be available for exemplary competitive projects and block grants for programs designed to improve student academic achievement.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

There will be no effect on competition and employment.

Em Tampke  
Executive Director

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

**Amendment to Bulletin 746**

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the following proposed amendment to Bulletin 746:

Delete the following:

“Students formally enrolled in a program of graduate study in psychology in a regionally accredited institution in Louisiana during the 1982-83 school year may, upon graduation, apply for certification in school psychology according to either the current or previously adopted criteria”.

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., May 8, 1991 at the following address: State Board of Elemen-

Em Tampke  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Rule Title: School Psychologist Certification**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

It is anticipated that the cost of printing and postage associated with this rule change will be \$50.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

This action will not affect revenue collections of state or local governmental units.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

This proposed action will have no economic effect on individuals or non-governmental groups.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

This action will have no effect on competition and employment.

Graig A. Luscombe  
Deputy Superintendent  
for Management and Finance

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

**Revised Bulletin 1508  
Pupil Appraisal Handbook**

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 proposed revisions to Bulletin 1508, Pupil Appraisal Handbook.

Bulletin 1508 is a guide for the conduct of pupil appraisal services. It includes procedures, standards, and criteria for identifying children eligible for special education and/or related services. In addition, a general description of pupil appraisal services encompasses personnel, responsibilities, rights of students and parents, and timelines to be observed. The bulletin contains a description of pupil appraisal services and require the utilization of qualified examiners (pupil appraisal professionals) to conduct multi-disciplinary evaluation. For each area of exceptionality the bulletin contains a definition, criteria for eligibility, and procedures for screening and evaluation and, additional re-evaluation procedures when required.

This document may be seen in its entirety in the Office of the State Register, 900 Riverside North, Baton Rouge, LA, in the Office of the State Board of Elementary and Secondary Education located in the Department of Education Building in

Baton Rouge, LA, or in the Office of Special Educational Services in the Department of Education.

Interested persons may comment on the proposed policy changes and/or additions in writing until 4:30 p.m., May 8, 1991 at the following address: State Board of Elementary and Secondary Education, Box 94064, Baton Rouge, LA 70804-9064.

Em Tampke  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Bulletin 1508 Pupil Appraisal Handbook**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
Total implementation costs are estimated to be \$585 of federal funds. No cost to state or local governmental units are anticipated.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There is no effect on revenue collections since federal funds will be used.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
No costs and/or economic benefits for directly affected persons or non-governmental groups are anticipated.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
No effects on competition and employment are anticipated.

Graig A. Luscombe  
Deputy Superintendent  
for Management and Finance

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Amendment to Salary Schedule for  
State Technical Institutes  
Bulletin 1868

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 has approved a proposed amendment to the Salary Schedule for State Technical Institutes relative to the extension rate and as stated below. This amendment to Bulletin 1868, BESE Personnel Manual, is effective July 1, 1991.

NOTE: Extension rate shall be \$20 per hour.

Interested persons may comment on the proposed policy change and/or additions in writing until 4:30 p.m., May 8, 1991 at the following address: State Board of Elementary and Secondary Education, Box 94064, Baton Rouge, LA 70804-9064.

Em Tampke  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Amendment to Bulletin 1868**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
The estimated implementation cost for this change in the 1991-92 FY would be approximately \$157,450.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There will be no effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
The economic benefit to directly affected persons will be a better, well trained institute producing the needed information to the students.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
The vocational technical system will be able to employ the high quality instructors needed.

Graig A. Luscombe  
Deputy Superintendent

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Amendments to Bulletin 1877,  
Implementation Guide for LTIP and LaTEP

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved amendments to Bulletin 1877, Implementation Guide for LTIP and LaTEP which was adopted as an emergency rule and printed in the July 20, 1990 issue of the *Louisiana Register*. The pages of the document (pages 8, 10, 12, 15, 16, 17, 21-28, and 40) which either reflect or were affected by the amendments were adopted as an emergency rule, effective February 20, 1991 and printed in full in the Emergency Rule Section in the February 20, 1991 issue of the *Louisiana Register*. These pages are to replace the pages in the document adopted as an emergency rule, July 20, 1990.

These amendments were adopted as an emergency rule, effective February 20, 1991 and supersede and replace the amendments to Bulletin 1877 which were advertised as an emergency rule and printed in the October 20, 1990 issue of the *Louisiana Register*.

These revisions were requested as a result of a recent legal settlement of the LAE/Rose Carter Case. The revisions, approved by the Department of Education's legal staff, will further ensure an assessment system that is reasonable, non-discriminatory, equitable and fair for all involved.

Interested persons may comment on the proposed policy change and or additions in writing until 4:30 p.m., May 8, 1991 at the following address: State Board of Elementary and Secondary Education, Box 94064, Baton Rouge, LA 70804-9064.

Carole Wallin  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: LTIP/LaTEP Guidelines**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The estimated costs for FY 90-91 are for printing of the revisions (\$1,260 at the state level and indeterminable at the local level).

The costs for FY 91-92 will be to place the revisions in the LTIP/LaTEP Implementation Guide. The costs for printing of the LTIP/LaTEP Guide would be approximately \$1.75 per guide or \$21,000 for 12,000 guides.

The costs for FY 91-92 are for 11 additional assessors to evaluate a maximum of 800 teachers not attaining the required score on the first evaluation cycle.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There is no effect on revenue collections of state or local governmental units.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

There is no cost and/or economic benefit to directly affected persons or non-governmental groups.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The revisions to the LTIP/LaTEP Implementation Guide does not specifically affect competition and employment.

Graig A. Luscombe  
Deputy Superintendent  
for Management and Finance

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the following proposed amendments to LAC 28: Chapter 15, Vocational and Vocational-Technical Education.

**Title 28  
EDUCATION**

**Part I. Board of Elementary and Secondary Education**

**Chapter 15. Vocational and Vocational-Technical Education**

**Subchapter A. Vocational Education**

**§1523. Students**

\* \* \*

**E. Fees For Louisiana Residents**

17. The State Board of Elementary and Secondary Education authorizes the State Department of Education to negotiate a fee with industries to conduct special extension classes based on a minimum fee that would be charged in a program with an enrollment of a minimum of 10 students.

\* \* \*

20. Technical institute director shall allow a maximum of 10 minutes per instructional hour for instructional preparation/administration purposes. Example: For a 30-hour course

the institute director shall grant five hours (30 hours x 10 minutes = 300 minutes/5 hours) for instructional/administrative purposes.

**§1527. Courses; Classes; Programs; Visits**

\* \* \*

**C. Course Titles; Classes; Time Requirements**

\* \* \*

2.a. To initiate a full-time day program, the program must have a minimum enrollment of 12 full-time students or to initiate a full-time day program with less than 12 full time students, the program must have prior approval of the State Board of Elementary and Secondary Education. An exception to this policy is the program with a student enrollment that must meet the enrollment policy of another regulatory agency or board.

b. To initiate an extension program, the program must have a minimum enrollment of 10 students or to initiate an extension program with less than 10 students, the program must have prior approval of the assistant superintendent, State Department of Education, Office of Vocational Education.

\* \* \*

Interested persons may comment on the proposed policy changes and/or additions in writing, until 4:30 p.m., May 8, 1991 at the following address: Board of Elementary and Secondary Education, Box 94064, Baton Rouge, LA 70804-9064.

Em Tampke  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Vocational and Vocational-Technical  
Education**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The estimated implementation cost for these changes is \$104,240. We do not expect too much difference in cost because most courses will have a number of students above the minimum number of students in the course. The additional cost will come from the additional time being allowed for preparation/administrative purposes.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There will be no effect on revenue collections of state or local governmental units.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

Economic benefits to directly affected persons are that we will be able to offer the needed courses in the vocational-technical system. Also the instructors will be better prepared to teach these courses.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

There will be no effect on competition and employment as a result of this action.

Graig A. Luscombe  
Deputy Superintendent

John R. Rombach  
Legislative Fiscal Officer

## NOTICE OF INTENT

**Department of Education  
Office of Student Financial Assistance  
Louisiana Student Financial Assistance Commission**

### Lender of Last Resort Policy

The Louisiana Student Financial Assistance Commission (LASFAC) advertises its intention to institute a Lender of Last Resort Policy as required by CRF 682.401(c).

#### Policy Section, Chapter V -7.0

#### Lender of Last Resort Policy

##### A. School Participation

1. A student attending any Louisiana institution shall be encouraged to attempt to obtain a student loan with a lender with whom he already has an account relationship. The borrower shall then attempt to obtain a loan from at least one other lender participating in the student loan program. In each case, the student shall obtain a letter of rejection from each lender, thus demonstrating the student's need to use the services of the guaranty agency to obtain a loan.

2. If more than 5 percent of the students at a given institution require the services of a lender of last resort, the school shall be considered a high risk institution. As such, additional information must be provided to students seeking assistance from that institution. Therefore, the school shall be required to submit its default reduction plan to the guaranty agency and provide a consumer fact sheet to prospective students as prescribed in Appendix D of the federal regulations.

##### B. Agency Participation

1. Lender of last resort loans shall be handled directly by the guaranty agency. The Office of Student Financial Assistance (OSFA) will assign the lender to be used on a case-by-case basis to assure portfolio balance among lending institutions participating in the program.

##### C. School Requirements

1. The student applying for a lender of last resort loan shall be continuously enrolled and remain in good standing for at least 30 days prior to the disbursement of funds.

2. The school must verify all borrower reference information for accuracy prior to submitting the application to OSFA for approval.

##### D. Audit Requirements

1. Yearly compliance audits shall be conducted by OSFA for any school which uses a lender of last resort and has a default rate of 20 percent or greater or according to federally mandated requirements. The program review will verify that all information provided on the student fact sheet was correct, as well as examining the school's compliance with federal default regulations. If it is found that the school is unable to substantiate the information on the fact sheet or has provided inaccurate or misleading information, LASFAC will initiate immediate limitation, suspension or termination actions against the school in question.

Interested persons may submit written comments on the proposed regulations until 4:30 p.m., April 20, 1991 at the following address: Jack L. Guinn, Executive Director, Office of Student Financial Assistance, Box 91202, Baton Rouge, LA 70821-9202.

Jack L. Guinn  
Executive Director

## Fiscal and Economic Impact Statement For Administrative Rules

### Rule Title: Lender of Last Resort Policy

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no implementation costs or savings to state or local governmental units from this proposed rule.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no revenue collections effects on state or local governmental units from the implementation of this rule.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

Students who have been unable to secure a loan for education will be enabled to do so and proceed with their training and education for a useful occupation which will improve their own standard of living and increase tax revenues at the local, state and federal levels.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The effects on future competition and employment in educating individuals are certain, but difficult to precisely quantify.

Jack L. Guinn  
Executive Director

John R. Rombach  
Legislative Fiscal Officer

## NOTICE OF INTENT

**Department of Education  
Office of Student Financial Assistance  
Louisiana Student Financial Assistance Commission**

### Waiver of Certain Eligibility Requirements for Certain Out-of-State Schools

The Louisiana Student Financial Assistance Commission (LASFAC) advertises its intention to grant the executive director authority to use professional judgment in authorizing the limited program participation of certain out-of-state schools.

When dealing with out-of-state schools who request participation in our program in order to serve a limited number of Louisiana students attending their institution, Policy 4 may be waived whenever the following conditions are present:

1. The school must be an out-of-state institution;
2. It must be a school which offers programs which have a duration of two years or more; and
3. No more than five applications may be submitted for processing from this institution without requiring the school to submit the information required in Policy 4 if the school is not a four-year public or private institution. If the school in question is a four-year public or private college or university, there shall not be a limit established on the number of applications we will process for Louisiana residents.

If these three conditions are met, the commission is at limited risk. Allowing the processing of applications from out-of-state institutions in these cases shall benefit the students



of Louisiana who choose to pursue their higher education goals outside of the state.

Interested persons may submit written comments on the proposed regulations until 4:30 p.m., April 20, 1991 at the following address: Jack L. Guinn, Executive Director, Office of Student Financial Assistance, Box 91202, Baton Rouge, LA 70821-9202.

Jack L. Guinn  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Rule Title: Waiver of Certain Eligibility Requirements**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There is no cost associated with this proposal.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
Approximately \$6,000 revenue would be collected (guarantee fee for 100 additional loans at an average of \$2,625 per loan); and the impact of \$200,000 in low risk loans added to the denominator used in calculating reimbursement rate for loan default payments to lenders would be positive.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
Louisiana resident students attending out-of-state schools will be afforded an expeditious guarantee of their student loans when attending certain four-year state institutions or low default private institutions.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There is no impact on competition or employment.

Jack L. Guinn  
Executive Director

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Education  
Office of Student Financial Assistance  
Louisiana Student Financial Assistance Commission**

Scholarship Eligibility and  
Selection Criteria Revision

The Louisiana Student Financial Assistance Commission (LASFAC) advertises its intention to adopt rules revising the scholarship eligibility and selection criteria for the T. H. Harris, Rockefeller and Paul Douglas Scholarships, and to adopt the name "Louisiana Tuition Assistance Plan" (TAP) as the official title of the "Taylor" plan formerly referred to by the Board of Regents as the Louisiana College Tuition Plan.

Copies of current and proposed T. H. Harris, Rockefeller and Paul Douglas Scholarship Procedures and definition of Louisiana Resident can be obtained through the Office of Student Financial Assistance, Box 91202, Baton Rouge, LA 70821-9202 or through the Office of the State Register, Box 94095, Baton Rouge, LA 70804-9095.

Interested persons may submit written comments on the proposed regulations until 4:30 p.m., April 20, 1991 at the following address: Jack L. Guinn, Executive Director, Office of Student Financial Assistance, Box 91202, Baton Rouge, LA 70821-9202.

Jack L. Guinn  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Scholarship Eligibility and Selection Criteria  
Revision**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There are no costs associated with the amended scholarship rules, changes in resident definition and Tuition Assistance Plan name change.
- 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 from this proposed revision.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
There are no costs estimated, but the new criteria will render the program more easily administered and responsive to applicants.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There is no effect estimated on competition and employment for these proposed criteria.

Jack L. Guinn  
Executive Director

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Education  
Office of Student Financial Assistance  
Louisiana Student Financial Assistance Commission**

Scholarship/Grant Program Rules

The Louisiana Student Financial Assistance Commission (LASFAC) advertises its intention to amend scholarship and grant program rules. A rule published in the *Louisiana Register*, Volume 15, Number 8, August 20, 1989, instituted a fee to offset state general fund budget cuts. The rule needs revision because:

1. It is illegal for the commission to charge an award fee for federally funded Title IV scholarship and grant programs. Therefore, no award fee is being charged (nor was such charged during academic year 1989-90) to recipients of the State Student Incentive Grant (SSIG) and the Paul Douglas Teacher Scholarship (PDTs); however a \$5 per award check donation is solicited from PDTs recipients.

2. A recommended \$31,000 increase in the state general fund budget for 1991-92, with a corresponding decrease in self-generated funds, to replace the award fees charged students is to be considered by the budget office.

### Scholarship/Grant Program Rules

1. Funding for all scholarship/grant programs is limited to the fall, winter and spring school terms. Awards will not be made for attendance during the summer sessions.

2. The Office of Student Financial Assistance (OSFA), (LASFAC) may charge a variable fee not to exceed \$10 for each award check processed for recipients of the T. H. Harris and Rockefeller Scholarships. This fee will be charged only if the Louisiana Legislature fails to appropriate sufficient state general funds for administration of these programs. The commission, at its discretion, may automatically deduct the fee from each scholarship award check.

3. Louisiana Tuition Assistance Plan (TAP) eligibility requirements include that the applicant must:

- a. apply by the deadline;
- b. be a U.S. Citizen or National; and
- c. be registered with Selective Service if required.

Interested persons may submit written comments on the proposed regulations until 4:30 p.m., April 20, 1991 at the following address: Jack L. Guinn, Executive Director, Office of Student Financial Assistance, Box 91202, Baton Rouge, LA 70821-9202.

Jack L. Guinn  
Executive Director

### Fiscal and Economic Impact Statement For Administrative Rules

#### Rule Title: Scholarship/Grant Program

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no costs associated with the implementation of the proposed rules.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed fees are to be collected only if the Louisiana Legislature fails to appropriate sufficient state general funds for administration of these programs.

Revenue collection will take place only if insufficient state general funds are appropriated to administer the program.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

Rule changes and fee collection will allow the administering agency flexibility to adjust to variations in program budgets.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated impact on competition and employment from these proposed rules.

Jack L. Guinn  
Executive Director

John R. Rombach  
Legislative Fiscal Officer

### NOTICE OF INTENT

### Department of Education Office of Student Financial Assistance Louisiana Student Financial Assistance Commission

#### Scholarship Merit Ranking Formula

The Louisiana Student Financial Assistance Commission (LASFAC) advertises its intention to approve formulas for the merit ranking of scholarship applicants. This proposal would provide for the equating of scores for high school graduating seniors and college students.

Formula I - Utilized for applicants with less than 24 hours of college credit earned.

$$\frac{\text{HSGPA}}{4.00} \times 60 + \frac{\text{ACT}^*}{35} \times 40 = \text{MERIT SCORE}$$

Formula II - Utilized for applicants with 24 or more hours of college credit earned.

$$\frac{\text{COLLEGE GPA}}{4.00} \times 95 + \frac{\text{COLLEGE LEVEL}}{4} \times 5 = \text{MERIT SCORE}$$

\*SAT and ENACT scores are converted to ACT equivalent.

Interested persons may submit written comments on the proposed regulations or review the factors until 4:30 p.m., April 20, 1991 at the following address: Jack L. Guinn, Executive Director, Office of Student Financial Assistance, Box 91202, Baton Rouge, LA 70821-9202.

Jack L. Guinn  
Executive Director

### Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Scholarship Merit Ranking Formula

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

No costs are associated with the approval of this formula.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

No impact on revenue collections will result from this rule.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

Scholarship applicants will be considered fairly and impartially.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Student applicants for scholarships will be considered and ranked with regard to their academic accomplishments for award determination.

Jack L. Guinn  
Executive Director

John R. Rombach  
Legislative Fiscal Officer

## NOTICE OF INTENT

**Department of Education  
Office of Student Financial Assistance  
Louisiana Student Financial Assistance Commission**

Trade, Occupational and Professional  
Licensing Requirement

The Louisiana Student Financial Assistance Commission (LASFAC) advertises its intention to adopt rules to implement Act 689 of 1990 of the Louisiana Legislature, which requires the denial, revocation and/or issuance of a conditional license to those individuals who have defaulted on a student loan guaranteed by this agency.

Act number 689 of the 1990 legislative session amended present law and added new law. Prior to its enactment, state boards, commissions, and other licensing agencies had the discretionary authority to promulgate rules for the denial of occupational licenses, permits, and certificates for applicants who had defaulted on student loan repayment obligations. The amended law now makes the withholding mandatory and creates a new class of conditional license. The statute requires the commission to adopt rules and regulations establishing the criteria and procedures for withholding of licenses.

A license applicant is subject to having his license withheld if he has not met the criteria for acceptable payment arrangements as determined by the Office of Student Financial Assistance (OSFA). The applicant may appeal the withholding of his license to OSFA. Applicants may file an appeal in accordance with prescribed appeal procedures, a copy of which may be obtained from OSFA at the address indicated below.

Applicants for license or renewal who have defaulted on their student loans and are currently making or will subsequently make acceptable arrangements to meet payments on their accounts are subject to being issued a conditional license pending loan repayment in accordance with their repayment schedule.

### Appeal Procedure

Adverse discretionary decisions made by the Office of Student Financial Assistance may be appealed to the Louisiana Student Financial Assistance Commission. Petitions for appeal must be in writing and filed within 30 days of notice of the decision or, if no notice is given, within 30 days from becoming aware of or the date the aggrieved party should have been aware of the adverse decision. The appeal must be addressed to the executive director, Office of Student Financial Assistance, and sent to Box 91202, Baton Rouge, LA 70821-9202 or hand delivered to 8401 United Plaza Boulevard, Suite 250, Baton Rouge, LA. Appeals may not be supplemented or amended after the lapse of 30 days. An appellant has the right to have his/her appeal heard orally but must make that request within the 30-day time period to file the appeal. If no request for an oral hearing is made, then the appellant may submit documentation and/or written memorandum to support his/her appeal at least 15 days prior to the review of the commission or the appeal committee appointed by the commission. Appellant will be notified at least 30 days prior to the hearing of the date of the hearing or review. The commission or the appeal committee will review all the evidence submitted and render a decision.

If after the review of the appeal committee or after a hearing held before the appeal committee a ruling adverse to

the appellant is made, then he/she has the right to have this ruling reviewed by the full commission.

The appellant must make an application for review within 15 days of receipt of the appeal committee's ruling. If no application for review is filed then the appeal committee's ruling is final as to the date of filing with the commission. If an application for review of the appeal committee's decision is timely filed, then a transcript of the oral hearing, if one was held, a copy of all documents submitted, and a copy of the appeal committee's decision shall be forwarded to the full commission for review. The appellant and the appellee also have the right to submit written memorandum to support their respective positions prior to the hearing by the full commission. Appellant and appellee will be notified at least 30 days in advance of the time and place of the review of the full commission. No oral testimony will be allowed at the full commission's review. All actions are stayed pending review by the commission. Subject to privacy laws, the appellant shall have the right to review and make copies of the agency files that relate to the dispute. If the appellant is unsatisfied with the decision of the commission he/she may seek judicial review.

### Oral Hearing

On the day of the oral hearing appellant and appellee shall be prepared to start the hearing at the time specified in the notice of hearing. The hearing may be continued for good cause provided a written request for extension is received at the commission at least seven days prior to the date of the hearing. All parties will be notified of a rescheduling or postponement of the hearing. Failure to be present at the hearing and ready to proceed may result in an adverse decision against the non-appearing party. Strict rules of evidence will not apply in these hearings. The appellant shall have the following rights at the hearing:

1. the right to present testimony, introduce evidence, and call witnesses on his/her behalf;
2. the right to cross exam witnesses called by the agency;
3. prior to the hearing, the appellant has the right and will be given the opportunity to review agency records that are relevant to his/her appeal and to make copies of those records at a cost of 20 cents per page; and
4. the right to be represented by counsel.

Interested persons may submit written comments on the proposed regulations until 4:30 p.m., April 20, 1991 at the following address: Jack L. Guinn, Executive Director, Office of Student Financial Assistance, Box 91202, Baton Rouge, LA 70821-9202.

Jack L. Guinn  
Executive Director

### **Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Trade, Occupational and Professional Licensing Requirement**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
Estimates: Printing \$5,000; Postage \$15,000. Computer programming and administrative processing to be performed by employees on staff as additional duties.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

We anticipate this action will increase collections by a minimum of \$500,000 per year, of which 30 percent, or \$150,000, will be retained.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

Individuals who have defaulted on student loans guaranteed by this agency will be subject to denial, revocation or issuance of a conditional trade, occupational or professional license unless acceptable repayment arrangements are made.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposal will create a strong incentive to repay student loans by hindering professional licensing if appropriate repayment obligations are not met.

Jack L. Guinn  
Executive Director

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Environmental Quality  
Office of Solid and Hazardous Waste  
SW02**

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001, et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the solid waste regulations, LAC 33:Part VII (Log No. SW02).

These amendments will extensively revise the solid waste regulations. Definitions have been added and entire sections have been rewritten for organization congruity. These amendments will also include permitting requirements for composting facilities, woodwaste landfills, and construction and demolition debris landfills. They will incorporate the "IT" site-selection criteria, provide procedural transition for facilities and applications currently in the program to meet the proposed regulations. They will revise design criteria for liner systems, leachate collection and removal systems, leak detection systems, and gas monitoring systems.

These proposed regulations are to become effective on June 20, 1991, or as soon thereafter as practical upon publication in the *Louisiana Register*.

A public hearing will be held on April 29, 1991, at 1:30 p.m. in the Mineral Board Hearing Room, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA. Interested persons are invited to attend and submit oral comments on the proposed amendments.

All interested persons are invited to submit written comments on the proposed regulations. Such comments should be submitted no later than Monday, May 6, 1991, at 4:30 p.m., to David Hughes, Enforcement and Regulatory Compliance Division, Box 44066, Baton Rouge, LA 70804 or to 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810. Commentors should reference this proposed regulation by the Log No. SW02. Copies of the proposed regulations are also available for inspection from 8 a.m. until 4:30

p.m. at the following locations:

Department of Environmental Quality, 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810.

Department of Environmental Quality, 804 31st Street, Monroe, LA 71203.

Department of Environmental Quality, State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101.

Department of Environmental Quality, 1150 Ryan Street, Lake Charles, LA 70601.

Department of Environmental Quality, 2945 North I-10 Service Road West, Metairie, LA 70002.

Department of Environmental Quality, 100 Eppler Road, Lafayette, LA 70505.

J. Terry Ryder  
Assistant Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Revised Solid Waste Regulations (LAC  
33:Part VII. Subpart I)**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Estimated implementation costs to state government are approximately \$480,244 for FY 91-92, \$578,079 for FY 92-93, and \$605,003 for FY 93-94. These costs result from an estimated 19 additional employees needed in the Solid Waste Division to implement the rule. The implementation costs to local governments are summarized in Part III, directly affected persons or non-governmental groups.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

This proposed rule is estimated to result in increased revenues to the state of approximately \$1,011,157 for FY 91-92, \$585,077 for FY 92-93, and \$607,957 for FY 93-94 due to fee increases. There should be no significant effect on revenue collections of local governments.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

This proposed rule is expected to cost directly affected persons or non-governmental groups approximately \$30,832,000 for FY 91-92, \$52,723,125 for FY 92-93, and \$94,875,125 for FY 93-94, chiefly due to additional construction requirements for landfills, landfarms and surface impoundments needed to adequately protect the environment. The rule should provide substantial, if difficult to quantify, economic benefit due to avoided costs of land and ground water cleanup, and possible human health effects, and other environmental problems.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule may have some effect on competition if neighboring states do not adopt similar standards. Such an effect would be difficult to quantify. Additional construction and operational requirements may increase employment (construction, consulting services, etc.) but this also would be difficult to quantify.

Paul H. Templet, Ph.D.  
Secretary

David W. Hood  
Senior Fiscal Analyst

## NOTICE OF INTENT

### Department of Environmental Quality Office of Solid and Hazardous Waste

Log SW03

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., particularly R.S. 30:2411-2422, 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 Solid Waste Regulations, LAC 33:Part VII. (Log No. SW03).

This amendment addresses all the major issues in Act 185 of 1989. General guidelines as well as specific requirements for achieving the goals and mandates are provided. Methods of measuring reduction as well as specific requirements on all other applicable areas required by statute are included.

These proposed regulations are to become effective on June 20, 1991, or as soon thereafter as practical upon publication in the *Louisiana Register*.

A public hearing will be held on April 29, 1991, at 1:30 p.m. in the Mineral Board Hearing Room, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA. Interested persons are invited to attend and submit oral comments on the proposed amendments.

All interested persons are invited to submit written comments on the proposed regulations. Such comments should be submitted no later than Monday, May 6, 1991, at 4:30 p.m., to David Hughes, Enforcement and Regulatory Compliance Division, Box 44066, Baton Rouge, LA 70804 or to 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810. Commentors should reference this proposed regulation by the Log No. SW03. Copies of the proposed regulations are also available for inspection at the Office of the State Register, 900 Riverside North, Capitol Annex Building, Fifth Floor, Baton Rouge, LA and at the following locations from 8 a.m. until 4:30 p.m.

Department of Environmental Quality, 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810;

Department of Environmental Quality, 804 31st Street, Monroe, LA 71203;

Department of Environmental Quality, State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101;

Department of Environmental Quality, 1150 Ryan Street, Lake Charles, LA 70601;

Department of Environmental Quality, 2945 North I-10 Service Road West, Metairie, LA 70002;

Department of Environmental Quality, 100 Eppler Road, Lafayette, LA 70505.

J. Terry Ryder  
Assistant Secretary

### Fiscal and Economic Impact Statement For Administrative Rules

#### Rule Title: Revised Solid Waste Regulations (LAC 33: Part VII. Subpart II)

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
Implementation costs to the Department of Environ-

mental Quality are approximately \$572,277 for FY 91-92, \$555,732 for FY 92-93 and \$697,372 for FY 93-94. These costs result from the addition of 16 employees needed in the Solid Waste Division to implement the rule. The implementation costs to local governments are summarized in Part III, directly affected persons or non-governmental groups.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Revenue collections of local governmental units will not be affected. This proposed rule is estimated to increase state revenue collections approximately \$6,660,500 per year due to implementation of fees to cover costs of the Solid Waste Recycling Program.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

This proposed rule is estimated to cost directly affected persons or non-governmental groups approximately \$8,400,000 per year. This is the result of a \$2 per tire recycling fee being collected on the 4.2 million tires per year purchased in Louisiana. \$4.2 million or one-half of the fee will be retained by the seller/processor to assist in his disposal costs. A 10 percent administration fee may be collected by the Department of Environmental Quality and the remainder will be placed in the "Waste Tire Clean-up Fund." The rule should provide substantial economic benefit due to avoided costs of additional land-fill sites, encourage recycling so as to preserve and enhance the natural beauty of the natural resources of the state.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The regulations will have no negative impact on competition and employment within the state. New jobs would be expected to be generated as facilities seek to comply with the regulations.

Timothy W. Hardy  
Assistant Secretary

John R. Rombach  
Legislative Fiscal Officer

(Editors' Note: The following Notice of Intent, as appeared in the January 20, 1991 *Louisiana Register*, is being reprinted, as a portion of Table I was inadvertently omitted.)

## NOTICE OF INTENT

### Department of Environmental Quality Office of Water Resources

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001, et seq., particularly R.S. 30:2074.B.(1) 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.1113, (Log Number WP07).

This amendment will add 2, 3, 7, 8-Tetrachlorodibenzo-p-dioxin (2, 3, 7, 8-TCDD) (dioxin) numerical criteria to §1113.C.6 Numerical Criteria, Table 1. Dioxin (number 46) criteria are added because of its presence in

fish tissues and its potential threat to water uses. Consequently, this revision will result in the subsequent numbers in Table 1 to be renumbered accordingly. The addition of the dioxin numerical criteria is proposed in order to comply with federal regulations. See *Federal Register* published April 17, 1990, 55 FR 14350, Number 74.

These proposed regulations are to become effective on April 20, 1991, or as soon thereafter as practical upon publication in the *Louisiana Register*.

PROPOSED RULE

Title 33

ENVIRONMENTAL QUALITY

Part IX. Water Quality Regulations

Chapter 11. Louisiana Surface Water Quality Standards

\*\*\*

§1113. Criteria

\*\*\*

C. Numerical Criteria

Numerical criteria identified in the Numerical Criteria Tables apply to the specified water bodies, and to their tributaries, distributaries, and interconnected streams and water bodies if they are not specifically named therein, unless it can be shown through a use attainability analysis that unique chemical, physical, and/or biological conditions preclude the attainment of the criteria. In those cases, natural background levels of these conditions may be used to establish site-specific water quality criteria. Those water bodies officially approved and designated by the state and EPA as intermittent streams, man-made watercourses, or naturally dystrophic waters may be excluded from some or all numerical criteria during specified seasonal periods as defined in LAC 33:IX.1123. Numerical criteria specifically apply to water quality conditions of state surface waters attributed to human activities or waste discharges as opposed to naturally occurring conditions.

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6. Toxic Substances

Numerical criteria for specific toxic substances are listed in Table 1.

a. Numerical criteria for specific toxic substances are mostly derived from the following publications of the Environmental Protection Agency: *Water Quality Criteria*, 1972 (commonly referred to as the "Blue Book"); *Quality Criteria for Water*, 1976 (commonly referred to as the "Red Book"); *Ambient Water Quality Criteria*, 1980 (EPA 440/5-80); *Ambient Water Quality Criteria*, 1984 (EPA 440/5-84-85); and *Quality Criteria for Water*, 1986, with updates (commonly referred to as the "Gold Book"). Natural background conditions, however, are also considered. These toxic substances are selected for criteria development because of their known or suspected occurrence in Louisiana waters and potential threat to attainment of designated water uses.

\*\*\*

f. A variance to statewide numerical criteria for toxic substances may be allowed to prevent the inappropriate application of toxic criteria to a specific water body. The variance provides a period of time during which issues concerning the appropriateness of the criteria may be resolved. A variance is temporary and shall last no more than three years. Any person may request that the office grant a variance. The office will approve or disapprove the variance only after appropriate public participation and EPA review and approval. Variances to toxic substance criteria are allowed only when at least one of the reasons listed below can be reasonably expected to cause non-attainment of water quality standards. Allowed variances for specific water bodies are noted by numerical criteria for toxic substances in Table 1.

\*\*\*

TABLE 1

NUMERICAL CRITERIA FOR SPECIFIC TOXIC SUBSTANCES

(In micrograms per liter (µg/L) or parts per billion (ppb) unless designated otherwise)

Toxic Substance	Aquatic Life Protection				Human Health Protection	
	Fresh Water		Marine Water		Drinking Water Supply <sup>1</sup>	Non-Drinking Water Supply <sup>2</sup>
	Acute	Chronic	Acute	Chronic		

(TABLE 1 CONTINUED)

NUMERICAL CRITERIA FOR SPECIFIC TOXIC SUBSTANCES

(In micrograms per liter (µg/L) or parts per billion (ppb) unless designated otherwise)

Toxic Substance	Aquatic Life Protection				Human Health Protection	
	Fresh Water		Marine Water		Drinking Water Supply <sup>1</sup>	Non-Drinking Water Supply <sup>2</sup>
	Acute	Chronic	Acute	Chronic		

Other Organics

46. 2,3,7,8-Tetrachloro-dibenzo-p-dioxin (2,3,7,8 TCDD; dioxin) <sup>8,9</sup>	--	--	--	--	0.071 ppq <sup>10</sup>	0.072 ppq
--	----	----	----	----	-------------------------	-----------

Metals

47. Arsenic	360	190	69.00	36.00	50.0	--
48. Chromium III (Tri) <sup>7</sup>	(980, 1700, 3100)	(120, 210, 370)	515.00	103.00	50.0	--

49. Chromium VI (Hex)	16	11	1.10 mg/L50.00	50.0	--
50. Zinc <sup>7</sup>	(65, 120, 210)	(59, 110, 190)	95.00 86.00	5.0 mg/L	--
51. Cadmium <sup>7</sup>	(15.4, 33.7, 73.6)	(0.66, 1.13, 2.0)	45.62 10.00	10.0	--
52. Copper <sup>7</sup>	(9.9, 19.2, 36.9)	(7.1, 12.8, 23.1)	4.37 4.37	1.0 mg/L	--
53. Lead <sup>7</sup>	(34, 82, 200)	(1.3, 3.2, 7.7)	220.00 8.50	50.0	--
54. Mercury	2.4	0.012	2.10 0.025	2.0	--
55. Nickel <sup>7</sup>	(790, 1400, 2500)	(88, 160, 280)	75.00 8.30	--	--

<sup>8</sup>Exception:

46. 2,3,7,8-Tetrachloro-

dibenzo-p-dioxin (2,3,7,8 TCDD: dioxin)

for:

a) Cypress Creek - Bayou Anacoco (from Cypress Creek to Sabine River)	--	--	--	--	0.21 ppq	0.22 ppq
b) Staulkinghead Creek - Little Bayou Boeuf - Wham Brake	--	--	--	--	0.21 ppq	0.22 ppq

<sup>9</sup>Variances Allowed (effective December 4, 1990 and expires no later than December 3, 1993):

1) Cypress Creek - Bayou Anacoco (from Cypress Creek to Sabine River)	--	--	--	--	1.00 ppq	1.00 ppq
2) Staulkinghead Creek - Little Bayou Boeuf - Wham Brake	--	--	--	--	1.00 ppq	1.00 ppq

<sup>10</sup>ppq = parts per quadrillion

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 4:302 (August 1978), amended LR 10:745 (October 1984), LR 15:738 (September 1989), LR 17:

A public hearing will be held on February 26, 1991, at 1:30 p.m. in the Mineral Board Hearing Room, State Land and Natural Resources Building, 625 N. 4th Street, Baton Rouge, LA. Interested persons are invited to attend and submit oral comments on the proposed amendments.

All interested persons are invited to submit written comments on the proposed regulations. Such comments should be submitted no later than Wednesday, February 27, 1991 at 4:30 p.m. to David Hughes, Enforcement and Regulatory Compliance Division, Box 44066, Baton Rouge, LA, 70804 or to 333 Laurel Street, sixth floor, Suite 620, Baton Rouge, LA, 70801. Commentors should reference this proposed regulation by the Log Number WP07.

Paul Templet  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Surface Water Quality Standards**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There will be no costs to the state in implementing these additional criteria.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There will be no effect on revenue collections in implementing the additional criteria.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

There will be no estimated costs and/or economic benefits to directly affected persons or non-governmental groups due to the fact that if state promulgation procedures for these criteria are not initiated by February 1991, the U. S. Environmental Protection Agency will promulgate more restrictive criteria for these toxicants, thereby generating a greater cost to persons directly affected. Economic benefits of increased public health and well-being are impossible to accurately assess.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

There will be no appreciable short-term effect on competition and employment. However, improving water quality through specific guidelines can promote long-term industrial development and increase employment.

Paul H. Templet  
Secretary

David W. Hood  
Senior Fiscal Analyst

## NOTICE OF INTENT

### Office of the Governor Office of Elderly Affairs

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Governor's Office of Elderly Affairs (GOEA) intends to amend the GOEA Policy Manual, effective June 20, 1991. The purpose of the amendment is to reflect the requirements for area agency on aging advisory councils set forth in the *Federal Register* Vol. 53, No. 169, dated August 31, 1988.

#### Title 4

#### ADMINISTRATION

#### Part VII. Governor's Office of Elderly Affairs

#### Chapter 11. Elderly Affairs

#### Subchapter B. Area Agency on Aging

#### §1131. Advisory Council

##### A. Functions of the council

1. The area agency shall establish an advisory council. The council shall carry out functions which further the area agency's mission of developing and coordinating community-based systems of services for all older persons in the planning and service area.

2. The council shall advise the agency relative to:

- a. developing and administering the area plan; conducting public hearings;
- b. representing the interests of older persons; and
- c. reviewing and commenting on all community policies, programs, and actions which affect older persons with the intent of assuring maximum coordination and responsiveness of older persons.

##### B. Composition of the council

1. The council shall include individuals and representatives of community organizations who will help to enhance the leadership role of the area agency in developing community-based systems of services.

2. The advisory board shall be made up of:

- a. more than 50 percent older persons, including minority individuals who are participants in or who are eligible to participate in Older Americans Act Title III programs;
- b. representatives of older persons;
- c. representatives of health care provider organizations, including providers of veterans' health care (if appropriate);
- d. representatives of supportive services providers organizations;
- e. persons with leadership experience in the private and voluntary sectors;
- f. local elected officials; and
- g. the general public.

##### C. Review by Advisory Council

The area agency shall submit the area plan and amendments for review and comment to the advisory council before it is transmitted to the state agency for approval.

Interested persons may submit written comments to the following address: Governor's Office of Elderly Affairs, Box 80374, Baton Rouge, LA 70898-0374. Mrs. Betty Johnson is the person responsible for responding to inquiries regarding this proposed rule change. Written comments must be received at the above address by 5 p.m. April 26, 1991.

A public hearing to receive comments on this pro-

posed rule change will be held Thursday, April 25, 1991 in the Governor's Office of Elderly Affairs Conference Room, 4550 North Blvd., Second Floor, Baton Rouge, LA beginning at 10 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

Vicky Hunt  
Director

### Fiscal and Economic Impact Statement For Administrative Rules

#### Rule Title: LAC 4:VII.1131 AAA Advisory Council

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
The proposed rule change will not affect local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
The proposed rule change will not affect revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
The proposed rule change will affect the area agencies on aging, health care providers and supportive services providers. In some cases, special efforts may be required for area agencies to recruit and train individuals who are unaware of the Older Americans Act programs to serve on the advisory boards. The costs associated with this activity is not known at this time. However, it is anticipated that the active involvement of advisory councils represents a potential resource for area agencies. Area agencies are urged to make use of their advisory councils in a variety of ways which further the development of systems of services at the community level. The involvement of representatives of health care providers and supportive services providers will enable all of the significant parties who must participate in the development of service systems for older persons to be actively involved in the planning process of planning for and implementing decisions directed to that end.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
The effect of the proposed rule change on competition and employment in the public and private sectors is not known.

Vicky Hunt  
Director

John R. Rombach  
Legislative Fiscal Officer

## NOTICE OF INTENT

### Office of the Governor Office of Elderly Affairs

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Governor's Office of Elderly Affairs (GOEA) intends to amend the GOEA Policy Manual, effective June 20, 1991. The purpose



of the amendment is to provide parameters for service as area agency on aging (AAA) board and staff members so as to prevent even the appearance of undue influence on the organization. The AAA board of directors establishes policy for the agency and may hire/fire the director, who in turn hires/fires subordinate staff. The AAA board of directors also establishes salaries and benefits of paid staff.

**Title 4**

**ADMINISTRATION**

**Part VII. Governor's Office of Elderly Affairs**

**Chapter 11. Elderly Affairs**

**Subchapter B. Area Agency on Aging**

**§1129. Organization of the Area Agency**

A. Governing Body

1. - 2. ...

3. Former area agency on aging board members shall not be employed as paid agency staff of the same agency for a period of two years immediately following separation from the board.

4. Former area agency on aging staff members shall not serve on the board of directors of the same agency for a period of two years immediately following separation from employment.

B. ...

Interested persons may submit written comments to the following address: Governor's Office of Elderly Affairs, Box 80374, Baton Rouge, LA 70898-0374. Mrs. Betty Johnson is the person responsible for responding to inquiries regarding this proposed rule change. Written comments must be received at the above address by 5 p.m. April 26, 1991.

A public hearing to receive comments on this proposed rule change will be held Thursday, April 25, 1991 in the Governor's Office of Elderly Affairs Conference Room, 4550 North Blvd., Second Floor, Baton Rouge, LA beginning at 10 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

Vicky Hunt  
Director

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Rule Title: LAC 4:VII.1129 AAA Governing Body**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule change will not affect state or local governmental units.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule change will not affect revenue collections.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

The proposed rule change is not expected to result in costs or economic benefits to area agency on aging board members or paid staff.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

Area agency on aging board members will have to wait two years after separation from the governing body before being hired to work in the same agency for which they served. They will not be prohibited from working in a different area agency.

Vicky Hunt  
Director

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

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

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Governor's Office of Elderly Affairs (GOEA) intends to amend the GOEA Policy Manual, effective July 1, 1991. The purposes of this rule change are: to relieve the area agencies on aging of responsibility for the operation of local ombudsman programs; to provide for designation and de-designation of local programs; to remove the requirement of weekly visitation in each long term care facility; and to provide more flexibility in training requirements.

**Title 4**

**ADMINISTRATION**

**Part VII. Governor's Office**

**Chapter 11. Elderly Affairs**

**Subchapter B. Area Agency on Aging**

**§1127. Area Agency Responsibilities**

A. Advocacy Responsibilities

\* \* \*

4. to consult with and support the state's long term care ombudsman program.

\* \* \*

**Subchapter E. Uniform Service Requirements**

**§1229. Office of the State Long Term Care Ombudsman**

A. Purpose

The purpose of the Louisiana Office of the State Long Term Care Ombudsman (sometimes referred to in this Section as "the Office") is to ensure that residents of long term care facilities receive the quality of life to which they are entitled.

B. ...

C. Functions of the Office of the State Long Term Care Ombudsman

\* \* \*

8. to designate local entities to operate programs at the sub-state level.

9. to include any area or local ombudsman program designated by the State Long Term Care Ombudsman as a subdivision of the office.

D. Program Structure

\* \* \*

2. Sub-state level

a. Designation of Local Programs

i. The State Long Term Care Ombudsman shall designate as local ombudsman programs public or private non-profit agencies or organizations which have the capacity to perform the duties set forth in Subparagraph (c) of Paragraph (2) of Subsection (D) of this Section.

ii. The State Long Term Care Ombudsman shall not designate as a local ombudsman program any agency or organization for which such designation would create a conflict of interest.

iii. The Governor's Office of Elderly Affairs (GOEA) shall contract with agencies or organizations designated by the State Long Term Care Ombudsman to operate local ombudsman programs at the sub-state level.

iv. The contract between GOEA and the local ombudsman program shall specify the service area covered by the local program and the responsibilities of each party. It shall contain assurances regarding the performance of the local program and provisions for termination of designation.

v. A local entity which cannot meet all designation requirements or which is experiencing substantial problems may be granted a provisional designation, provided that the program has provided a plan for corrective action, acceptable to the State Long Term Care Ombudsman, including a timetable for meeting requirements.

vi. Designations of local programs shall be renewed annually. If a designated local program wishes to be considered for renewal, it shall provide written notice to the State Long Term Care Ombudsman at least 90 days prior to the end of the contract year.

vii. The State Long Term Care Ombudsman may designate a local program or terminate a designation for cause. The terms and conditions for this procedure shall be included in the contract with the local program.

\* \* \*

c. At a minimum, each local program shall:

i. delete: "PSA on at least a part-time basis." add: "service area."

ii. submit for approval by the state long term care ombudsman a written plan of visitation which provides for regular visitation to each facility in the service area by program personnel. Every facility must be visited by a certified ombudsman at least once per month. The plan of visitation shall be incorporated into the contract with GOEA.

\* \* \*

vi. delete: "PSA", add: "service area."

\* \* \*

E. Personnel Qualifications and Responsibilities

\* \* \*

4. Ombudsman participants

b. Responsibilities

ii. to visit residents in each assigned facility in accordance with the plan of visitation in clause (ii) of Subparagraph (c) of Paragraph (2) of Subsection (B) of this Section.

\* \* \*

F. Ombudsman Certification

\* \* \*

3. Training

\* \* \*

c. ... add: "If requirements for the current year have been met, hours earned during the final quarter of a calendar year may be carried over to the following year."

\* \* \*

g. Recertification will be done on a calendar year basis. It is the responsibility of each designated program to monitor at least the following activities to assure eligibility for recertification:

- i. number of visits per month;
- ii. number of hours per month;

iii. number of cases handled per month; and

iv. number of inservice hours completed per quarter.

h. Newly certified ombudsmen shall not be required to earn inservice hours during the first year or partial year following their initial certification. Instead, they shall be required to attend training sessions conducted by the local program coordinator on the following topics:

- i. problem resolution;
- ii. resident rights; and
- iii. assertiveness/communication.

This training shall be conducted in accordance with guidelines and materials prepared by the state long term care ombudsman. This training must be completed within the first six months following certification. As of the beginning of the year following the initial certification date regular inservice training requirements will apply.

4. Examination

a. insert: "and/or oral" between "written" and "examination" in the first sentence.

\* \* \*

6. Leave of Absence

a. Individuals who are unable to fulfill their program responsibilities due to extended illness, family problems, or other unforeseen circumstances may request a leave of absence. A written request must be submitted to the state ombudsman with a specified time period for the leave. If granted, ombudsman responsibilities will be suspended until the leave is concluded.

b. A formal leave of absence is not required for absence of two weeks or less. Such absences should be recorded by the local program and should not total more than six weeks in a calendar year.

\* \* \*

Interested persons may submit written comments to the following address: Governor's Office of Elderly Affairs, Box 80374, Baton Rouge, LA 70898-0374. Betty Johnson is the person responsible for responding to inquiries regarding this proposed rule change. Written comments must be received at the above address by 5 p.m. April 26, 1991.

A public hearing to receive comments on this proposed rule change will be held Thursday, April 25, 1991 in the Governor's Office of Elderly Affairs Conference Room, 4550 North Blvd., Second Floor, Baton Rouge, LA beginning at 10 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

Vicky Hunt  
Director

### Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: GOEA Policy Manual Amendment-Section  
1229

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no costs or savings to state or local governmental units resulting from the proposed rule change.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

Area agencies on aging (AAAs) that continue to operate local ombudsman programs directly will not incur additional costs or benefit economically as a result of this rule change. AAAs that choose not to continue to operate local programs directly and AAAs whose designation is terminated for cause will lose ombudsman program funds (ranging from \$1465 to \$70,702), and another AAA or public or private agency that is designated for that area will realize a corresponding increase in funds. AAAs which now subcontract all available ombudsman funds to a provider will realize a savings in area agency administrative costs necessary to manage the subcontract.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

AAAs that are no longer designated may choose to transfer personnel from the ombudsman program to other services or to terminate persons now employed as ombudsmen. (NOTE: There are currently seven full-time and 69 part-time ombudsmen employed by AAAs). Other AAAs and other newly designated programs may shift personnel to the program or employ new staff to serve as ombudsmen.

Vicky Hunt  
Director

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

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

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Governor's Office of Elderly Affairs (GOEA) intends to amend the GOEA Policy Manual, effective June 20, 1991. The purpose of the amendment is to provide parameters for service as a parish council on aging (COA) board and staff members so as to prevent even the appearance of undue influence on the organization. The COA board of directors establishes policy for the agency and may hire/fire the director, who in turn hires/fires subordinate staff. The COA board of directors also establishes salaries and benefits of paid staff.

**Title 4**

**ADMINISTRATION**

**Part VII. Governor's Office of Elderly Affairs**

**Chapter 11. Elderly Affairs**

**Subchapter C. Councils on Aging**

**§1167. Organization**

A. ...

B. Membership of the Board of Directors

1. - 5. ...

6. Former council on aging staff members shall not serve on the board of directors of the same agency for a period of two years immediately following separation from employment.

7. Former council on aging board members shall not serve as paid agency staff of the same agency for a period of

two years immediately following separation from the board.

C. - L. ...

Interested persons may submit written comments to the following address: Governor's Office of Elderly Affairs, Box 80374, Baton Rouge, LA 70898-0374. Mrs. Betty Johnson is the person responsible for responding to inquiries regarding this proposed rule change. Written comments must be received at the above address by 5 p.m. April 26, 1991.

A public hearing to receive comments on this proposed rule change will be held Thursday, April 25, 1991 in the Governor's Office of Elderly Affairs Conference Room, 4550 North Blvd., Second Floor, Baton Rouge, LA beginning at 10 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

Vicky Hunt  
Director

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Rule Title: LAC 4:VII.1167 COA Board Membership**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change will not affect state or local governmental units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change will not affect revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

The proposed rule change is not expected to result in costs or economic benefits to parish council on aging board members or paid staff.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Parish council on aging board members will have to wait two years after separation from the governing body before being hired to work in the same agency for which they served. They will not be prohibited from working in a different council on aging.

Vicky Hunt  
Director

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Health and Hospitals  
Office of Human Services**

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the Office of Human Services, Division of Alcohol and Drug Abuse is hereby giving notice of its intent to amend the guidelines for administering the revolving fund account for establishing group homes for recovering substance abusers. The Anti-Drug Abuse Act

of 1988, (Public Law 100-690) required the state to create a revolving fund of at least \$100,000 for the purpose of making low-cost, short-term loans to groups or entities for the start-up of recovery residences for homeless recovering alcoholics or drug abusers. The rule implementing the guidelines was published in the December, 1989 issue of *Louisiana Register*, page 1081.

**Title 48  
PUBLIC HEALTH**

**Part VII. Alcohol and Drug Abuse Services**

**Chapter 7. Group Homes for Recovering Substance Abusers**

**§703. Definitions**

A.-E. ...

F. Individual Loan means a loan payable to an individual person in recovery from substance abuse and made in order to enable said person to access an already existing recovery home when such home requires an advance cash deposit as an eligibility criterion.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:771 and R.S. 36:258(E)(3).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Human Services, Division of Alcohol and Drug Abuse, LR 15:1081 (December 1989), amended LR 17:

**§705. Regulations**

A.-I. ...

J. Loans made pursuant to these regulations must be repaid in accordance with the schedule in §711(C), but must be repaid within 24 months of issuance.

1. Late payment fees shall be assessed in the amount of \$25 or 20 percent of the amount past due, whichever is less.

2. A group home which defaults on payment will be subject to recovery process in accordance with law, and with costs of recovery assessed against the home.

3. Any proceeds recovered from defaulted loans, except costs associated with the recovery proceedings, shall be deposited to the credit of the revolving fund for recovery homes in the state treasury.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:771 and R.S. 36:258(E)(3).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Human Services, Division of Alcohol and Drug Abuse, LR 15:1081 (December 1989), amended LR 17:

**§707. Purpose of the Fund**

A.-H. ...

I. To repay bridge loans made in the home's behalf by a corporation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:771 and R.S. 36:258(E)(3).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Human Services, Division of Alcohol and Drug Abuse, LR 15:1081 (December 1989), amended LR 17:

**§709. Eligibility Requirements**

A.-D. ...

E. Lender may require applicant groups to provide other evidence of ability to repay any loan for which application is made.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:771 and R.S. 36:258(E)(3).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Human Services, Division of Alcohol and Drug Abuse, LR 15:1081 (December 1989), amended LR 17:

**§711. Application Procedures**

A.-B. ...

C. Application Review Process

1. The completed application package shall be hand-carried to the issuing office by the applicant. The application will be reviewed by the Regional Alcohol and Drug Abuse Treatment Program Manager along with the applicant. The regional manager will determine with the applicant a suitable repayment schedule within the 24-month limit of the loan. Interest shall be calculated at five percent simple interest except that bridge loans to establish chartered non-profit corporations shall be interest free. The regional manager shall compute the payment, and enter it on the Application Form in the box designated "For Office Use Only."

2. If approved, the application shall be forwarded to the Department of Health and Hospitals (DHH) Office of Human Services, Division of Alcohol and Drug Abuse, Special Projects Branch. If approved, it will be forwarded to the DHH, Bureau of Fiscal Services, Financial Management Section for issuance of a check to the applicant. The Bureau of Fiscal Services will forward a copy of its transmittal letter to the approving officer in the Division of Alcohol and Drug Abuse.

3. Limits on Loan Amounts and Duration of Loans

a. organizational (group) loans shall be limited to a maximum amount of \$4,000 for each loan made to be repaid within 24 months or less.

b. bridge loans shall be limited to a maximum of \$2,000 per loan, to be repaid within three months or less.

c. individual loans shall be limited to a maximum of \$500 to be repaid within 12 months or less.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:771 and R.S. 36:258(E)(3).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Human Services, Division of Alcohol and Drug Abuse, LR 15:1081 (December 1989), amended LR 17:

**§713. Bridge Loans**

A. ...

B. Restrictions on Bridge Loans

1. Private, chartered, non-profit corporations which have been in existence three months or more prior to the date of application for the loan.

2. Ninety-day payback.

3. Maximum amount limited to \$2,000 for each loan applied for, to cover security, rental and other deposits, lease costs, and for basic furnishings required for occupancy.

4. Non-interest bearing.

5. Application for loan must state "Bridge Loan."

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:771 and R.S. 36:258(E)(3).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Human Services, Division of Alcohol and Drug Abuse, LR 15:1081 (December 1989), amended LR 17:

**§714. Individual Loans**

A. Individual loans are restricted loans to individuals in recovery who are accepted into an already existing, functional group recovery home which requires, as an admission criterion, an advance deposit for his/her share of the first month(s) operational costs.

B. Individual loans are provided only to individuals who:

1. are recovering from a substance abuse disorder;
2. can provide proof that they have been accepted into an existing viable group recovery home;
3. can provide proof that the group recovery home into which they have been accepted required the applicant to pay his/her share of the first month's operational costs as an admission criterion;
4. do not have the funds to meet this criterion of admission;
5. provides evidence of employment, employability, registration for employment, or recipient of other monetary benefits.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:771 and R.S. 36:258(E)(3).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Human Services, Division of Alcohol and Drug Abuse, LR 15:1081 (December 1989), amended LR 17:

\* \* \*

Interested persons may submit written comments on the proposed changes to the following address: Dr. Robert A. Perkins, Sr., Deputy Assistant Secretary, Division of Alcohol and Drug Abuse, Bin No. 9, Box 3868, Baton Rouge, LA 70821. He is the person responsible for responding to inquiries regarding this proposed rule.

David L. Ramsey  
Secretary

#### **Fiscal and Economic Impact Statement For Administrative Rules**

##### **Rule Title: Group Homes for Recovering Substance Abusers, (LAC 48:VII)**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There are no costs to implement this rule. In FY 90, a revolving fund was established through an ancillary account of \$100,000 with federal block grant funds to make low-cost, short-term loans to groups or entities for the start-up of group residences for recovering substance abusers. The fund to be maintained in subsequent years through repayment of the loans. These amendments provide clarification of the guidelines for administering the loans. Provisions for the individual loans are proposed as well as late payment fees and a recovery process on defaulted loans.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There is no effect on revenue collections of state or local governmental units.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

The amended guidelines allow loans of up to \$500 for qualified individuals to enable them to access an existing recovery group home which may require an advance deposit for his/her share of the first month(s)' operational costs.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

There is no estimated effect on competition and employment.

Billy R. Stokes  
Assistant Secretary

David W. Hood  
Senior Fiscal Analyst

#### **NOTICE OF INTENT**

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

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, proposes to adopt the following rule in the Medical Assistance Program.

The policies and procedures for Facility Need Review are being revised to assure adequate nursing facility beds remain available in high occupancy areas. Nursing facilities in high occupancy areas will have the opportunity to increase bed capacity without capitation, should the number of beds in the service area be determined insufficient to serve the Title XIX population and the facility is capable of providing high quality care. The number of beds which may be enrolled, however, is determined by the recommended nurse/patient ratio for the number of beds in the facility which are enrolled in Medicaid. The number of increased beds may not result in a change in the number of nurses required for the number of enrolled beds in addition to the proposed beds; however, a facility which is at or near the maximum of the recommended minimum nurse/patient ratio may enroll additional beds in increments of 20.

#### **PROPOSED RULE**

Subsection B. NURSING FACILITIES/BEDS, 6. a. (3) page 10 shall read as follows:

The number of beds for which application may be made is determined by the recommended minimum nurse/patient ratio for the number of beds in the facility which are enrolled in Medicaid; the number of proposed beds may not result in a change in the number of nurses required for the number of enrolled beds in addition to the proposed beds; however, a facility which is at or near maximum may apply for additional beds in increments of 20.

Interested persons may submit written comments to the following address: Carolyn Maggio, Director, Bureau of Health Services Financing, Office of the Secretary, Department of Health and Hospitals, Box 91030, Baton Rouge, LA 70821-9030. She is the person responsible for responding to inquiries regarding this proposed rule.

A public hearing on this proposed rule will be held on April 26, 1991 in the Department of Transportation and Development Auditorium, 1201 Capitol Access Road, Baton Rouge, LA, at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

David L. Ramsey  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Facility Need Review to allow Nursing  
Facilities to Expand Beyond 210 beds**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO  
STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

Based on current and projected occupancy rates, the proposed rule would allow up to four nursing homes now and a total of seven within two years to apply for a maximum of 20 additional beds each. It is assumed that only about one-fourth (or two homes) would actually apply and receive approval, resulting in a total of 40 additional beds in operation. Assuming 87 percent occupancy of these beds and an average per diem rate of approximately \$40, the additional cost would be \$508,000 per year, including \$130,000 in state matching funds.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF  
STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

Implementation of the proposed rule would increase federal matching funds for Title XIX vendor payments by about \$378,000 per year.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS  
TO DIRECTLY AFFECTED PERSONS OR NON-  
GOVERNMENTAL GROUPS (Summary)**

Implementation of the proposed rule would result in increased expenditures for Title XIX recipient care in nursing facilities of about \$508,000 per year.

**IV. ESTIMATED EFFECT ON COMPETITION AND EM-  
PLOYMENT (Summary)**

Under this rule, additional nursing facility services will become available to Title XIX recipients. It is projected that the increased need for patient care staffing may result in a small increase in employment in the state. The impact on individual providers as well as on competition in the marketplace cannot be projected.

Carolyn O. Maggio  
Director

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Natural Resources  
Office of the Secretary**

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Department of Natural Resources hereby gives notice that it intends to amend LAC 43:I.1515 regarding the assessment of fees. The previous assessment was imposed on April 20, 1990.

**Title 43**

**NATURAL RESOURCES**

**Part I. Office of the Secretary**

**Chapter 15. Administration of Fishermen's Gear Com-  
pensation Fund**

**§1515. Assessment of Fees**

B. The balance in the Fishermen's Gear Compensation Fund is less than \$100,000 and, pursuant to R.S. 56:700.2., an additional fee of \$500 will be assessed on each lessee of a state mineral lease and each grantee of a state right-of-way located in the Coastal Zone of Louisiana, effec-

tive June 20, 1991.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:700.2.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 5:328 (October 1979), amended LR 9:15 (January 1983), LR 10:546 (July 1984), LR 11:1178 (December 1985), LR 12:602 (September 1986), LR 13:360 (June 1987), LR 15:497 (June 1989), LR 16:320 (April 1990), LR 17:

Questions or comments relative to this fee may be directed to Gerald P. Theriot, Administrator, Fishermen's Gear Compensation Fund, Box 94396, Capitol Station, Baton Rouge, LA, 70804, (504) 342-0122, and must be received by May 20, 1991.

Ron Gomez  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Fishermen's Gear Compensation Fund-Fee  
Notice**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO  
STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There will be no additional implementation cost (savings) to state or local government units. Existing staff can handle the related workload.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF  
STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

Commercial fishermen may file claims for reimbursement (not to exceed two each fiscal year) for damages sustained while operating in coastal waters. Reimbursement is paid from the Fishermen's Gear Compensation Fund, whose revenues are generated by an assessment on each holder of a state mineral lease and each grantee of a pipeline right-of-way located within the Coastal Zone. Assessments are imposed only when the fund's balance is below \$100,000. No revenues will be received until July, 1991, and the approximately \$950,000 derived for the assessment of \$500 on each of 1900 leases and rights-of-way will be used to pay claims throughout FY 91-92.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS  
TO DIRECTLY AFFECTED PERSONS OR NON-  
GOVERNMENTAL GROUPS (Summary)**

The assessment will be paid by the petroleum exploration, production and transmission industries. Legislation which established the Fishermen's Gear Compensation Fund authorizes assessments of fees not to exceed \$1000 per year per lease or right-of-way. The proposed rule announces an assessment of \$500 on each of 1900 leases and rights-of-way, with the resulting \$950,000 used to pay claims for reimbursement filed by eligible commercial fishermen.

**IV. ESTIMATED EFFECT ON COMPETITION AND EM-  
PLOYMENT (Summary)**

There will be no effect on competition and employment, being that this rule simply announces a fee authorized by an act of legislature.

Mary Mitchell  
Undersecretary

David W. Hood  
Senior Fiscal Analyst

## NOTICE OF INTENT

### Department of Public Safety and Corrections Office of Alcoholic Beverage Control

The Department of Public Safety and Corrections, Office of Alcoholic Beverage Control, gives notice in accordance with the provisions of R.S. 49:950 et seq. and in accordance with the general authority conferred by Title 26 of the Revised Statutes, of its intent to issue a rule, LAC 55:VII.323, to provide procedures for the issuance of limited duration temporary alcoholic beverage permits for fairs, festivals and other special events. This rule is also necessary to effectuate the intent of the Legislature as expressed in R.S. 26:793 that certain religious and charitable organizations not be charged a fee for permits required to hold such events. This rule replaces an emergency rule adopted January 23, 1991.

#### Title 55

#### PUBLIC SAFETY

#### Part VII. Alcoholic Beverage Control

#### Subpart 1. Beer and Liquor Regulations

#### Chapter 3. Liquor Credit Regulations

#### §323. Regulation Number XII — Fairs, Festivals and Special Events

A. For purposes of this regulation, special events are defined as events, held at any location which is not on the premises of a regular licensed alcoholic beverage outlet, where alcoholic beverages are served as an incidental part of the event for payment rendered or are supplied as a part of a general admission or other type fee. Special events do not include private parties where no sales are made or fee is charged and the only purpose in applying for the permit is to obtain product or services from a wholesale dealer.

B. For such events, this office will issue a special temporary retail alcoholic beverage permit. These permits will be for a maximum duration of three consecutive days only, and no more than 12 permits shall be issued to any one person within a single calendar year.

1. There shall be three types of temporary alcoholic beverage permits — Type A, Type B and Type C.

a. Type A permits will be issued only to non-profit organizations with tax exemption status under the United States Internal Revenue Code, Sections 501(c)(3) and 501(c)(8). To qualify for this permit, applicants must submit written proof of their tax-exempt status, a copy of a local permit or letter from the local governing authority granting their permission to sell alcoholic beverages, a valid lease, contract or written permission of the owner of the property upon which the event is to be held if the property is not owned by the applicant and a completed, notarized application form. Type A permits shall be issued without charge by the Office of Alcoholic Beverage Control.

b. Type B permits will be issued only to non-profit organizations which are able to provide reasonable written proof of their non-profit status, but are unable to provide written proof of their tax-exempt status under the Internal Revenue Code sections cited above. To qualify for this permit, applicants must submit the same documentation as for Type A permits, substituting the written proof of non-profit status for the written proof of tax-exempt status. Applicants for Type B permits will be assessed a \$10 handling fee to cover the cost of processing the application.

c. Type C permits will be issued to persons holding special events where alcoholic beverages are sold or are supplied as part of a general admission of other type fee, but who do not meet the requirements for Type A or Type B temporary permits. To qualify for a Type C temporary permit, applicants must meet the qualifications required of permit holders under R.S. 26:80 and R.S. 26:280 and must submit a copy of a local permit or letter from the local governing authority granting their permission to sell alcoholic beverages, a valid lease or contract with the owner of the property on which the event is to be held if it is not owned by the applicant and a completed, notarized application form. A \$100 fee will be assessed to cover the cost of handling the Type C permit application.

C. When the holder of a temporary permit of any type calls upon an industry member to service an event, the industry member must charge the retail dealer for all equipment used and services given in an amount at least equal to that listed as follows:

1. labor — at a rate equal to that required as a minimum wage under the Federal Wage and Hour Law;
2. self contained electric units in which the beer container is refrigerated within the unit — \$35 per day;
3. electric unit in which the beer container sits outside the cooling unit — \$35 per day;
4. picnic pumps — \$5 per day;
5. tubs — \$5 per day;
6. cold plates — \$15 per day;
7. trucks designed to handle packaged beer without refrigeration — \$50 per day;
8. refrigerated trucks designed to handle packaged or draught beer — \$100 per day;
9. mobile refrigerated draught units such as trailers or other vehicles — \$100 per day;
10. cups, ice, additional CO<sub>2</sub> gas and similar supplies and equipment — cost to industry member.

Equipment such as that listed above may not be furnished to regular licensed retail dealers unless the dealer acquires a temporary special event permit.

Tents, recreational vehicles, stages and other such items, devices and equipment not directly connected with the dispensing or serving of alcoholic beverages or that have any utility value to the special event permit holder or retail dealer are not included in this Section and are therefore prohibited from being furnished, given, rented, loaned or sold to a special event permit holder or retail dealer.

The holders of temporary special event permits may return unused product at the conclusion of the event for cash or credit refund.

D. The provisions of R.S. 26:90 and 26:286 shall apply to all special events for which temporary permits are issued under this regulation, and violations are punishable as provided for under the provisions of Title 26 of the Revised Statutes.

E. The provisions of Regulation Number IX dealing with unfair business practices also apply to all transactions between wholesale dealers and the holders of special event permits of any type with the following exception: Industry members may temporarily provide banners, inflatables or other such items to the holders of Type A or Type B special event permits. These items may not be provided, however, to the holders of Type C special event permits. Advertising on such items shall be limited to brand names and federally-

licensed logos or product labels, along with informational statements or salutatory greeting messages relating to the special event. All such items shall not be placed on or about regular licensed retail premises. An industry member shall not directly or indirectly require that his display material be the exclusive material displayed at the event. These items must be returned to the industry member immediately following the event.

Interested persons may submit written comments relative to the proposed rule to Larry Dickinson, Assistant Secretary, Office of Alcoholic Beverage Control, Box 66404, Baton Rouge, LA 70896, through April 26, 1991.

Larry Dickinson  
Assistant Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Fairs, Festivals and Special Events**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There should be no additional implementation costs to state or local governmental units because the changes represented can be handled by existing staff.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

State revenue should increase by approximately \$5,000 as a result of some non-profit organizations which have previously received free permits now pay a \$10 fee for the permit.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

Some non-profit organizations which are unable to prove tax-exempt status under Section 501(C)(3) or 501(C)(8) of the U.S. Internal Revenue Code will be required to pay a \$10 fee under this rule.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

No effect on competition and employment is anticipated.

Larry Dickinson  
Assistant Secretary

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Public Safety and Corrections  
Office of Alcoholic Beverage Control**

The Department of Public Safety and Corrections, Office of Alcoholic Beverage Control, gives notice in accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and under the authority of R.S. 26:287(10)(G) and R.S. 26:150(A) of its intent to amend LAC 55:VII.317, Regulation Number IX (D). The amendments are being made to update limitations imposed by the regulation and to clarify and expand on certain prohibitions in the regulation.

**Title 55  
PUBLIC SAFETY**

**Part VII. Alcoholic Beverage Control  
Subpart I. Beer and Liquor Regulations**

**Chapter 3. Liquor Credit Regulations**

**§317. Regulation Number IX — Prohibition of Certain Unfair Business Practices in the Malt Beverage Industry**

\* \* \* \* \*

**D. Exceptions**

**1. Equipment**

a. In order to provide proper dispensing of draught malt beverages by retail dealers, industry members may provide without charge coil cleaning service, tap markers which show brand, and tapping equipment such as rods, vents, taps, hoses, washer, couplings, vent tongues and check valves.

b. Accessories such as carbon dioxide gas tanks, regulators and other draught equipment accessories with a reasonable open market price of more than \$5 but less than \$200 per item must be sold to retailers at a price no less than the cost of the industry member as defined herein. Such sales shall be made for cash only.

c. Draught equipment accessories with a reasonable open market value of \$200 or more per item are not included under this exception.

**2. Inside Signs**

Signs, posters, placards, designs, devices, clocks, calendars, decorations or graphic displays, and similar point-of-sale material bearing advertising matter and for use in the windows or elsewhere in the interior of a retail establishment, may be given, rented, loaned or sold to a retailer by an industry member if the total value of such materials in use at any one time for any one brand does not exceed \$225 to any one retail establishment, including all expenses incurred directly or indirectly by an industry member in connection with the purchase, manufacture, transportation and assembly of such materials and accessories thereto; provided, however, that the industry member shall not directly or indirectly pay or credit the retailer for displaying such materials or any expense incidental to their operation. The primary value of these items shall be that of advertising. Any utility value must be secondary, incidental and minimal. "Retail establishment" as used herein shall mean each separate and distinct serving facility within a licensed retail premises. In determining the value of these items for purposes of the limitation, value shall be the cost attributable to them at the time of their installation in the retail establishment. The furnishing of vinyl banners and other such signs suitable for outdoor use is prohibited. Creative display props such as miniature vehicles, boats and other similar items into, onto or around which alcoholic beverages are displayed for sale at room temperature may be loaned to a retail establishment for use indoors without limitation as to cost, provided such displays are removed from the retail premises within 21 days of the date of installation. The primary value of the creative display props shall be that of advertising. Any utility value must be secondary, incidental and minimal. The creative display prop may be used only in the interior portions of the retail establishment. The total value of creative display props in use in any one retail establishment at any one time shall not exceed \$1,000 per participating industry member. Prior approval of point-of-sale advertising items is not required and will not be given.



### 3. Outside signs

The furnishing of outside signs to licensed retail dealers is prohibited. Wholesalers and manufacturers may, however, provide banners, inflatables or other items with brand or logo identification for the holders of Type A or Type B temporary special event permits only, provided, however, that the inflatables are limited to product facsimiles (cans or bottles) and that advertising on banners is limited to brand name and federally-licensed logos or product labels, along with informational statements or salutatory greeting messages relating to the special event. All such displays shall be limited to the premises upon which the special event is being held. Tents, recreational vehicles, stages and other similar items which have a utility value to the temporary special event permit holder may not be furnished.

### 4. Advertising Specialties, Utility Items, Merchandise and Supplies

a. Trays, coasters, paper napkins, clothing, groceries, snack foods, paper and plastic bags, cups, pitchers, glasses, menu covers, menu sheets, meal checks, match books, ash trays, ice and other items which are primarily of utility value to a retailer cannot be given away but may be sold to retailers by industry members, and the price charged for such item must be no less than the cost to the industry member as defined herein.

b. Other retailer advertising specialties and novelty items, such as foam scrapers, thermometers, litter bags, pencils, bottle openers, balloons, lapel pins and key rings which bear advertising matter, and which are primarily valuable to the retailer as point-of-sale advertising media but have no utility value to the retailer, may be furnished, given or sold to a retailer if the aggregate cost to any industry member of such retailer advertising specialties furnished, given or sold in connection with any one retail establishment in any one calendar year does not exceed \$50.

c. After the delivery of such retailer advertising specialties with an aggregate cost to an industry member of \$50 has been made by such industry member to a particular retail establishment during any one calendar year, any future deliveries of such items to that particular retail establishment by such respective industry member during the remainder of the calendar year must be effected only by the sale of such items at their reasonable open market price in the locality where sold. Any items sold, furnished or given away under this Section must be itemized separately on the industry member's invoices and other records.

d. Carbon dioxide gas or ice may be sold to a retailer, if sold in accordance with the reasonable open market price thereof in the locality where sold.

### 5. Sponsorships

Wholesalers and manufacturers may sponsor events relating to or on the premises of retail dealers and special event permit holders, provided, however, that nothing of value is given to retail dealers except as allowed elsewhere in this Section; T-shirts, caps and similar items may be given to event contestants or patrons of the retail establishment but the aggregate cost of such items may not exceed \$50 per event; an industry member shall not sponsor an event on the premises of a retail dealer within 60 days of his last sponsored event; alcoholic beverages sales must be incidental to the event being sponsored; and industry members shall not directly or indirectly require that the sponsor's product be the exclusive product offered for sale at the event. A manufac-

turer or wholesaler may donate beer and trophies of nominal value to unlicensed civic, religious or charitable organizations. There shall also be no restrictions on gifts of money or any other thing of value made by manufacturers or wholesalers to unlicensed civic, religious or charitable organizations. In conjunction with events held on regular licensed retail premises, all restrictions on advertising and signage will remain in full force and effect, except that temporary paper signs and posters may be used inside the premises to advertise the event for not more than 21 days. In conjunction with events on premises covered by a Type A or Type B special events permit and events at which no alcoholic beverage sales are involved, wholesale dealers and manufacturers may provide banners or inflatables with brand identification, provided, however, that the inflatables are limited to product facsimiles (cans or bottles) and that advertising on banners is limited to brand names and federally-licensed logos or product labels, along with informational statements or salutatory greetings related to the special event.

### 6. Trade Calls

Bar spending during trade calls, wherein the beer purchased by a manufacturer or wholesaler for a consumer is consumed on retail licensed premises in the presence of the giver, shall be lawful so long as the state's laws regulating retail establishments such as the legal drinking age, etc., are observed and not more than \$50 is expended during the trade call. No such trade call may occur on college campuses. Manufacturers and wholesalers may be accompanied by entertainers, sports figures and other personalities during trade calls. The trade calls may be pre-announced to the retailers involved, and may be pre-announced to consumers in the retail account through table tents, posters and other inside signs. No outside advertising of such events through signs or any media is allowed. The gift of beer as a purely social courtesy to unlicensed friends and associates of a manufacturer or wholesaler shall be lawful. Sampling tests for the purpose of determining consumer taste preferences are allowed on premises holding a regular Class A permit only, provided that notification in writing is provided to the Commissioner of Alcoholic Beverage Control at least one week prior to the date of the testing.

### 7. Tubs and Other Singles Containers

Tubs, ice chests and other containers designed to hold single units of product and display them for sale in retail establishments may not be furnished by manufacturers and wholesalers and their use in licensed retail outlets is restricted to areas immediately adjacent or contiguous to walk-in cold boxes where beer is displayed for sale.

### 8. Consignment Sales, Returns

a. It is unlawful for an industry member to sell, offer for sale, or contract to sell to any retailer, or for any retailer to purchase or contract to purchase any products (a) on consignment; or (b) under conditional sale; or (c) with the privilege of return; or (d) on any basis other than a bonafide sale; (e) if any part of the sale involves, directly or indirectly, the acquisition by such person of other products from the trade buyer or the agreement to acquire other products from the trade buyer; or (f) if the return or exchange of a product is solely because it is overstocked or slow-moving. Transactions involving the bonafide return of products for ordinary and usual commercial reasons arising after the product has been sold are not prohibited, but the industry member is under no obligation to accept such returns. "Ordinary and usual com-

mercial reasons" includes the exchange of product for products which are unmarketable because of product deterioration, leaking containers or damaged labels; the correction of any discrepancy between products ordered and products delivered within a one-week period; or products on hand at the time a retail dealer closes a business or terminates business operations, in which case the return may be for cash or credit against outstanding indebtedness. This also includes a temporary seasonal event or a temporary shutdown or slowdown where the industry member is able to show that the products are likely to spoil during the off season. Out-dated product or product which is within 21 days of date code expiration may be exchanged for other product. Products for which there is only a limited seasonal demand, such as holiday decanters and distinctive containers, may only be exchanged for non-distinctive like products.

**9. Penalty**

The assistant secretary of the Office of Alcoholic Beverage Control may seek a suspension or revocation of the permit or permits of a violator and may impose such other penalties or administrative remedies against violators as are prescribed by law for violations of the Alcoholic Beverage Code.

Interested persons may submit written comments relative to the proposed rule changes to Larry Dickinson, assistant secretary, Alcoholic Beverage Control, Box 66404, Baton Rouge, LA 70896, through April 26, 1991.

Larry Dickinson  
Assistant Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Rule Title: Prohibition of Certain Unfair Business Practices in the Malt Beverage Industry.**

- 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.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There will be no effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
There will be no costs or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There will be no effect on competition and employment.

Larry Dickinson  
Assistant Secretary

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Public Safety and Corrections  
Office of Alcoholic Beverage Control**

The Department of Public Safety and Corrections, Office of Alcoholic Beverage Control, gives notice in accordance with R.S. 49:950 et seq. and in accordance with the general authority conferred by Title 26 of the Revised Statutes, of its intent to amend LAC 55:VII.319, Regulation Number X. The amendment is being offered to eliminate conflicting provisions between existing Regulations IX and X of the office and to clarify the language.

**Title 55  
PUBLIC SAFETY**

**Part VII. Alcoholic Beverage Control**

**Subpart I. Beer and Liquor Regulations**

**Chapter 3. Liquor Credit Regulations**

**§319. Regulation X — Stocking, Pricing and Rotating**

A. Persons holding valid Louisiana wholesale alcoholic beverage permits, their agents, servants or employees, manufacturers' agents, importers and brokers may price, stock and rotate merchandise at retail premises only to the following extent:

1. Dealers in beverages of more than six percent alcohol by volume and in wine coolers and pre-mixed beverages may build and stock displays of their product on the premises of retail dealers. They may not price the displays. They are prohibited from pricing and stocking shelves on the premises of retail dealers. Industry members are granted authority to maintain the quality of their product on retail shelves, provided, however, the product purchased from other industry members is not altered or disturbed. The rearranging or resetting of all or part of a store or liquor department is not authorized.

2. Wholesale dealers of malt beverages containing six percent or less alcohol by volume and wine coolers containing less than six percent alcohol by volume may build, stock and price displays, shelves or cold boxes of their product on the premises of retail dealers. They may also rotate their product on retail premises, either in cold boxes or on shelves, in order that the freshness of the product may be maintained; provided, however, that these wholesale dealers are prohibited from resetting any products other than their own brands except with the express written permission of the license holder or a designated manager for the licensed premises involved. Nothing herein is intended to prohibit an industry member from moving small quantities of a competitor's product which has been inadvertently placed in the area allocated to the industry member.

B. The assistant secretary of the Office of Alcoholic Beverage Control may seek a suspension or revocation of the permit or permits of a violator and may impose such other penalties or administrative remedies against violators as are prescribed by law for violators of the Alcoholic Beverage Code.

Interested persons may submit written comments relative to the proposed rule to Larry Dickinson, Assistant Secretary, Office of Alcoholic Beverage Control, Box 66404, Baton Rouge, LA 70896, through April 26, 1991.

Larry Dickinson  
Assistant Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Stocking, Pricing and Rotating**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There will be no implementation costs 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 NON-GOVERNMENTAL GROUPS (Summary)  
There will be no costs or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There will be no effect on competition or employment.

Larry Dickinson  
Assistant Secretary

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

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

The Department of Public Safety and Corrections, Office of State Police, hereby advertises its intent to adopt proposed regulations to govern the administering of blood and breath alcohol tests, provide for the maintenance and certification of gas chromatographs, utilization of certified and pre-mixed reagents, higher preservation standards for blood samples prior to analysis, and a definitive correlation factor between breath alcohol levels and blood alcohol levels, in addition to providing the standards for all testing and maintenance of personnel and equipment utilized in blood and breath testing. These regulations will replace those currently found in Chapter 5, §§501-511 and §§551-565 in the June and July, 1988 volumes of the *Louisiana Register*.

Copies of the proposed regulations may be viewed at 265 South Foster Drive, Baton Rouge, LA in the Legal Section and at the Office of the State Register, 900 Riverside North, Baton Rouge, LA 70804. Interested parties may comment on these proposed regulations by writing to or contacting Dousan Rando or George Dunn, Applied Technology, 7901 Independence Boulevard, Baton Rouge, LA or Paul Cobb, Crime Laboratory, 7901 Independence Boulevard, Baton Rouge, LA 70806.

Col. Marlin Flores  
Deputy Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: LAC 55:Chapter 5, Breath and Blood Alcohol  
Analysis**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

- Except for additional travel expenses, there would be no estimated implementation costs unless the department desires to certify the technicians at the crime laboratory to remove blood samples for testing, in which case the total cost should be approximately \$1,000. Extra travel expenses should be no more than \$1,000 per year for personnel of the crime laboratory to inspect and certify, twice a year, the eight to 10 gas chromatographs located in various laboratories throughout the state.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
Revenue collections resulting from D.W.I. convictions predicated on blood tests should increase due to the increased enforceability of the current law.
  - III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
The estimated costs and/or economic benefits to non-governmental groups or individuals would be negligible, if any.
  - IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There is no known effect on competition and employment.

Rex McDonald  
Undersecretary

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

**Department of Public Safety and Corrections  
Office of State Police  
Transportation and Environmental Safety Section**

The Department of Public Safety and Corrections announces its intent to adopt revisions of current rules to enforce the requirements of R.S. 30:2361 et seq. relating to the Hazardous Material Information Development, Preparedness, and Response Act. This Act was passed in 1985 as the enabling legislation for the state's first "Right-to-Know" law. The passage by Congress in 1986 of the Superfund Amendments and Reauthorization Act (SARA) necessitated substantially amending Louisiana's "Right-to-Know" law in 1987, and existing rules in 1987, 1988, and 1990.

The purpose of these changes in 1991 is to designate reportable quantities (RQ's) for hazardous chemicals on which the Occupational Safety and Health Administration (OSHA) requires a Material Safety Data Sheet (MSDS) but which are not listed on federal Department of Transportation (DOT), Comprehensive Environmental Response Compensation Liability Act (CERCLA), or Extremely Hazardous Substances (EHS) lists. These proposed rules also specify what information must be provided by businesses at the time they make the immediate telephone and follow-up written notifications required by state and federal law on reportable releases and they rescind the requirement to report on-site incidents involving injuries and deaths resulting from exposure to hazardous materials.

**Title 33  
ENVIRONMENTAL QUALITY**

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

**Chapter 101. Hazardous Materials Information Development, Preparedness, and Response Act  
§10111. Release Reporting**

A. A release of any of the following substances must be reported immediately if the release meets or exceeds the (release) reportable quantity (RQ) established for that substance herein, and the release escapes beyond the site of the facility:

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

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

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

4. any material on which maintenance of an MSDS is required under the Occupational Safety and Health Administration's Hazard Communication Standard as found in 29 CFR 1910.1200 et seq., and does not appear on any of the lists found in Paragraphs 1, 2 or 3 above, must be reported if the material released exceeds the RQ of 500 pounds hereby established by the Louisiana Department of Public Safety and Corrections, except that all compressed or refrigerated flammable gases will have a 100 pound RQ, all flammable liquids (as defined in 49 CFR) will have a 100 pound RQ, and all other liquids requiring maintenance of an MSDS will have 500 pound RQ.

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

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

2. Local Emergency Planning Committee with jurisdiction over a facility.

3. Depending on the nature of the material and medium into which the release occurs, other agencies such as the state Department of Environmental Quality (DEQ), National Response Center (NRC), Environmental Protection Agency (EPA), Coast Guard, etc., may need to be notified. Facilities and transporters are responsible for determining the appropriate parties to be contacted.

C. If you have a reportable release (i.e., one that meets the requirements specified by either the state and/or federal Right-to-Know laws), you must provide, at a minimum, the following information relating to the release:

1. the name and telephone number of the contact person;

2. the company;

3. where the incident occurred (mailing address and physical location);

4. date and time the incident began; when it ended;

5. the type of substance released (This would include proper chemical name if available, an indication of whether the substance is extremely hazardous and whether it was solid, liquid or gas.);

6. the actual amount or an estimate of the amount released (If you do not know the exact amount, then provide an estimate of the amount released or a range into which the release would fall [example: 20-25 pounds]. Your notification is not complete until you have provided this information so our office can determine the appropriate response action.);

7. whether the material released escaped beyond the site of your facility;

8. the substance's hazard class and any other identifier (e.g., U.N. number, CHRIS code, etc.);

9. the details of the incident (how it happened and whether the release occurred into the air, water, and/or land);

10. whether the release resulted in a fire, injury to personnel, or a fatality;

11. any need for off-site protective action such as road closures or evacuation;

12. whether other responsible state and local agencies such as your Local Emergency Planning Committee have been notified.

D. Facilities must also make follow-up written reports for all releases within five days after the release occurs. This report must be made to the Local Emergency Planning Committee with jurisdiction over a facility and to the Emergency Response Commission via the Department of Public Safety and Corrections, Office of State Police, Transportation and Environmental Safety Section, Box 66614, Baton Rouge LA 70896. The format for this report should be as outlined in Part C above and in Title III of the Superfund Amendments and Reauthorization Act (SARA). Any additional information not given in the initial telephone notification should also be included.

E. As per the authority granted in R.S. 30:2376, the Office of State Police - Transportation and Environmental Safety Section will coordinate emergency response activities arising as a result of releases of material regulated by these rules.

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

**HISTORICAL NOTE:** Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 12:327 (May 1986), amended LR 13:184 (March 1987), LR 13:761 (December 1987), LR 14:803 (November 1988), LR 16:975 (November 1990), LR 17:

These proposed rule changes are scheduled to become effective on June 20, 1991. For further information on these rules, please contact: Lieutenant Kendall J. Fellon, Transportation and Environmental Safety Section, Office of State Police, Box 66614, Baton Rouge, LA 70896.

Interested persons may comment on the proposed rules in writing or in person at the above address until April 19, 1991.

Marlin Flores  
Deputy Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Hazardous Materials Information  
Development, Preparedness and Response Act  
"Right-to-Know"**

referred to as Project Independence, the name of Louisiana's program.

This rule is mandated by R.S. 46:456(A), R.S. 46:456(B)(2) and R.S. 46:457(B)(3) (Act 566 of the 1989 regular session of the Louisiana Legislature), and 45 CFR 250.73 (e)(1).

**PROPOSED RULE**

Louisiana will provide a transportation payment of \$33.33  $\frac{1}{3}$  per month, this paid as a one-time allotment of \$100 for a 90-day period, to Project Independence participants who become ineligible for Aid to Families with Dependent Children (AFDC) because of earned income. These payments will assist such individuals in meeting work-related transportation expenses for 90 days subsequent to their ineligibility for AFDC. Payment will be authorized effective the first month of ineligibility for AFDC.

Interested persons may submit written comments to the following address: Howard L. Prejean, Assistant Secretary, Office of Family Support, Box 94065, Baton Rouge, Louisiana 70804-4065. He is the person responsible for responding to inquiries regarding this proposed rule.

A public hearing on the proposed rule will be held on April 25, 1991 in the Second Floor Auditorium, 755 Riverside, Baton Rouge, LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing, at said hearing.

May Nelson  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Job Opportunities and Basic Skills Training  
Program (JOBS)**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

It is estimated that the implementation costs involved in these rule changes will be minimal (i.e., the cost of publishing additional rule booklets). Sufficient funds have been appropriated within this department to absorb the cost of implementing these rule changes. These funds are self-generated and result from the collection of filing fees authorized by R.S. 30:2361-2379.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule changes are technical in nature and reference release reportable quantity amounts for materials on which OSHA requires an MSDS. Releases of these chemicals trigger immediate telephone notifications from industries/businesses manufacturing, using, storing, or transporting hazardous materials. They further define what information must be provided. These notifications are made to the Louisiana Emergency Response Commission and Local Emergency Planning Committee in the parish where the release occurs. No fees are charged for filing these notifications. Therefore, revenue collections of state or local governmental units will not be affected.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

The proposed rule changes lessen the burden on businesses and industries required to report releases of OSHA regulated materials on which an MSDS is required. Currently these releases are reportable if any amount escapes beyond the site of the facility. When these proposed rules become final, reportable quantities will be established for all categories of hazardous materials, and reporting of minor/insignificant releases will be eliminated. The rule changes detailing what data must be provided when releases occur are for clarification purposes and do not impose an additional financial burden.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

Amendment of these rules will have no effect on competition and employment.

Rex McDonald  
Undersecretary

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Social Services  
Office of Family Support**

The Department of Social Services, Office of Family Support, proposes to adopt the following rule in the Job Opportunities and Basic Skills (JOBS) Training Program, also

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There are no implementation costs associated with this rule change.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There will be no effect on revenue collections.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

The Job Opportunities and Basic Skills Training Program (JOBS), known as Project Independence in Louisiana, assists recipients of Aid to Families with Dependent Children (AFDC) to become self-sufficient and therefore independent of public assistance. This is accomplished through the provision of education, training, job placement and employment and other related supportive services including child care and transportation. A total of \$14,391,251 has been budgeted for FY 90/91 for providing these program components and supportive services. The provision of this one-time transportation allowance of \$100 to participants who become ineligible for AFDC because of earnings will have no impact on total program costs. This is because the entire Project Independence Program is funded through capped entitlement which establishes a funding limit on program expenditures. Implementation of this change will require a reordering of how these funds are spent.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect projected on competition or employment.

Howard L. Prejean  
Assistant Secretary

John R. Rombach  
Legislative Fiscal Officer

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no proposed change in competition and employment in the public and private sectors.

Alton Toms  
Director

John R. Rombach  
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Social Services  
Rehabilitation Services

Personal Care Attendant Program

The Department of Social Services through the Louisiana Rehabilitation Services advertises its intent to adopt a revised policy manual which will set the policy for implementation of the Personal Care Attendant Program. A copy of the plan is available for review by the public at the Louisiana Rehabilitation Services' Office, 1755 Florida Boulevard, Baton Rouge, LA 70802 and at the Office of the State Register, 900 Riverside North, Baton Rouge, LA 70804. Interested parties may call the office at 342-2294 to make arrangements to review the plan.

Public hearings beginning at 10 a.m. will be held on April 24, 25, and 26, 1991 in Shreveport, Baton Rouge, and New Orleans respectively. The hearing locations are as follows:

Shreveport, LA, State Office Building, 1525 Fairfield Avenue;

Baton Rouge, LA, 1755 Florida Boulevard, First Floor Conference Room;

New Orleans, LA, 2026 St. Charles Avenue, Fourth Floor in the Magnolia Room.

All interested persons will be afforded an opportunity to express their issues, views, or concerns at the hearings. Written commentary will also be accepted at the hearings and up to seven days thereafter.

May Nelson  
Secretary

Fiscal and Economic Impact Statement  
For Administrative Rules

Rule Title: Personal Care Attendant Policy Manual

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated implementation costs or savings.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Louisiana Rehabilitation Services has sufficient funds to provide Personal Care Attendant services as Act 21 was approved by the Louisiana Legislature.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

Louisiana Rehabilitation Services has \$750,000 State General Funds to provide services to individuals.

NOTICE OF INTENT

Department of the Treasury  
Board of Trustees of the

State Employees Group Benefits Program

Notice is hereby given that the Department of the Treasury, Board of Trustees of the State Employees Group Benefits Program intends to amend language in the Plan Document of Benefits, as follows:

Amend Article 1, Sections I (J) (4) and (K) (2) (d) as follows:

J. The term *children* as used herein shall mean (health and accident only):

\* \* \*

4. Grandchildren for whom the employee does not have legal custody, who are dependent upon the employee for support, and one of whose parents is a covered dependent as defined in Article 1, Section I (I), (2) or (3). If the employee seeking to cover the grandchild is a paternal grandparent, the program shall require that the biological father, i.e. the covered son of the plan member, execute an acknowledgment of paternity in accordance with Louisiana law (effective July 1, 1991).

\* \* \*

K. The term *date acquired* as used herein shall mean the date a dependent of a covered employee is acquired in the following instances and on the following dates only:

\* \* \*

2. Children

\* \* \*

d. Grandchildren for whom the employee does not have legal custody, who are dependent upon the employee for support, and one of whose parents is a covered dependent as defined in Article 1, Section I (I), (2) or (3):

1. the date of birth, provided all the requirements delineated in Article 1, Section I (J) (4) are met at the time of birth; or

2. the date on which the coverage becomes effective for the covered dependent, if all the requirements delineated in Article 1, Section I (J) (4) are not met at the time of birth.

\* \* \*

Amend Article 2, Section II by inserting a new Subsection D and redesignating the present Subsection D as Subsection E as follows:

D. For grandchildren for whom the employee does not have legal custody or has not adopted, on the date the child's parent ceases to be a covered dependent under this contract or the grandchild no longer meets the definition of children as defined in Article 1, I (J) (4);

Comments or objections will be accepted, in writing by the executive director of the State Employees Group Benefits Program until 4:30 p.m. on April 20, 1991 at the follow

ing address: Tommy D. Teague, acting executive director, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA 70804.

Tommy D. Teague  
Acting Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Eligibility of Grandchildren**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

According to our Actuary, Martin E. Segal Company, the costs or savings to state or local governmental units resulting from the implementation of this rule change cannot be calculated as there is no information as to the number of plan members to whom this rule will apply.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

Revenue collections of state or local governmental units will not be impacted by this rule change.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

The estimated costs and/or economic benefits to the directly affected persons, the plan members of this program and their dependents, cannot be calculated as it is impossible to determine how many plan members will be affected by this change.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

Competition and employment will not be impacted by this rule.

Tommy D. Teague  
Acting Executive Director

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

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

Notice is hereby given that the Department of the Treasury, Board of Trustees of the State Employees Group Benefits Program intends to amend language in the Plan Document of Benefits to place a pre-existing condition limitation on new employees hired on or after April 1, 1991, as follows:

Article 1, Section II.

\* \* \*

**F. Pre-Existing Condition**

New employees hired on or after April 1, 1991

a. The program will require all new employees who apply for coverage within 30 days from the date the employee became eligible for coverage to complete a Statement of Physical Condition form and sign an Acknowledgement of Pre-existing Condition form.

b. Benefits will be limited to a maximum of \$1,000 during the first 12 months of coverage for any disease, illness, accident or injury for which the covered person received treatment or services, or was prescribed drugs, during the six-month period immediately prior to the effective date of coverage.

**2. Overdue application**

\* \* \*

Comments or objections will be accepted, in writing, by the executive director of the State Employees Group Benefits Program until 4:30 p.m. on April 30, 1991, at the following address: Tommy D. Teague, Acting Executive Director, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA 70804.

Tommy D. Teague  
Acting Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Pre-Existing Condition Limitation for Newly Hired Employees**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

According to our consulting actuary, Martin E. Segal Company, implementation of this rule change will result in a savings in benefits payments of \$1,600,000 annually. There will be no immediate impact on the costs of State Employees Group Benefits Program. These cost savings will ultimately reduce the impact of future rate increases.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

Revenue collections of state or local governmental units will not be affected by this proposed rule change.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

The program benefits paid to plan members of this program, the directly affected persons, will decrease by approximately \$1,600,000 annually.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

This proposed rule change will not affect competition or employment.

Tommy D. Teague  
Acting Executive Director

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

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

Notice is hereby given that the Department of the Treasury, Board of Trustees of the State Employees Group Benefits Program intends to amend language in the Plan Document of Benefits, as follows:

Amend Article 1, Section I, "Definitions", by adding thereto Subsection JJ. as follows:

JJ. The term *well-baby care* as used herein shall mean that routine care given in a hospital to a well newborn infant from the date of birth until discharge from the hospital.

Amend Article 3, Section I(G) entitled Eligible Expenses by deleting a portion of Subsection (G) (12) and adding Subsection (G) (27) as follows:

(12) services of a physician, except for other services as are otherwise excluded herein;

(27) well-baby care expenses, including facility and professional charges, shall be considered for payment as charges incurred by the plan member or plan member's covered spouse.

Amend Article 3, Section VIII, entitled Exceptions and Exclusions for all Medical Benefits by adding thereto the following:

DD. hearing aids, or any examination to determine the fitting or necessity thereof;

FF. eyeglasses or contact lenses or any examination for the prescription or fitting thereof, except as provided in Article 3, Section (G) (19);

GG. routine physical examinations or immunizations, except as provided in Article 3, Section (G) (28).

Comments or objections will be accepted, in writing, by the executive director of the State Employees Group Benefits Program until 4:30 p.m. on April 20, 1991, at the following address: Tommy D. Teague, acting executive director, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA 70804.

Tommy D. Teague  
Acting Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Well-Baby Care**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

According to our consulting actuary, Martin E. Segal Company, implementation of this rule change will increase the benefits cost of the program by approximately \$1,615,000 annually. There will be no immediate impact on the costs of state or local governmental units which are members of the State Employees Group Benefits Program.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

Revenue collections of state or local governmental units will not be affected by this proposed rule change.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

The program benefits paid to plan members of this program, the directly affected persons, will increase by approximately \$1,615,000 annually.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

This proposed rule change will not affect competition or employment.

Tommy D. Teague  
Acting Executive Director

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

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

Notice is hereby given that the Department of the Treasury, Board of Trustees of the State Employees Group Benefits Program intends to amend language in the Plan Document of Benefits, as follows:

Amend Article 1, Section I, "Definitions", by adding thereto Subsection KK. as follows:

KK. The term *well-child care* as used herein shall mean routine physical examinations, immunizations, checkups and office visits to a physician, except for the treatment and/or diagnosis of a specific illness, from the time a newborn is discharged from the hospital following birth until attainment of age seven.

Amend Article 3, Section I(G) entitled Eligible Expenses by adding Subsection (G) (28) as follows:

(28) Well-child care charges shall not be subject to the annual deductible or co-payments but are limited to one office visit per year subject to a maximum payment of \$35.

Comments or objections will be accepted, in writing by the executive director of the State Employees Group Benefits Program until 4:30 p.m. on April 20, 1991, at the following address: Tommy D. Teague, acting executive director, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA 70804.

Tommy D. Teague  
Acting Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Well-Child Care**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

According to our consulting actuary, Martin E. Segal Company, implementation of this rule change will increase the benefits cost of the program by approximately \$1,068,000 annually. There will be no immediate impact on the costs of state or local governmental units which are members of the State Employees Group Benefits Program.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

Revenue collections of state or local governmental units will not be affected by this proposed rule change.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

The program benefits paid to plan members of this program, the directly affected persons, will increase by approximately \$1,068,000 annually.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

This proposed rule change will not affect competition or employment.

Tommy D. Teague  
Acting Executive Director

David W. Hood  
Senior Fiscal Analyst



**NOTICE OF INTENT**  
**Department of the Treasury**  
**Bond Commission**

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq., notice is

hereby given that the Louisiana State Bond Commission intends to amend the commission's rules as originally adopted on November 20, 1976.

The commission proposes to adopt the following fee schedule:

**STATE BOND COMMISSION FEE SCHEDULE**  
**GENERAL GOVERNMENTAL ISSUES\***

**GENERAL GOVERNMENTAL APPLICATION FEE**

**\$100.00\*\***

**CLOSING FEE:**

	<b>Par</b>	<b>Percentage</b>
FIRST	\$500,000	0.065%
NEXT	\$4,500,000	0.060%
NEXT	\$5,000,000	0.055%
NEXT	\$10,000,000	0.050%
NEXT	\$30,000,000	0.045%
OVER	\$50,000,000	0.035%

**CERTIFIED COPY FEE:**

NO CHARGE FOR 1 COPY; \$5 FOR EACH ADDITIONAL COPY

**PRIVATE PURPOSE BONDS\*\*\***

**PRIVATE ACTIVITY APPLICATION FEE**

**\$1,500.00\*\***

**CLOSING FEE:**

	<b>Par</b>	<b>Percentage</b>
FIRST	\$5,000,000	0.125%
NEXT	\$20,000,000	0.110%
NEXT	\$25,000,000	0.105%
NEXT	\$50,000,000	0.100%
OVER	\$100,000,000	0.090%

**ANNUAL AGENDA SUBSCRIPTION FEE:**

\$100 PRIVATE  
 \$ 50 PUBLIC SECTOR

\*TO BE LEVIED ON DEBT INSTRUMENTS WITH MATURITIES IN EXCESS OF 12 MONTHS EXCLUDING BUDGETARY LOANS MADE UNDER THE PROVISIONS OF LA. R.S. 39:745, 17:89, 33:9001.

\*\*APPLICATION FEE WILL BE CREDITED TOWARD THE CLOSING FEE WHEN BONDS ARE ISSUED, SOLD AND DELIVERED.

\*\*\*PRIVATE ACTIVITY BONDS ARE DEFINED AS BONDS THE PROCEEDS OF WHICH ARE USED PRIMARILY FOR THE BENEFIT OF A PRIVATE COMPANY OR ENTERPRISE OR THE PAYMENT ON SUCH BONDS ARE PAID FROM REVENUES DERIVED FROM A PRIVATE ENTERPRISE OR CONCERN, IRREGARDLESS OF THE ISSUER OR THE TAX EXEMPT STATUS OF THE DEBT.

This rule is necessary to ensure compliance with Act 506 of 1990 which requires the imposition of closing fees based on a percentage of the issuance of debit, with the percentage decreasing on a sliding scale as the size of the debit issuance increases. The Act also requires that the percentages imposed not be greater than those imposed as of May 1, 1990. It is the intent of the commission that the revised fee schedule will more closely track the actual costs to the commission and eliminate or reduce the amount of rebated fees.

Interested persons may submit their views and opinions through April 22, 1991, to Rae W. Logan, Secretary and Director of the State Bond Commission, Twenty-First Floor, State Capitol Building, Box 44154, Baton Rouge, LA 70804.

A public hearing on this proposed rule will be held on April 30, 1991 in Senate Committee Room A, Basement, State Capitol Building, Baton Rouge, LA at 10 a.m.

The commission shall, prior to the adoption of the rule, afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing. Opportunity for oral presentation or argument shall be granted if requested, by 25 persons, by a governmental subdivision or agency, by an association having not less than 25 persons, or by a committee of either house of the Legislature to which the proposed rule change has been referred, as required under the provisions of Section 968 of Title 49. Such hearing shall be held as provided by law.

At least eight working days prior to the meeting of the commission at which a rule or rules are proposed to be adopted, amended or repealed, notice of any intention to make an oral or written presentation shall be given to the director of the commission. If the presentation is to be oral, such notice shall contain the name or names, telephone numbers, and mailing addresses of the person or persons who will make such oral presentation, who they are representing, the estimated time needed for the presentation, and a brief summary of the presentation. Notice of such oral presentation may be sent to all commission members prior to the meeting. If the presentation is to be written, such notice shall contain the name or names of the persons submitting such written statement, who they are representing, and a copy of the statement itself. Such written statement will be sent to all commission members prior to the meeting.

The commission shall consider all written and oral submissions concerning the proposed rules. Upon adoption of a rule, the commission, if requested to do so by an interested person either prior to the adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for or against its adoption.

Mary L. Landrieu  
State Treasurer and Chairman

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Fee Rule**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There are no implementation costs (savings) to state or local governmental units, other than possible costs for publication in the *Louisiana Register*.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The estimated effect on revenue collections of state government will be a decrease of \$414,042 in self-generated fees, which is the amount of excess fees rebated back to the issuers as of 6/30/90.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

The estimated costs and/or economic benefits to directly affected persons or non-governmental groups will be a decrease to local governments and issuers of private purpose bonds of their costs of issuing bonds or other obligations.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

Not applicable.

Rae W. Logan  
Secretary-Director

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of the Treasury  
Louisiana State Employees' Retirement System**

In accordance with R.S. 42:641 and 646, notice is hereby given that the Louisiana State Employees' Retirement System proposes to adopt the following rules to govern the election of trustees who are retired members of the system.

**Rules for Election of  
Retired Member Trustees**

**I. General Schedule**

Second Monday in July . . . . .Nominations closed.

Second Friday in July . . . . .Drawing to determine position on ballot.

Fourth Friday in October . . . . .Last day that information on candidates and ballots is to be mailed to retired members.

First Friday in December . . . . .All ballots returned to system by close of business (4:30 p.m.)

Second Tuesday in December . . . . .Ballots counted and verified.

Regular December meeting of Board of Trustees . .Board accepts certified ballot count and publishes results.

Regular January meeting of Board of Trustees . . . . .Elected members take position on board.

**II. Election Rules**

A. A candidate for a vacant position of retired member trustee on the board of trustees must be a retired member of the system who has been on retired status (not including retired status under the Deferred Retirement Option Plan) for at least two years as of second Monday in July, the date on which nominations close. The board of trustees shall accept the name and social security number of every candidate nominated by petition of 25 or more retired members of the system and shall place the name of such candidates on the ballot, provided each such candidate meets the requirements for trustee. The petitioning retired members' signatures must

be accompanied by their social security numbers. All nominations for the board of trustees election must be in the office of the retirement system no later than the second Monday in July, close of business (4:30 p.m.).

B. For purposes of this rule, the term *retired member* shall not include any person still employed by the state but treated as retired under the Deferred Retirement Option Plan.

C. There will be a drawing on the second Friday in July, at 11 a.m., in the Retirement System Building, 8401 United Plaza Boulevard, Baton Rouge, LA to determine the position each candidate will have on the ballot. All candidates are invited to attend or send a representative to the drawing, but it is not mandatory.

D. Ballots will be distributed to each retired member by the fourth Friday in October, with a self-addressed envelope for returning the ballot. Every retiree member appearing on the May retiree master list will receive a ballot for voting. Since two retired member trustees are to be elected, each retiree may vote for two candidates. The signature of the retired member must appear on the official ballot return envelope for comparison with the records of the system. Those envelopes received as postmarked or stamped-in will be placed in a ballot file for counting by the ballot counting committee, thus assuring that only eligible retired members vote and an absolute secret ballot will be held. Ballot envelopes received without the name/social security number sticker provided by the Retirement System, ballot envelopes that do not bear the retired member's proper signature (not printed), and ballots received after the close of business on the first Friday in December will be rejected. Ballots must be returned to the Retirement System office at 8401 United Plaza Boulevard, First Floor, Box 44213, Baton Rouge, LA 70804.

E. Each candidate for the office of trustee may name no more than two members to the ballot counting committee and the director shall name such additional members as necessary to complete the count. All valid ballots will be counted on the second Tuesday in December and the envelopes destroyed. The ballot counting committee shall submit a written report of the election results to the board of trustees no later than the regular December meeting of the board of trustees.

F. Upon receipt of the results of the election, the board of trustees will promulgate the election and notify the successful candidates of their election and also notify the secretary of state in order that the candidates may take their oath of office and file it with the secretary of state within the time specified by law.

Interested persons may submit data, views, arguments or inquiries with respect to the proposed rules, in writing, to Thomas D. Burbank, Jr., executive director, State Employees' Retirement System, Box 44213, Baton Rouge, LA 70804.

Thomas D. Burbank, Jr.  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Rule Title: Election of Retired Member Trustees**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO  
STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There will be no implementation cost or savings to state or local governmental units as a result of these proposed rules, as all expenses are paid from system interest earnings pursuant to R.S. 42:655. The estimated cost to the system will be \$17,500.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF  
STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There will be no effect on revenues.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS  
TO DIRECTLY AFFECTED PERSONS OR NON-  
GOVERNMENTAL GROUPS (Summary)**

Elected trustees receive a maximum of twelve \$75 per diem payments, from system funds, for attendance at board meetings per year.

**IV. ESTIMATED EFFECT ON COMPETITION AND EM-  
PLOYMENT (Summary)**

There will be no effect on competition and employment.

Thomas D. Burbank, Jr.  
Executive Director

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Wildlife and Fisheries  
Office of the Secretary**

**Title 76**

**WILDLIFE AND FISHERIES**

**Part IX. Natural and Scenic River System**

**Chapter 1. Guidelines and Procedures for the Administra-  
tion of the Natural and Scenic Rivers and His-  
toric and Scenic Rivers**

**§§101.-127.**

The Department of Wildlife and Fisheries does hereby give notice of its intent to promulgate a rule to regulate and administer the Louisiana Natural and Scenic Rivers System by amending and reenacting Sections 101, 103, 105, 107, 109, 111, 113, 115 and 117 of Chapter 1., Part IX, Title 76, Louisiana Administrative Code; and Sections 119, 121, 123, 125 and 127 are hereby enacted with the referenced rule which is made a part of this notice of intent.

Interested persons may submit written comments relative to the proposed rule until 4:30 p.m. May 20, 1991 to M.B. Watson, Habitat Conservation Programs Manager, Habitat Conservation Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000. Copies of these rules may be viewed in their entirety at the Office of the State Register at 900 Riverside North, Baton Rouge, LA 70804 and at the Department of Wildlife and Fisheries, 2000 Quail Drive, Baton Rouge, LA 70808.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 56:1840, et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 2:456 (December 1976), amended by the Office of the Secretary, LR 17:

A. Kell McInnis, III  
Acting Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Administration of the Natural and Scenic  
Rivers and Historic and Scenic Rivers**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The implementation of this rule will not result in any added costs to the operation of the department nor to any other branch of state or local government. The costs in manpower and court time will be the same for the litigants with or without this rule.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

Based upon the number of permits issued by the department over the last five years, annual revenue gain for the state as a result of implementation of this rule is approximately \$4,000. Depending upon the mechanism used to recover damages, and based upon an average number of enforcement actions, the state would gain approximately \$12,000 per annum.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

Since this rule imposes a permit fee and criminal and civil penalties on Scenic River Act violators, there will be a direct economic impact upon the applicant and the violator. In the case of a violation, the magnitude of the impact is directly dependent upon the type and number of violations.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

There will be no effect on competition. Increased revenue to the Department of Wildlife and Fisheries could have a positive impact on employment opportunities with the department.

Bettsie Baker  
Undersecretary

David W. Hood  
Senior Fiscal Analyst

**NOTICE OF INTENT**

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

The Wildlife and Fisheries Commission does hereby give notice of its intent to promulgate rules and regulations governing the hunting of resident game birds and game quadrupeds.

**SUMMARY OF 1991-92  
RESIDENT GAME HUNTING SEASON  
DATES AND BAG LIMITS**

Quail:	Nov. 28-Feb. 29 - Daily Bag Limit 10; Possession 20
Pheasant:	Nov. 28-Dec. 8 (Cock Pheasant Only) - Daily Bag Limit 2; Possession 4
Squirrel:	Oct. 5-Jan. 26 - Daily Bag Limit 8; Possession 16
Rabbit:	Oct. 5-Feb. 29 - Daily Bag Limit 8; Possession 16
Deer:	Dates Vary - See Schedule Below - Bag Limit: One per day; 6 per season
Archery:	Oct. 1-Jan. 20
Muzzleloader:	Dec. 2-6

AREA 1 - 59 days	DAYS
Nov. 23-Dec. 1	9 (still hunt only)
Dec. 2-6	5 (still hunt, muzzleloader only)
Dec. 7-Jan. 2	27 (with or without dogs)
Jan. 3-20	18 (still hunt only)
	<u>59</u>

AREA 2 - 65 days	DAYS
Nov. 2-Dec. 1	30 (still hunt only)
Dec. 2-6	5 (still hunt, muzzleloader only)
Dec. 7-Jan. 5	30 (with or without dogs)
	<u>65</u>

AREA 3 - 65 days	DAYS
Nov. 2-Dec. 1	30 (still hunt only)
Dec. 2-6	5 (still hunt, muzzleloader only)
Dec. 7-Jan. 5	30 (still hunt only)
	<u>65</u>

AREA 4 - 44 days	DAYS
Nov. 23-Dec. 1	9 (still hunt only)
Dec. 2-6	5 (still hunt, muzzleloader only)
Dec. 7-Jan. 5	30 (still hunt only)
	<u>44</u>

AREA 5 - 14 days	DAYS
Nov. 23-Dec. 1	9 (still hunt only)
Dec. 2-6	5 (still hunt, muzzleloader only)
	<u>14</u>

AREA 6 - 58 days (new area)	DAYS
Nov. 23-Dec. 1	9 (still hunt only)
Dec. 2-6	5 (still hunt, muzzleloader only)
Dec. 7-Jan. 19	44 (with or without dogs)
	<u>58</u>

Turkey: Season Dates Vary - See Schedule Below - Limit: One per day; 3 per season

AREA A - 30 days	DAYS
March 28-April 26	30

AREA B - 37 days	DAYS
March 21-April 26	37

AREA C - 9 days	DAYS
April 18-April 26	9

AREA D - 16 days	DAYS
April 11-April 26	16

A more detailed copy of the rule is available upon request from the address listed below and from the of the State Register, 900 Riverside North, Baton Rouge, LA 70804.

Public hearings will be held at regularly scheduled Wildlife and Fisheries Commission meetings from April-July. Additionally, interested persons may submit written comments relative to the proposed rule until May 31, 1991 to Hugh A. Bateman, Administrator, Game Division, Box 98000, Baton Rouge, LA 70898.

**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 17:

James H. Jenkins, Jr.  
Chairman

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Rule Title: Hunting of Resident Game Birds and Game  
Quadrupeds 1990-91**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL 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. Anticipated cost of printing this pamphlet will be \$25,000-\$30,000.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
Projected hunting license fee collections for FY 91-92 will be approximately 4.6 million dollars. Failure to adopt rule changes would result in no hunting season being established and a loss of these revenues.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
Hunting in Louisiana generates in excess of \$325,000,000 annually through the sale of outdoor related equipment and other associated items. Figures are based on the 1985 National Survey of Fish and Wildlife Associated Recreation.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There is no method by which this department can estimate the effects of hunting regulations on employment or competition statewide.

Bettie Baker  
Undersecretary

David W. Hood  
Senior Fiscal Analyst

## Committee Report

**GOVERNOR'S RESPONSE TO  
COMMITTEE REPORT**

**February 15, 1991**

(Editors' note: The below referenced committee report appeared in the February 20, 1991 *Louisiana Register*, page 233.)

Dear Representative Roach:

Pursuant to R.S. 49:968 I am hereby notifying you that I am overruling the committee's decision on the regulation of

black bass in Toledo Bend and Caddo Lake. Our experts feel strongly that this regulation is necessary if Toledo Bend and Caddo Lake are to ever be the sport-fishing lakes they should be.

My thanks to you and your committee for your time and hard work.

Buddy Roemer  
Governor

## Potpourri

### POTPOURRI

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

Notice is hereby given that the deadline for receiving written and oral comments concerning Title 13 DEPARTMENT OF ECONOMIC DEVELOPMENT, Part 1, Subpart 1, Finance, Chapter 21, Environmental Criteria for Rating Tax Exemptions, is hereby extended to 5 p.m. Friday, April 5, 1991.

The public hearing for these rules will be held on Thursday, March 28, 1991, in the Mineral Board Hearing Room, Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA from 9 a.m. to 12 noon. Questions should be addressed to Ed Baker, Financial Incentives Division, Box 94185, Baton Rouge, LA 70804-9185 (504) 342-5398.

R. Paul Adams, AICP  
Director

### POTPOURRI

**Department of Health and Hospitals  
State Board of Embalmers and Funeral Directors**

The State Board of Embalmers and Funeral Directors will give the National Board Funeral Director and Embalmer/Funeral Director exams on Saturday, April 27, 1991 at Delgado Community College, 615 City Park Ave., New Orleans.

Interested persons may obtain further information from the State Board of Embalmers and Funeral Directors, Box 8757, Metairie, Louisiana 70011, (504) 838-5109.

Dawn Scardino  
Confidential Assistant

**POTPOURRI**

**Department of Health and Hospitals  
Board of Medical Examiners**

**Notice of Public Hearing  
on Proposed Rule Amendments**

Notice is hereby given, in accordance with R.S. 49:953(A)(2), (3), that the State Board of Medical Examiners, will conduct a public hearing to receive oral comments on the proposed amendments to its rules governing the licensure and practice of licensed midwives, at 4 p.m., Thursday, April 11, 1991, at the office of the board, Suite 100, 830 Union Street, New Orleans, LA. At such hearing all interested persons may appear and present data, views, arguments, information or comments on the proposed rule amendments, which appeared as a notice of intent in the January, 1991 *Louisiana Register*, page 87.

Delmar Rorison  
Executive Director

**POTPOURRI**

**Department of Natural Resources  
Office of the Secretary  
Fishermen's Gear Compensation Fund**

In accordance with the provisions of R.S. 56:700.1 et seq., notice is given that 26 claims in the amount of \$64,292.99 were received in the month of February 1991, 17 claims in the amount of \$43,351.56 were paid, and one claim was denied.

Loran C. coordinates of reported underwater obstructions are:

27838	46867
28880	46938
28469	46837
28553	46879
28608	46861
26395	46972
26674	46975
28617	46852
27589	46917

A list of claimants, and amounts paid, may be obtained from the Fishermen's Gear Compensation Fund, Box 94396, Baton Rouge, LA 70804, or by telephone (504) 342-0122.

Ron Gomez  
Secretary

**POTPOURRI**

**Department of Social Services  
Office of Community Services**

The Louisiana Department of Social Services (DSS) announces the availability of \$740,000 in grant funds for distribution to applicant units of local government under the Emergency Shelter Grants Program (ESGP). Program funds

are allocated to the state by the U.S. Department of Housing and Urban Development (HUD) through authorization by the Stewart B. McKinney Homeless Assistance Act, as amended and by the Cranston-Gonzales National Affordable Housing Act. Grant assistance is authorized for activities involving rehabilitation or conversion of buildings for use as emergency shelters for the homeless, for the payment of certain operating and social services expenses in connection with emergency shelter for the homeless, and for homeless prevention activities. As provided under previous federal and state policies, eligible applicants shall be limited to units of general local government (parishes and cities) for jurisdictions with a minimum 30,000 population according to recent census figures. Recipient units of local government may make all or part of grant amounts available to private nonprofit organizations for use in eligible activities.

Grant distribution shall be conducted by DSS through a competitive Request for Proposals process. Application packages, including grant application requirements and deadline for submittal, shall be issued by mail to the chief elected official of those qualifying units of general local government for jurisdictions containing the required 30,000 minimum population. In order to be considered for funding applications must be received by DSS Office of Community Services by the close of business, 4:30 p.m., Friday, May 17 1991.

Selection of grant recipients and award of grant amounts shall be based on evaluation and ranking of competitive funding proposals according to the following criteria

1. nature and extent of demonstrated need for emergency shelter in an applicant's jurisdiction;
2. the extent to which proposed activities will address the needs;
3. methodology and time frame to implement proposed activities;
4. specificity of proposed activities and reasonableness of cost estimates;
5. fiscal accountability and financial responsibility of project sponsor(s);
6. capability to provide required matching funds (where applicable);
7. experience of project sponsor(s) in provision of services for homeless persons or similar activities;
8. coordination of the proposed project(s) with available community resources, so as to be able to match the needs of homeless persons with appropriate supportive services and with other services essential to achieve independent living, and to provide help to homeless persons in accessing available federal, state and private assistance;
9. shelter projects which received start-up assistance through state ESGP funding will be allowed the following preference at the discretion of DSS. Grant amounts totaling not less than \$250,000 are allocated for continuation funding of those homeless shelter projects which were initially established through the use of state ESG assistance.

Successful applicants shall be required to provide matching funds in an amount at least equal to its ESGP grant amount except for those grant amounts awarded from the first \$100,000 of the state's allocation. With respect to this first \$100,000 which under recent program amendments is free from matching funds requirements, DSS will pass on this benefit to the recipient local government(s), and/or subrecipient(s), which shall be determined by DSS to have the

least capability to provide the required matching funds based on information submitted in grant applications. For those grant amounts which remain subject to matching funds requirements, the value of donated materials and buildings, voluntary activities and other in-kind contributions may be included with "hard cash" amounts in the calculation of matching funds. A local government grantee may comply with this requirement by providing the matching funds itself, or through provision by nonprofit recipients.

Grant awards shall be for a minimum of \$45,000 and a maximum of \$200,000 in accordance with the following specifications. Individual grant awards to applicant jurisdictions of less than 50,000 population shall not exceed \$65,000. For jurisdictions over 50,000 and less than 250,000 in population, grant awards shall not exceed \$110,000. An applicant jurisdiction of over 250,000 population may be awarded ESGP funding of up to \$150,000. The applicant jurisdiction with the largest homeless population (from documentation included in the application) is eligible to receive the maximum grant amount of \$200,000. Specifications regarding grant amounts may be adjusted at DSS's discretion

in consideration of total funding requests, available funding, and individual applicant's needs.

A recipient local government may at its option elect to use up to 2.56 percent of grant funding for costs directly related to administering grant assistance, or may allocate all grant amounts for eligible program activities. Program rules do not allow the use of ESGP funds for administrative costs of non-profit subgrantees.

Availability of ESGP funding is subject to HUD's approval of the state's ESGP application for Fiscal Year 1991. No expenditure authority or funding obligations shall be implied based on the information in this notice of funds availability.

Inquiries and comments regarding the 1991 Louisiana Emergency Shelter Grants Program may be submitted in writing to the Office of Community Services, Division of Community Services Grants Management, Box 44367, Baton Rouge, LA 70804, or telephone (504) 342-2277.

May Nelson  
Secretary

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STATE OF NEW YORK

IN SENATE,  
January 14, 1914.  
REPORT  
OF THE  
COMMISSIONERS OF THE LAND OFFICE,  
IN ANSWER TO A RESOLUTION  
PASSED BY THE SENATE  
MAY 11, 1913.  
ALBANY:  
J. B. LIPPINCOTT COMPANY,  
PRINTERS,  
1914.

ALBANY: J. B. LIPPINCOTT COMPANY, PRINTERS, 1914.