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Executive Orders

EXECUTIVE ORDER EWE 86-9

WHEREAS, Section 621 of the Tax Reform Act of 1984 (the "1984 Act") restricts the total principal amount of certain private activity bonds, the interest on which is exempt from federal income taxation under Section 103 of the Internal Revenue Code of 1954 (the "Code"), which may be issued by any state of the United States during each calendar year; and

WHEREAS, the aggregate principal amount of such bonds which may be issued in the State of Louisiana (the "State") during any calendar year is restricted by the 1984 Act to a dollar amount per person based on the most recently published estimate or population obtained from the U. S. Department of Commerce - Bureau of Census, prior to January 1 of the subject year (the "1984 Act Ceiling"); and

WHEREAS, the governor of the State of Louisiana pursuant to his Executive Order Number EWE 85-93, has set forth a method and formula of allocating the 1984 Act Ceiling among issuers as authorized by the 1984 Act; and

WHEREAS, H.R. 3838, the Tax Reform Act of 1985 (the "1985 Act"), which further restricts the total principal amount of certain bonds, the interest on which is exempt from federal income taxation under Section 103 of the Code, which may be issued by any state during each calendar year to a dollar amount of \$175 per person, has passed the U. S. House of Representatives and has been sent to the U. S. Senate for consideration with an effective date of January 1, 1986, on certain bond related provisions; and

WHEREAS, it is necessary, so long as the 1985 Act is pending, to provide a method and formula (on an interim basis) for allocations of bonds subject to such limitations in a manner which will allow compliance with both the requirements of the 1984 Act and the 1985 Act to the extent either or both are applicable; and

WHEREAS, the governor of the State of Louisiana desires to (i) exercise his authority under the 1985 Act to modify the allocation of bonds subject to the volume limits of the 1985 Act (the "1985 Act Ceiling") by allocating the entire 1985 Act Ceiling to the state and then assign the allocation to issuers in the state on behalf of the state, (ii) set forth the procedure for obtaining an allocation of bonds under the applicable volume limitations, and (iii) provide for central record keeping in connection with such allocation.

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

ARTICLE I DEFINITIONS

SECTION 1.1 All terms defined in the preamble hereof shall have the same meanings in this executive order.

SECTION 1.2 All terms not defined herein shall have the same meanings as used in the 1985 Act.

SECTION 1.3 In addition, the following terms shall have the following meanings:

"Issuer" or "issuers" means any entity or entities now or hereafter authorized to issue bonds under the Constitution or laws of the state.

"Statewide jurisdiction" means authority to issue bonds to finance projects located anywhere within the geographic limits of the State of Louisiana and not limited to any particular area of the state.

ARTICLE II ALLOCATION AND ASSIGNMENT

The 1985 Act Ceiling for 1986 of \$784,175,000 is hereby allocated entirely to the state. On behalf of the state, the undersigned hereby assigns the 1985 Act Ceiling, in the manner and under the terms, conditions and restrictions set forth in this executive order.

ARTICLE III ASSIGNMENT TO HOUSING ALLOCATION POOL

SECTION 3.1 There is hereby assigned to a pool to be designated the "Housing Allocation Pool" \$336,075,000 of the 1985 Act Ceiling, which pool and dedicated pools created thereunder shall be administered as hereinafter provided.

SECTION 3.2 There is hereby created within the Housing Allocation Pool, two dedicated pools designated:

- (a) "Multi-Family Allocation Pool", and
- (b) "Single Family Allocation Pool".

The Multi-Family Allocation Pool shall contain a portion of the 1985 Act Ceiling equal to \$136,075,000. The Single Family Allocation Pool shall contain a portion of the 1985 Act Ceiling equal to \$200,000,000. One-half of the Single Family Allocation Pool is hereby allocated to the Louisiana Housing Finance Agency. No further action shall be required to evidence such allocation. The remaining one-half of the Single Family Allocation Pool is reserved until September 1, 1986 for use by issuers which do not have statewide jurisdiction. Allocations from the Single Family Allocation Pool for issuers not having statewide jurisdiction shall be granted by the Louisiana State Bond Commission in the same manner allocations have heretofore been granted by the Louisiana State Bond Commission under executive orders existing on the date hereof. On September 1, 1986 and thereafter, allocations from the amounts remaining in the Single Family Allocation Pool and/or amounts transferred to the State Pool from the Multi-Family Allocation Pool up to a maximum of \$24,050,000 from the Multi-Family Allocation Pool may be made by the governor to the Louisiana Housing Finance Agency in accordance with Louisiana Revised Statutes 40:600.9(I) for use for qualified mortgage bonds or qualified veterans' mortgage bonds; provided, however, that amounts transferred to the State Pool from the Multi-Family Allocation Pool may not be used for allocations for qualified mortgage bonds or qualified veterans' mortgage bonds if the use of such amounts would exceed any volume limitations on such bonds imposed by federal law then in existence. Except as set forth in the immediately preceding sentence, only projects which constitute exempt facility bonds for qualified residential rental projects may request and receive allocations from the Multi-Family Allocation Pool. Only projects which constitute qualified mortgage bonds or qualified veterans' mortgage bonds may request and receive allocations from the Single Family Allocation Pool.

ARTICLE IV ASSIGNMENT TO

NON-PROFIT ORGANIZATION ALLOCATION POOL

There is hereby assigned to a pool to be designated the "Non-Profit Organization Allocation Pool" \$112,025,000 of the 1985 Act Ceiling. Only projects eligible to be financed with "qualified 501(c)(3) bonds" as defined in the 1985 Act may request and receive allocations from the Non-Profit Organization Allocation Pool.

ARTICLE V ASSIGNMENT TO GENERAL ALLOCATION POOL

There is hereby assigned to a pool to be designated the "General Allocation Pool" \$336,075,000 of the 1985 Act Ceiling. Allocations for all types of bonds which require allocations under

the 1985 Act and which do not fit under the categories set forth in Articles III and IV hereof may be requested and granted from the General Allocation Pool; provided however, that no allocations for "qualified 501(c)(3) bonds" shall be granted from the General Allocation Pool until the exhaustion of the Non-Profit Organization Allocation Pool. Until the consolidation of pools as set forth in Article VI hereof, at least \$168,037,500 of the General Allocation Pool shall be reserved for allocations for projects financed through the Louisiana Public Facilities Authority (the "LPFA"). There shall also be reserved until the consolidation of pools set forth in Article VI hereof at least \$33,607,500 of the General Allocation Pool for allocations to be granted for projects financed through issuers (other than the LPFA) having statewide jurisdiction.

ARTICLE VI

CONSOLIDATION OF MULTI-FAMILY ALLOCATION POOL AND GENERAL ALLOCATION POOLS

SECTION 6.1 Upon the earlier of September 1, 1986 or a reduction of the portion of the 1985 Act Ceiling remaining in the Multi-Family Allocation Pool to \$34,000,000 or less, the portion of the 1985 Act Ceiling remaining in the Multi-Family Allocation Pool shall be deemed transferred to a pool to be supervised by the governor to be designated the "State Pool." Also, upon the earlier of September 1, 1986 or upon a reduction of the portion of the 1985 Act Ceiling remaining in the General Allocation Pool to \$85,000,000 or less, the portion of the 1985 Act Ceiling remaining in the General Allocation Pool shall be deemed transferred to the State Pool. The Non-Profit Organization Allocation Pool shall not be consolidated with the Multi-Family Allocation Pool or General Allocation Pool to become a part of the State Pool and must be reserved for allocations for "qualified 501(c)(3) bonds". All allocations from the State Pool must receive the written approval of the governor.

SECTION 6.2 The remaining portion of the 1985 Act Ceiling transferred to the State Pool pursuant to Section 6.1 hereof from the Multi-Family Allocation Pool and General Allocation Pool shall remain segregated and reserved for use for allocations for the types of projects that are permitted to receive allocations from the Multi-Family Allocation Pool and General Allocation Pool respectively, unless state legislation is enacted giving the governor discretion to modify the portion of the 1985 Act Ceiling that must be reserved for qualified residential rental projects, qualified mortgage bonds and qualified veterans' mortgage bonds. If state legislation as described above is enacted, the remaining 1985 Act Ceiling in the State Pool shall not be segregated, but shall be combined and such combined amount may be used to grant allocations to any type bond issue required to obtain an allocation under the 1985 Act in the same manner set forth in Article VII hereof; provided however, that allocations for qualified mortgage and qualified veterans' mortgage bonds, if any, granted from the State Pool must be granted by an executive order of the governor. Notwithstanding the foregoing, allocation for "qualified 501(c)(3) Bonds" shall not be granted from the State Pool until exhaustion of the Non-Profit Organization Allocation Pool.

ARTICLE VII

APPLICATION AND PROCEDURE FOR ALLOCATIONS

SECTION 7.1 Except as limited in Article III and Article V hereof all issuers in and of the state may apply for allocations on an equal basis. It is the intent hereof that allocations (other than allocations for qualified mortgage and qualified veterans' mortgage bonds) be granted primarily on a first come first served basis until the 1985 Act Ceiling reaches a level that discretion is necessary to insure the most favorable economic return to the state or an area within the state.

SECTION 7.2 The allocation of the 1985 Act Ceiling from the appropriate pools created hereby (other than allocations for

qualified mortgage and qualified veterans' mortgage bonds) will be considered on the basis of the chronological order of receipt from an issuer of the application set forth in Section 7.3 of this executive order.

SECTION 7.3 An issuer which proposes to issue bonds for a specific project or purpose must (other than for qualified mortgage and qualified veterans' mortgage bonds) make application for an allocation of a portion of the 1985 Act Ceiling for the particular project or purpose by submitting an application to the staff of the Louisiana State Bond Commission (the "SBC Staff"), which contains the following information:

(a) the name and address of the issuer of the bonds and the pool from which an allocation is requested;

(b) the name and location (by mailing address or other definitive description) of the project or purpose for which an allocation from the 1985 Act Ceiling is requested;

(c) the name and mailing address of (i) the initial owner or operator of the project, (ii) an appropriate person from whom information regarding the project can be obtained, and (iii) the person to whom notification of the allocation should be made;

(d) the date of adoption by the issuer of an indurement resolution adopted for the purpose of taking "official action", as required by the Treasury regulations relating to Section 103 of the Internal Revenue Code of 1954, as amended (the "Code"), if the issue of bonds for which the allocation of the 1985 Act Ceiling is requested requires the taking of "official action" under the Code;

(e) the amount of the 1985 Act Ceiling which the issuer is requesting be allocated for the project or purpose of the application and a general description of the project or purpose to be financed;

(f) In the case of "non-essential function bonds" as defined in the 1985 Act, either (i) a bond purchase agreement or other written commitment to purchase the bonds for which an allocation is requested, executed by one or more purchasers, setting forth in detail the principal and interest payment provisions and the security for the bonds, accepted by the issuer or the beneficiary of the bonds, (ii) in the case of a public offering of the bonds for which the allocation from the 1985 Act Ceiling is requested, a binding Bond purchase or underwriting agreement obligating the underwriter or underwriters to sell or purchase the bonds within 60 days of the receipt of an allocation hereunder, setting forth in detail the proposed principal and interest payment provisions and the security for the bonds, accepted by the issuer or the beneficiary of the bonds, or (iii) a \$7,500 escrow deposit which will be forfeited in the event the bonds for which an allocation is granted are not delivered prior to the expiration of such allocation as provided in Section 7.7 hereof. The \$7,500 deposit shall be returned to the party depositing the same without interest upon the substitution of the items described in (i) or (ii) above or delivery of the bonds within the allocation period (including any extension). In the event that such bonds are not delivered within the allocation period, the deposit shall be forfeited and deposited in the State Treasury, unless the failure to deliver such bonds is the result of the State Bond Commission denying approval of such bonds, in which case the deposit shall be returned to the party depositing same without interest; and

(g) a letter from bond counsel to the effect that the bonds for which an allocation is requested are subject to the 1985 Act Ceiling.

SECTION 7.4 Upon receipt of the completed application required by Section 7.3 hereof for allocations (except with respect to allocations for qualified mortgage and qualified veterans' mortgage bonds which are to be allocated by the Louisiana State Bond Commission or the governor pursuant to Sections 3.2 and 6.2 hereof) which do not require the written approval of the governor

as hereinabove provided, the SBC Staff shall, within 10 days of the receipt thereof, notify the person designated in the application of the allocation of the 1985 Act Ceiling to be applied to the project or purpose requested in the issuer's application.

SECTION 7.5 Until November 1, 1986, the maximum amount of allocation that may be granted for any project shall not exceed \$20,000,000. If an issuer submits a request for an allocation in excess of the amount herein authorized, the SBC Staff shall retain the application for consideration of the allocation of additional amounts on or after November 1, 1986. Notwithstanding the foregoing, if the governor determines that a project serves a crucial need or provides an extraordinary benefit to the state or an area within the state, the governor by written approval may authorize allocations for a project prior to November 1, 1986 up to a total of \$50,000,000 for such project. Allocations for qualified mortgage and qualified veterans' mortgage bonds shall not be governed by this Section.

SECTION 7.6 Upon receipt of the completed application required by Section 7.3 hereof for allocations which require the written approval of the governor, the SBC Staff shall immediately forward such application to the governor, together with a form used for the granting of allocations which is complete in all respects other than the amount of the allocation. The governor shall determine the amount of allocation (if any) and may evidence his approval by entering the amount of the allocation on the form and signing the allocation form.

SECTION 7.7 Any allocation (other than for qualified mortgage and qualified veterans' mortgage bonds) from the 1985 Act Ceiling will remain valid if the bonds for which such allocation is granted are delivered by the earlier of (i) 60 days from the date the notice of the allocation is mailed to the person designated or (ii) December 31, 1986; unless, in the case of (i) above, the issuer requests an extension of time for the allocation to remain valid, in which event the allocation will be extended one time to the earlier of (i) 30 days from the date of the expiration of the 60 day period or (ii) December 31, 1986. Notwithstanding the foregoing, an allocation shall be deemed invalid immediately upon the State Bond Commission's denial of the approval of the bonds which have received an allocation. Allocations for qualified mortgage and qualified veterans' mortgage bonds shall remain valid through December 31, 1986 unless voluntarily returned by an issuer or unless otherwise provided in the procedure established pursuant to Section 3.2 hereof.

SECTION 7.8 On November 1, 1986 the SBC Staff shall determine the remaining amount of the 1985 Act Ceiling in each pool and shall submit to the governor for consideration all applications for allocations of bonds in excess of the amounts permitted herein for which the SBC Staff has received in writing during the period commencing October 15, 1986 through October 31, 1986 a notification of the applicant's continued desire to receive an increased allocation. Thereafter, the governor may grant, until the 1985 Act Ceiling is exhausted, allocations limited to \$20,000,000 per project or purpose (in addition to previous allocations granted) unless the governor determines that a project satisfies a particularly important State or local need, in which event the governor may allocate additional amounts limited only to the amount of the 1985 Act Ceiling remaining. The increased allocations granted on or after November 1, 1986 are subject to the limitations as to the types of projects or purposes that may receive allocations from each pool as hereinabove provided.

SECTION 7.9 In the event the allocation of the 1985 Act Ceiling for a particular project or purpose expires as provided in Section 7.7 of this executive order, the issuer may resubmit its application for an allocation of a portion of the 1985 Act Ceiling for such project or purpose, and the application of the issuer relating

to such project or purpose will be reviewed in chronological order of receipt of its resubmission, but no preference or priority will be given to the issuer as a result of its prior application for such project or purpose.

SECTION 7.10 In order to make maximum use of the 1985 Act Ceiling, to promote economic growth and the development of environmental protection facilities in the State of Louisiana, and to treat all interests fairly, it is the intent of this executive order that the SBC Staff shall not exercise any discretion in the allocation of bonds. The SBC Staff shall handle and dispose of each application in the chronological order of receipt.

SECTION 7.11 The SBC Staff shall maintain accurate records of all allocations and all bonds delivered. All issuers of bonds which have received an allocation must notify the SBC Staff of the delivery of bonds within five days after the delivery of such bonds and shall specify the total principal amount of bonds issued. The SBC Staff shall provide to any person so requesting every two weeks and any other time requested: (i) a list of the amount of unallocated 1985 Act Ceiling remaining on the date such request is made, (ii) a list of allocations (naming the issuer and amount of allocation) which have been made by the SBC Staff and the date of each allocation and any extension, (iii) a list of applications being held by the SBC Staff which have requested a larger allocation than permitted and (iv) a list of bonds which have been given an allocation and have been delivered.

SECTION 7.12 If at any time the remaining amount of the 1985 Act Ceiling in any pool is insufficient to meet the request for allocation of two or more applications which were received in completed form by the SBC Staff on the same day, then the allocation shall be considered based on the chronological order of adoption of an inducement or other resolution by the respective issuer for the project or purpose for which an allocation is requested, and if the inducement or other resolution of such applications were adopted on the same day the allocation for those projects induced on the same day shall be made on a *pro-rata* basis.

SECTION 7.13 If the 1985 Act Ceiling exceeds the aggregate amount of bonds issued during any year by all issuers, the governor may allocate such excess to issuers for use as a carryforward for one or more carryforward projects permitted under the 1985 Act through the issuance of an executive order for all carryforward projects which have submitted a completed application to the SBC Staff and a request to be treated as a carryforward project. The SBC Staff shall notify the issuers which are allocated a portion of the 1985 Act Ceiling for a carryforward project at least five days prior to the last date an election to carryforward a portion of the 1985 Act Ceiling may be made.

SECTION 7.14 This executive order only relates to bonds subject to the unified volume limitation set forth in the 1985 Act. No issuer shall apply for or be entitled to an allocation from the 1985 Act Ceiling for bonds which are not subject to the unified volume limitation set forth in the 1985 Act.

SECTION 7.15 The responsibility of the SBC Staff hereunder shall be exercised by the SBC Staff independent of any of its other duties and responsibilities with respect to the State Bond Commission.

SECTION 7.16 It is the intention of this executive order to provide a mechanism to allow bond issues to proceed while the 1985 Act is pending. Allocations granted under this executive order will be granted solely to comply with the unified volume limitation of the 1985 Act. In order to comply with existing laws issuers must request and receive an allocation under Executive Order EWE 85-93, if required by federal law.

SECTION 7.17 The governor may modify, amend, supplement or rescind this Executive Order to reflect changes in the

1985 Act, any subsequent federal or state legislation or the failure of the 1985 Act to be enacted; provided however, that any modification, amendment, supplement or rescission shall not rescind any allocation granted for a project or purpose pursuant to the terms of this executive order if such allocation is required under federal law in order to maintain the tax exempt status of the bonds issued for such project or purpose.

SECTION 7.18 This executive order shall be effective on the date of execution hereof by the governor.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Louisiana to be affixed, done at the State Capitol in the City of Baton Rouge, Louisiana, this 9th day of April, in year of our Lord One Thousand Nine Hundred and Eighty-Six.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

EXECUTIVE ORDER EWE 86-10

WHEREAS, costs of telecommunications systems have experienced significant increases in recent years; and

WHEREAS, the House Committee on Appropriations Subcommittee on Oversight has noted this problem and expressed a desire that coordination and supervision of all procurement activity for communications, including but not limited to voice, radio, data and video communications; be performed by the Office of Telecommunications Management; and

WHEREAS, the Office of Telecommunications Management, within the Division of Administration, is vested with the authority to coordinate all such procurements with the exception of radio, under Section 140 of Title 39 of the Louisiana Revised Statutes of 1950; and

WHEREAS, coordination and supervision will promote greater efficiency of procurement for communications to the user agencies;

NOW, THEREFORE, I, EDWIN W. EDWARDS, Governor of the State of Louisiana, do hereby order and direct as follows:

The Office of Telecommunications Management, under the supervision of the commissioner of administration, shall exercise its statutory role in coordinating and supervising the procurement of all telecommunications and communications systems, including but not limited to, voice, radio, data and video communications; and further, all user agencies shall obtain the prior written approval of the Office of Telecommunications Management prior to procuring any such services.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 16th day of April, A.D., 1986.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

EXECUTIVE ORDER EWE 86-11

WHEREAS, Section 622 of the Tax Reform Act of 1984 (the "Tax Reform Act") restricts the total principal amount of private activity bonds the interest on which is exempt from federal income taxation under Section 104 of the Internal Revenue Code of 1954, as amended (the "bonds"), which may be issued by any state of the United States during each calendar year; and

WHEREAS, the aggregate principal amount of bonds which may be issued in the State of Louisiana (the "state") during the calendar year 1985 is restricted by the Tax Reform Act to \$150 per person, based on the most recently published estimate of population obtained from the U.S. Department of Commerce - Bureau of Census, prior to January 1, 1985 (the "ceiling"); and

WHEREAS, Executive Order Number EWE 85-93 dated December 23, 1985, provides that the governor of the State of Louisiana is responsible for granting allocations from the ceiling for certain issues of bonds; and

WHEREAS, the governor of the State of Louisiana desires to grant allocations for the hereinafter described bonds;

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

SECTION 1: The bond issues described in this Section is hereby granted an allocation from the ceiling in the amount shown below.

AMOUNT OF ALLOCATIONS	NAME OF ISSUER	NAME OF PROJECT
\$ 3,500,000	La. Public Facilities Authority	Berol Chemicals, Inc.

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

SECTION 3: The bonds granted an allocation hereunder must be delivered to the initial purchasers thereof on or before 60 days from the date hereof, unless an application for a 30-day extension under Section 5.8 of Executive Order Number EWE 85-93, as amended, is timely received by the State Bond Commission staff.

SECTION 4: Pursuant to Section 103(N)(12) of the Internal Revenue Code of 1954, as amended, the undersigned certifies, under penalty of perjury, that the allocations granted hereby were not made in consideration of any bribe, gift, gratuity, or direct or indirect contribution to any political campaign.

SECTION 5: All references herein to the singular shall include the plural and all plural references shall include the singular.

SECTION 6: This executive order shall be effective upon signature of the governor.

IN WITNESS WHEREOF, I have hereunder set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge on this 14th day of April, 1986.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

Emergency Rules

DECLARATION OF EMERGENCY

Department of Commerce Racing Commission

Amend rule LAC 35:11201 "Twin Trifecta"
Parts P and S

P. If for any reason, the second half of the Twin Trifecta is cancelled, not declared 'official' or less than three horses finish the race, the winning ticket holders on the first half will be entitled to proportionate distribution of the remaining amount of the current program's divided pool. The cumulative pool from previous programs shall not be distributed in this case and will be carried over to the next scheduled racing program.

S. . . . DELETE PARAGRAPH.

Albert M. Stall
Chairman

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, exercised the emergency provision of the Administrative Procedure Act 49:953 B to adopt the following rules in the Food Stamp Program.

Summary

These rules are mandated by federal regulations as published in the *Federal Register*, Vol. 51, No. 62, Tuesday, April 1, 1986, pages 11009-11012 and 11086-11087. It is necessary to adopt this as an emergency rule to avoid sanctions as federal regulations mandate of May 1, 1986 implementation date.

The following Food Stamp Program changes are effective May 1, 1986:

1. the earned income deduction increases from 18 percent to 20 percent of total countable gross earnings;
2. the resource limit for a household which does not include an elderly member increases from \$1500 to \$2,000;
3. the \$3,000 resource limit has been expanded to include any household which has at least one elderly member;
4. the shelter/dependent care deduction has been separated into two separate deductions;
5. the maximum dependent care deduction shall be \$160 for a household which does not include a member who is elderly or disabled;
6. the maximum dependent care deduction shall be \$147 for a household which includes a member who is elderly or disabled;
7. the maximum shelter deduction increases from \$139 to \$147 for households which do not include a member who is elderly or disabled. The amounts in Items 6 and 7 will be adjusted October 1, 1986 and each October 1 thereafter.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

Rules

RULE

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

Pursuant to the notice of intent published in the January 20, 1986 issue of the *Louisiana Register* and in accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the authority granted under R.S. 3:3306, the Structural Pest Control Commission hereby adopts the following amendments to LAC 7:XXV.

Add Section 14116 to Chapter 141 (Structural Pest Control Commission):

§14116. Wood Infestation Report

A. A wood infestation report approved by the Structural Pest Control Commission shall be issued when any inspection is made to determine the presence of wood destroying insects, specifically for acts of sale of structures, but not limited for this purpose.

B. Any wood infestation report or written instrument stating the apparent freedom from termites and/or other wood destroying insects, issued for the transfer of real property, shall be issued by a person who is licensed by the Structural Pest Control Commission to engage in the control of wood destroying insects. This instrument shall carry a guarantee that the property will be treated without charge should an infestation of wood destroying insects, covered by this report, be found within 90 days from date of issuance.

1. A contract approved by the Structural Pest Control Commission shall be issued on date of treatment.

2. This contract shall be reported to the commission and a fee paid as required by the Structural Pest Control Commission Law.

Add Sections 14143, 14145, 14147, 14149 and 14151 to Chapter 141:

§14143. General Requirements for Pesticide Waste

A. Waste Water, Which Upon Disposal, is Classified as a Hazardous Waste all commercial applicators applying pesticides which, upon disposal, are classified as a hazardous waste must implement containment system for reuse or apply the waste immediately to the site of application.

B. Handling Spills by Commercial Applicators

1. All uncontained spills of more than one gallon liquid or four pounds dry weight must be reported to the director of Structural Pest Control Commission within 24 hours by telephone and by written notice within three days.

2. Commercial applicators are responsible for the cost of cleanups resulting from pesticide spills in their operations.

§14145. Procedures Governing Handling of Pesticide Containers by Commercial Applicators (Except Bulk Pesticide Containers)

A. Storage Areas for Full or Partially Full Pesticide Containers

1. Pesticide containers must be stored in a secure, locked enclosure.

2. Pesticide containers must be free of leaks.

3. The storage area must be maintained in good condition, without unnecessary debris.

B. Empty containers must be stored in a secured area. Empty containers may be kept for no more than 30 days.

C. Metal, Glass and Plastic Containers

1. All metal, glass and plastic containers must be triple-

rinsed, immediately after the pesticide is removed by the following, or equivalent procedure.

a. Using a solvent capable of removing the pesticide, fill each container with solvent equal to approximately 10 percent of the volume of pesticides originally contained in the container.

b. Agitate the solvent thoroughly on all interior surfaces of the container. Agitation may be accomplished by use of agitation equipment approved by the department or by manual agitation of the solvent.

c. Repeat the above procedure three times.

d. If the rinsate containing the solvent can be used again in subsequent application of the pesticide without reducing the effectiveness of the pesticide, place the rinsate in the containment tank specified for that pesticide. If the rinsate is not classified as a hazardous waste upon disposal, it may be placed in an approved surface impoundment.

2. Upon completion of the above triple-rinsing procedures, containers may be disposed of as follows:

a. By disposal in any permitted solid waste facility (sanitary landfill), provided that, prior to disposal in a solid waste facility, the pesticide applicator must pierce all metal and plastic containers in both ends;

b. By prior agreement, by return (for credit or otherwise) to the pesticide sales agent or the pesticide manufacturer; or

c. By resale to a third party for recycling or reconditioning.

D. Paper and Plastic Bags

1. All pesticides shall be removed from paper and plastic bags to the maximum extent possible when the pesticide is initially mixed for application. Thereafter, containers shall be disposed of as follows:

a. Cut all sides of the container and open the container fully, without folds or crevices, on a flat surface, shake any pesticides remaining in the open container into the pesticide mix.

b. After cutting and flattening such pesticide containers, dispose of containers in a solid waste facility (sanitary landfill).

§14147. Procedure for Constructive Recycling by Commercial Applicators of Unused Portions of Pesticides and/or Rinsate of Pesticides Which, Upon Disposal are Classified as Hazardous Wastes Under EPA Regulations

A. The commission shall annually, on or before December 31, publish in the *Louisiana Register* a full and complete list of all pesticides which, upon disposal, are classified as hazardous wastes under regulations of EPA and may supplement such listing at any time when any changes in such classifications are made by EPA.

B. Applicators of pesticides covered under this rule may recover and constructively reuse any unused portions of such pesticides and/or any rinsate of such pesticides by one of the following methods:

1. by immediate reapplication of the unused portion of the pesticide and/or the rinsate in accordance with label and labeling requirements for that pesticide;

2. by transferring to a closed containment system meeting the requirement of LAC 7:XXV.14149; or

3. by disposal in a permitted hazardous waste facility.

C. All unused pesticides and/or rinsate from pesticides classified as a hazardous waste upon disposal must be removed from containment tanks in less than 30 days after deposit therein.

§14149. Containment System

A. Containment Tanks

1. Different containment tanks must be installed for different pesticides and/or rinsate of pesticides, except the same containment tanks may be used for two or more pesticides when such

pesticides are physically and chemically compatible and when their mixing is not prohibited by their labels.

2. Each containment tank shall meet the following requirements:

a. must be constructed of material of sufficient strength and be compatible with the pesticide and/or rinsate to be placed within the tank;

b. must be free of leaks, cracks, holes or other deterioration at all times;

c. must be in good operating order at all times;

d. must be designed to allow drainage of the entire contents and be triple rinsed;

e. must be equipped with stopcocks, at appropriate locations, to prevent any leakage of the contents during storage or transfer of the contents; and

f. must be equipped with an opening to allow for sampling.

B. Containment Tank Foundation

1. The containment tank foundation shall be solidly constructed of a material sufficiently impervious to contain leaks, spills and accumulated pesticides and/or rinsate of pesticides.

2. The foundation covering must be free of cracks which might allow leakage.

3. The foundation must be sloped to facilitate cleanup of inadvertent spills.

4. The foundation must be constructed with a rim of sufficient height to contain run-off from cleanup activities or inadvertent spills and be protected from flood waters.

5. The foundation must be so constructed as to discharge all liquids into a dump.

6. Tanks must be located at sufficient elevation to allow visual detection of leakage of the contents.

C. Storage Requirements

All containment tank(s) must be located in a secured area and protected from flood waters.

D. Location Requirements; Submission of Preliminary Site Plans

Containment systems must be located a suitable distance from any adjacent buildings, property lines, or public access roads. Site plans showing location of the containment system must be submitted for the approval of the commission prior to construction. These plans may be rudimentary; the purpose of such submission is to avoid unnecessary expense by the application.

E. Requirements for Final Approval of Containment Systems

Final plans and specifications for construction of a closed containment system must be approved by the commissioner and must be filed with the Department of Agriculture, subject to the approval of the commission, prior to the start of construction. In consideration for approval of such plans and specifications, the commission may, at their discretion, be assisted by an hoc advisory committee consisting of such experts as may be appointed by the commission.

§14151. Requirements and Procedures for Management of Unused Portions of Pesticides and/or Rinsate of Pesticides which, Upon Disposal, are not Classified as Hazardous Wastes Under EPA Regulations

A. Unused portions of pesticides and/or rinsate resulting from the application of pesticides not classified as a hazardous waste upon disposal should be handled by one of the following methods:

1. by subsequent, immediate reapplication in accordance with label and labeling requirements for the pesticide;

2. by deposit in a closed containment system which meets the requirements of LAC 7:XXV.14149 hereof;

3. by disposal in surface impoundments which meet the requirements of this rule; or

4. any other methods approved by the commission.

B. Whenever violative levels of pesticides classified as a hazardous waste upon disposal are detected in any sample taken from a containment tank, whether the containment tank was in operation at the effective date of these regulations or installed after the effective date of these regulations, such containment tank may be immediately and permanently closed and, if closed, all contents thereof shall be removed and disposed of at a permitted hazardous waste disposal facility. The financial responsibility of closing a surface impoundment belongs to the commercial applicator and/or property owner.

C. Insofar as the disposal of a pesticide waste is concerned, commercial applicators who generate hazardous pesticide waste and who do not comply with these regulations shall be subject to the regulations governing hazardous pesticide waste under the jurisdiction of the Department of Environmental Quality until such time as the commissioner of agriculture promulgates regulations governing hazardous pesticide waste.

Bob Odom
Commissioner

RULE

Department of Agriculture Office of Agro-Consumer Services Agricultural Commodities Commission

Pursuant to the notice of intent published in the February 20, 1986 issue of the *Louisiana Register* and in accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 3:3405, the Department of Agriculture, Agricultural Commodities Commission, is hereby adopting the following amendments to the rules and regulations of the Agricultural Commodities Commission:

Amend the following definitions contained in LAC 7:XXVII.14701:

Bid contract means an agreement between a producer and a purchaser under which the purchaser examines samples of rice and extends to the producer an offer to purchase the rice at a price based on the quality of the sample.

Confirmation date means the date on which the bid contract was confirmed.

Confirmed means the bid contract has been agreed to. A bid contract is confirmed when the producer and the purchaser agree to the quantity and price of the rice to be sold.

Delivery date means the date on which the purchaser is required to take delivery of the rice, either under the provisions of Subchapter O of this Chapter or under the provisions of a written agreement between the producer and the purchaser.

Grain means corn, wheat, oats, rye, soybeans, barley, milo and grain sorghum.

Purchaser means any person who purchases rice from a producer under a bid contract.

Add the following definitions to LAC 7:XXVII.14701:

Applicant means any person making application for a license to engage in any of the activities regulated under the Act or anyone who requests official grain inspection services and/or grain weighing services of the department.

Fee means any charge imposed by a warehouse, directly or indirectly, for care of agricultural commodities belonging to any person other than the warehouse owner, including but not limited to base price adjustments, storage, handling, dockage, commis-

sion, drying, and/or conditioning fees or any fees as listed on the latest approved schedule of fees (LAC 7:XXVII.14728.D) for official grain inspections and weighing services provided by the department.

LAC 7:XXVII.14703 should be amended to include Subsection P:

P. Appointed members of the commission shall be entitled to receive a per diem of \$40 and to be reimbursed for mileage expenses in accordance with the same travel regulations applying to state employees.

LAC 7:XXVII.14707.A.23 should be amended to read as follows:

23. Grain dealer applicants only:

a. Aggregate amount paid to producers during applicant's most recent fiscal year.

b. Name of person on grain dealer's staff who is certified as a grain sampler and/or grader.

Amend LAC 7:XXVII.14707.B.1 to read as follows:

1. The financial statement shall be prepared by an accountant who is not a full-time employee of the applicant and who meets at least one of the following:

a. a certified public accountant;

b. a graduate of an accredited four-year college or university with a degree in accounting; or

c. has passed the examination administered by the National Society of Public Accountants.

LAC 7:XXVII.14707.B should be amended to include Paragraphs 5 and 6:

5. The financial statement must be prepared and signed by an accountant, as defined in LAC 7:XXVII.14707.B.1, and must be presented in accordance with generally accepted accounting principles.

a. Financial statements shall include contracts covering commodities which have not been delivered. Contracts covering commodities which have not been delivered to the licensee or applicant must be brought to market in the financial statement. Contracts on commodities which have not been delivered to the licensee or applicant may be made a part of the financial statement by means of a footnote to the statement.

b. Fixed assets must be presented at cost on financial statements.

6. Only one financial statement shall be required for a chain of warehouses covered by a single warehouse license.

LAC 7:XXVII.14709.A should be amended to include the following:

10. The applicant for a grain dealer license does not have a staff member who is certified as a grain sampler and grader.

Amend LAC 7:XXVII.14723 to include Subsections K and L:

K. Each grain dealer shall adopt and post in a prominent place a policy for sampling and grading grain within 72 hours from the time the grain is delivered to the grain dealer.

L. No grain dealer license shall be issued unless the grain dealer staff includes a certified grain sampler and grader.

Amend the title of Subchapter E to read as follows:

Subchapter E. Assessments and Fees

Add LAC 7:XXVII.14728 to the existing rules and regulations:

§14728. Fees: Amount, Time of Payment

A. Fees are due and payable upon receipt of invoice from the department. A late payment shall be assessed for all invoices paid after 30 days from the date of the invoice. The amount which shall be assessed shall be 10 percent of the outstanding balance.

B. Applicable fees shall be charged for each request for the

department to provide official inspection service or weighing service.

C. Schedule of Fees

1. The regular hours shall be 8:00 a.m. to 4:30 p.m., Monday through Friday, except holidays. Holidays and all other hours shall be considered as overtime. The following shall be designated as holidays: New Years Day, Mardi Gras, Good Friday, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, Christmas Day, Election Day (every two years), and any other day the governor proclaims as a legal holiday.

2. The hourly rate shall be \$25 per hour. Overtime hours shall be billed at \$15 per hour plus inspection fee assessed in quarter-hour increments.

3. Mileage shall be billed at the rate of 20.5 cents per mile traveled.

4. Official Services (Including sampling except as indicated):

Online D/T sampling inspection service (sampling, grading and certification), per regular hour	\$25
Overtime hourly rate, per hour	\$40

Unit Inspection Fees:

Hopper car, per car	\$20
Boxcar, per car	\$15
Truck/trailer, per carrier	\$10
Barge, per 1,000 bushels	\$2.50

Submitted sample inspection

¹Reinspection, same as original inspection when based on new sample.

¹Reinspection, based on file sample:

Truck/trailer, per sample	\$5
Boxcar, per sample	\$7.50
Hopper car, per sample	\$10
Barge, per sample	\$25

Factor determination, per factor (not to exceed full

grade fee)	\$5
Class X weighing hourly rate, regular hours	\$18.50
Class X weighing hourly rate, overtime hours	\$33.50
Class Y weighing, barge, per 1,000 bushels	\$2

¹No charge if grade change from original inspection.

Service requests not covered by above fees will be assessed the applicable hourly rate stated herein.

The following FGIS supervision fees will be assessed in addition to other fees:

Factor only, max. 2 factors	\$.30
Factor only, excess 2, the applicable carrier or sample fee	

applies:

Railcars, inspect or weigh	\$ 1.60
Truck/trailer, inspect or weigh50
Barge, inspect or weigh	\$10.25
Warehouseman's sample	\$.50
Submitted sample	\$.50
Reinspection	\$.50
Other, i.e., sample only	\$.50
Stowage, other than vessel	\$.30
Class X	\$10.25
Class Y	None

Amend the title of Subchapter H to read as follows:

Subchapter H. Grading; Sampling; Out-of-Condition Commodities

Amend LAC 7:XXVII.14735 to read as follows:

§14735. Elevators: Official Grades and Sampling

A. All agricultural commodities shall be graded and sampled in accordance with official USDA grading standards, as detailed in "The Official United States Standards for Grain" handbook.

B. Procedures that result in equivalent results to USDA procedures are acceptable.

C. Requirements for Certification as an Elevator Grain Sampler and/or Grader

1. All persons interested in being certified to grade or sample grain for an elevator must submit an application on a form which shall be provided by the commission.

2. All applicants must pass an examination which shall be given by the department. The examination fee shall be \$5 and must be submitted with the application. If the applicant successfully completes the examination, he will be required to pay a \$25 fee in order to be certified.

3. Each person that has been certified and whose certification has not been revoked or suspended may renew that certification by submitting an application to renew with a fee of \$25.

4. All certifications shall expire on December 31 of each year and shall be renewed annually.

D. One elevator representative may be certified as grader and sampler as long as the representative is responsible for subordinate graders and samplers.

E. The commission shall be required to provide each grain dealer with a copy of all changes to USDA standards prior to the effective date of such changes.

Add LAC 7:XXVII.14736 which shall read as follows:

§14736. State Official Grain Inspections

Standards established in "Regulations Under the United States Grain Standard Act, As Amended", USDA, Federal Grain Inspection Service (CFR, Title 7, Chapter VIII, Pt. 800 (Section 800.0 to 800.219), 801 (Section 801.1-801.12), 802 (Section 802.0 to 802.13), and 810 (Section 810.201 to 810.555)), shall apply to all Department of Agriculture grain inspections.

Amend LAC 7:XXVII.14741 to include Subsection P:

P. A sample of each lot of grain which contains damage in excess of seven and one-half percent shall be:

1. maintained for five days from the original grade date; and

2. maintained in separate containers.

Amend LAC 7:XXVII.14745.A to read as follows:

A. Each licensee shall permit any officer or authorized representative of the commission or the commissioner to enter all locations listed on the application for license and inspect, examine, and/or audit all contents, facilities, equipment, records, books, accounts, samples, and grading and sampling practices relating thereto at any time during normal working hours, with or without notice.

Amend LAC 7:XXVII.14749.E to include Paragraph 3:

3. Place licensee on probation.

Subchapter O should be added to Chapter 147 and should read as follows:

Subchapter O. Prompt Payment

§14757. Prompt Payment for Rice

A. Each purchaser shall take possession of the rice which is the subject of the bid contract no later than the twentieth day after the confirmation date unless the producer and the purchaser agree in writing that the purchaser shall take possession of the rice on a different date.

B. If the purchaser does not take possession of the rice on or before the delivery date, the purchaser shall pay all storage and related charges for the storage of the rice after the delivery date.

C. Each purchaser shall pay for the rice purchased from each producer under a bid contract no later than the tenth calendar day after the delivery date.

D. If the purchaser does not make payment as required in Subsection E, the purchaser shall pay the producer interest on the

purchase price at the legal rate of interest as established in Civil Code Article 2924.

E. The provisions of this Subchapter shall apply to each transaction in which a purchaser buys rice from a producer under a bid contract.

Bob Odom
Commissioner

RULE

Department of Agriculture Office of Animal Health Services Livestock Sanitary Board

Pursuant to the notice of intent published in the February 20, 1986 issue of the *Louisiana Register* and in accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 3:2093, the Department of Agriculture, Livestock Sanitary Board, is hereby adopting the following amendment to the rules and regulations for the Livestock Sanitary Board:

Add the following definitions to LAC 7:XXI.11701:

Tuberculosis exposed herd means a herd of cattle that are intermingled with tuberculosis infected cattle or otherwise been exposed to tuberculosis infected animals which include: (1) cattle separated from known infected cattle by a single fence; (2) cattle herds on common range with tuberculosis infected herds; and (3) all herds owned by an individual, partnership, corporation or association that are within 50 miles of an infected herd owned by such individual, partnership, corporation or association.

Tuberculosis infected herd means a herd in which one or more *Mycobacterium bovis* infected animals are found. Cattle will be considered infected with *Mycobacterium bovis* when compatible pathologic lesions are found and confirmed to be infected with *Mycobacterium bovis* organisms by bacteriological culturing at the National Animal Disease Laboratory.

Tuberculosis quarantined herd means a tuberculosis infected herd that has not successfully completed the testing requirements for negative status; or a tuberculosis exposed herd that has been placed under quarantine to be tested until such time as it has been declared tuberculosis negative.

LAC 7:XXI.11745.F.2.b, LAC 7:XXI.11745.F.2.c, LAC 7:XXI.11745.F.2.d and LAC 7:XXI.11745.F.2.e should be amended as follows:

b. The referendum would give all producers of cattle in the parish an opportunity to vote for or against the referendum which would require all cattle to be tested for brucellosis and any herd which has one or more reactors on more than one herd test would have to be adult vaccinated for brucellosis and tested according to the herd plan and adult vaccination agreement. In the absence of a herd plan the herd would have to be tested at intervals of 180 days or less.

c. If a majority of the eligible cattle producers vote in favor of the referendum, all producers of cattle in the area shall be required to test all their cattle and adult vaccinate any infected herds as described in LAC 7:XXI.11745.F.1.

d. The following herds would be exempt from the testing requirements:

i. certified brucellosis free herds; and
ii. dairy herds identified as having negative brucellosis ring test.

e. The following infected herds would be exempt from mandatory adult vaccination:

i. herds of registered cattle; and
ii. herds of cattle comprised of all calfhood vaccinated cows.

The title of LAC 7:XXI.11749 should be amended to read as follows:

§11749. Governing the Testing and Vaccination of Cattle and the Movement of Cattle from Brucellosis Quarantined Herds

LAC 7:XXI.11749.A should be amended to include Paragraph 3:

3. Any brucellosis infected herd which has one or more reactors on more than one herd test would be required to be adult vaccinated against brucellosis and will be tested on a schedule established in an approved herd plan or be tested at intervals of 180 days or less. The herd will be tested and continue to be classified as infected and under quarantine until it has passed one complete negative test not less than 30 days following the date the last reactor was removed from the herd, and, in addition, a second negative herd test no less than 120 days from the date the last reactor was removed from the herd.

The title of Section 11753 should be amended as follows:

§11753. Governing the Testing of Cattle and the Movement of Cattle from Tuberculosis Quarantined Herds and the Establishment and Maintenance of all Tuberculosis Accredited Herds

LAC 7:XXI.11753.A.7 should be amended as follows:

7. Herds in which *Mycobacterium bovis* infection has been disclosed shall remain under quarantine and must pass two tuberculin tests at intervals of at least 60 days and one additional test after six months. The minimum quarantine period shall be ten months from slaughter of lesion reactors.

Bob Odom
Commissioner

RULE

Department of Commerce Racing Commission

The Louisiana Racing Commission hereby gives notice in accordance with law that it amended rule LAC 35:XIII.10501 "Maximum Daily Doubles per Race Card" relative to the limit of the number of daily doubles allowed per day per track.

LAC 35:XIII.10501. Maximum Daily Doubles per Race Card

No more than two daily doubles shall be permitted during any single race card.

Albert M. Stall
Chairman

RULE

Department of Commerce Racing Commission

The Louisiana State Racing Commission hereby gives notice in accordance with law that it adopted rule LAC 46:XLI.535 "Examinations" relative to the examination of license applicants as the commission may require.

LAC 46:XLI.535. Examinations

The commission may require any new applicant, not previously licensed in and qualified by the Louisiana State Racing Commission before the effective date of this rule, for any license, to demonstrate his/her knowledge, qualifications and proficiency for the license applied for by such examination as the commission shall direct. The applicant shall be notified to establish a time and place for such examination.

Albert M. Stall
Chairman

RULE
Department of Commerce
Racing Commission

The Louisiana State Racing Commission hereby gives notice in accordance with law that it DELETED rule LAC 46:XLI.533 "Licensing of Other Employees" relative to mutuel and miscellaneous employees.

Albert M. Stall
Chairman

RULE
Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published on February 20, 1986 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3; Act 455 of the Regular Session, adopted as policy, the rule listed below: 4.01.50(2)

The board adopted amendments to the Nonpublic School Standards (Revised 1985) relative to secondary summer schools as follows:

1. Standard 6.116.13, page 44 (attendance): Delete the standard as written and insert in lieu thereof the following:

- a) 70 hours for one-half unit new credit;
- b) 47 hours for removal of one-half unit deficiencies.

(The local system may impose a stricter minimum attendance policy.)

2. Standard 6.116.15, page 44 (time requirement): Delete the standard as written and insert in lieu thereof the following:

"Daily time requirements are as follows:

	Length of Summer School Total Hours
New subjects	90
Repeated subjects	60

(Any deviation from the above time allotments must be approved by the State Department of Education.)"

James V. Soileau
Executive Director

RULE
Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published on February 20, 1986 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3; Act 455 of the Regular Session, adopted as policy, the rule listed below: Rule 3.02.80

The board adopted the Reduction in Force Policy as presented by Special School District Number 1. (See page 125 of February, 1986 issue of *Louisiana Register* for complete text of policy.)

James V. Soileau
Executive Director

RULE
Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published on February 20, 1986 and under the authority contained in Louisiana

State Constitution (1974), Article VIII, Section 3; Act 455 of the Regular Session, adopted as policy, the rule listed below: Rule 4.02.01.a

The board adopted the FY87 Special Education Plan and Preschool Incentive Grant for P.L. 94-142 as amended by P. L. 98-199.

James V. Soileau
Executive Director

RULE
Board of Supervisors
Southern University and Agricultural
and Mechanical College

PREAMBLE

The Southern University System comprises the following institutions: Southern University and Agricultural and Mechanical College at Baton Rouge, Southern University at New Orleans and Southern University at Shreveport-Bossier. The System is concerned with the affairs of the mind, with learning and its visible expression in scholarship, with the preparation of highly skilled individuals for the labor force and with the overall improvement of the quality of life. These concerns are addressed within the framework of the mission of the system, and through flexible curricula which embrace many of the areas of learning, through faculty of high academic quality and through those other components which enable a university to meet the merging new challenges arising out of the growing complexity of American society.

The Southern University System is committed to the education of a diverse clientele. Academically talented and well prepared students as well as students who show promise but whose backgrounds reflect the nature of the educational systems to which they have been exposed are admitted to each of the system's campuses. The university's record in transforming both groups of students into scholars and productive citizens is uniquely unassailable. This is a vital task. In assuming it, the Southern University System performs a special function for the State of Louisiana and the nation. Further, by virtue of its concerns for the education of disadvantaged youth, enrollment status and exit patterns, the Southern University System is the major means through which the black and poor may hope to receive a quality post-secondary education in Louisiana.

The Southern University System has had an enormously positive impact on the social, economic, and professional character of the entire State of Louisiana. As its mission continues to be modified, its curricula and other component units updated, the services which the Southern University System will provide for the citizens of Louisiana will be of immeasurable value.

PART I
CREATION, POWERS AND MEMBERSHIP

A. Creation

Article VIII, Section 7 of the 1974 Constitution of the State of Louisiana authorizes the creation of the Southern University Board of Supervisors as a body corporate.

B. Powers

Subject to powers vested in the Board of Regents by Article VIII, Section 5 of the 1974 Constitution of the State of Louisiana, the Board of Supervisors shall supervise and manage the Southern University System and its several components including the statewide agricultural programs and other programs administered through its system.

C. Membership

The board shall be composed of 18 voting members, two members from each of the eight congressional districts of the state,

one member from the state at large, and one student member appointed by the governor with consent of the senate. The members shall serve overlapping terms of six years, following initial terms fixed by law. The term of the student member shall be one year and no student member shall be eligible to succeed himself.

D. Domicile

The domicile of the Board of Supervisors of Southern University and Agricultural and Mechanical College shall be in East Baton Rouge Parish.

PART II

BYLAWS OF THE BOARD OF SUPERVISORS

Article I

Definitions

A. The Board of Supervisors of Southern University and Agricultural and Mechanical College

The Board of Supervisors of Southern University and Agricultural and Mechanical College or Board, as used in these bylaws, shall refer to the governing board of the University System and shall be composed of the members of the Board of Supervisors, duly appointed and qualified as provided by law.

B. Chairman of the Board

The term Chairman of the Board as used in these bylaws, shall refer to the supervisor who is the duly elected chairman of the Board of Supervisors.

C. University System or System

The term University System or System, when used in these bylaws, shall refer to the system of campuses and other facilities governed by the Board of Supervisors, which include:

1. Southern University and Agricultural and Mechanical College at Baton Rouge including the Law Center;
2. Southern University at New Orleans;
3. Southern University at Shreveport-Bossier;
4. The Agricultural Extension and Research Program administered by the board;
5. any other college, university, school, institution or program now or hereafter assigned to the Southern University Board of Supervisors.

D. President of the University System

The term President of the University System or President, as used in these bylaws, shall refer to the duly appointed president or acting president of the university system. The president shall be the principal executive officer of the university system and secretary to the Board of Supervisors and its committees.

E. Chancellor

The term Chancellor, as used in these bylaws, shall refer to the administrative head of a campus of the university system as designated by the board.

Article II

Officers and Personnel of the Board

§1. Chairman and Vice-Chairman

A. Election

The board shall elect its officers at the first regular meeting of the board in the first quarter of alternate calendar years. The first such meeting for this purpose to take place in January, 1988 on or before the fourth Saturday in January, 1988. The terms of the chairman and vice-chairman shall be for a period of two years. An officer of the board shall not succeed himself in the same position.

B. Vacancy

Should a vacancy occur in the chairmanship, the vice-chairman shall assume the position of chairman for the remainder of the unexpired term. Should a vacancy occur in the vice-chairmanship, the board shall elect a successor from its membership to serve the remainder of the unexpired term. The board may elect other officers as it may deem necessary.

C. Duties

The chairman of the board shall preside over all meetings of the board, serve as ex-officio member of all committees, appoint members of all standing and special committees of the board, and fill all vacancies in the membership of such committees, in accordance with the provisions of these bylaws. The chairman shall have the right to vote as a member of the board and as an ex-officio member of the board's committees.

The vice-chairman of the board shall perform the duties of the chairman in the absence of the chairman of the board. In the event that both the chairman and the vice-chairman are absent from a board meeting, the board shall elect a temporary chairman from those present to preside at that meeting, provided a quorum is present.

§2. Board Secretary

The president of the university system shall be secretary to the board, its Executive Committee and other standing and special committees.

§3. Board Office Personnel

There shall be in the office of the board such personnel as may be required for its efficient operation. The office personnel shall function under the direction and supervision of the board, through its chairman.

Article III

Committees

§1. Standing Committees

Unless and until otherwise decided by the affirmative vote of at least 10 members of the board, the standing committees of the board shall consist of the following:

- A. Academic and Faculty Affairs and Personnel Policy Committee
- B. Athletic Committee
- C. Facilities, Property and Grounds Committee
- D. Finance and Business Affairs Committee
- E. Legislation Committee
- F. Student Affairs Committee

The board may create an executive committee in accordance with the provisions under Section 6 of this Article.

All board members shall have the authority to vote during committee meetings.

§2. Appointment and Term

The chairman of the board, at the time he assumes office, shall appoint the chairmen, vice-chairmen and members of all standing committees, except as indicated in Article III, Section 3 below. The terms of chairmen, vice-chairmen, and members shall be concurrent with that of the chairman of the board. The chairman of the board shall serve as ex-officio voting member of all committees.

Vacancies occurring among members of any committee shall be filled by appointments made by the chairman of the board for the remainder of his unexpired term.

§3. Officers of Standing Committees

It shall be the duty of the chairman of each committee, with the concurrence of the chairman of the board, to call and to preside over meetings. The minutes of the meeting of the committee, showing its actions and recommendations, shall be deemed in compliance with the provisions of Article V, Section 3, hereof, concerning the written recommendations of the committees.

In the absence of the chairman of the committee, the vice-chairman shall preside. In the event both the chairman and the vice-chairman of the committee are absent from a meeting, the committee shall elect a temporary chairman from those present, providing a quorum is present.

§4. Quorum of Committee meetings

A majority of the members of any committee of the board

shall constitute a quorum for the transaction of business. When a quorum is not present, the chairman of the committee, or vice-chairman, in the chairman's absence, may designate a member of the board to serve as a substitute member of the committee concerned.

§5. Authority of Committees

The authority of committees of the board shall be subject to these bylaws and to the policies and directions of the board. Ordinarily, matters shall be referred to the appropriate standing committee; however, nothing shall impede the board in the direct consideration of any matter.

§6. Executive Committee

A. Membership, Duties

The Executive Committee shall consist of the chairman, vice-chairman of the board, the chairman of the boards standing committees, and one member-at-large to be designated by the chairman of the board. The chairman and the secretary to the board shall be chairman and secretary, respectively, of the Executive Committee. It shall consider such matters as are referred to it by the board, and shall execute such orders and resolutions as shall be assigned to it at any meeting of board. It shall also take such action as is necessary when an emergency requiring immediate action arises during an interim between board meetings.

Affirmative action by a majority of the full membership of the committee shall be required.

B. Ratification of Action

All acts of the Executive Committee shall be submitted to the board for ratification or rejection at the board's next meeting; except in matters where the board has delegated to the Executive Committee full power to act.

C. Meetings

Meetings of the Executive Committee shall be held in the month in which the full board does not meet, for the consideration of matters set forth in Section 6A above.

§7. Academic and Faculty Affairs and Personnel Policy Committee

The Academic and Faculty Affairs and Personnel Policy Committee shall consist of at least five members. Matters concerning academic organization, curricula, personnel policy and others relating to faculty, scholarships and other academic affairs shall ordinarily be referred to this committee.

§8. Athletic Committee

The Athletic Committee shall consist of at least five members. All matters concerning athletic programs shall ordinarily be referred to this committee.

§9. Facilities, Property and Grounds Committee

The Facilities, Property and Grounds Committee shall consist of at least five members. To this committee shall ordinarily be referred all matters relative to physical plants, property and grounds of the university system.

§10. Finance and Business Affairs Committee

The Finance and Business Affairs Committee shall consist of at least seven members. All matters concerning financial and budgetary operations of the university system shall ordinarily be referred to this committee.

§11. Legislation Committee

The Legislation Committee shall consist of at least five members. All matters of a nature relating to the state Legislature shall ordinarily be referred to this committee.

§12. Student Affairs Committee

The Student Affairs Committee shall consist of at least five members of the board, one of whom shall be the student member of the board. To this committee shall ordinarily be referred all matters of policy in the non-academic area pertaining to student wel-

fare. When appropriate, the committee shall make policy recommendations to the board.

§13. Special Committees

As the necessity therefor arises, the chairman may create special committees with such functions, powers, and authority as may be determined. Unless otherwise provided in the action creating such a committee, the chairman of the board shall determine the number of its members and designate the chairman and vice-chairman thereof. The chairman may also appoint ad hoc committees for special assignments for specified periods of existence not to exceed the completion of the assigned task.

Article IV

Meetings

§1. Regular meetings

The Board of Supervisors shall hold at least nine regular meetings in each calendar year, of which at least one regular meeting shall be held in each quarter of the calendar year. Other meetings of the board may be called and held as provided by any rule, regulation, or resolution adopted by the board.

§2. Special meetings

Special meetings of the board may be called by the chairman of the board at any time, or upon written request therefor from 10 members of the board. In each instance, the written request shall specify the purpose(s) of the desired meeting. Notification shall be sent by mail to each member at least 10 calendar days before the time of the meeting.

The board shall not act upon any matter not specified in the request for a special meeting, except upon the vote of two-thirds of the entire membership of the board.

§3. Recessed Meetings

All meetings may be recessed from day to day until the completion of business.

§4. Quorum

A majority of the board shall constitute a quorum for the transaction of business at any regular or special meeting.

Article V

Order of Business

§1. Rules of Order

Robert's Rules of Order (latest revision) shall constitute the rules of parliamentary procedures applicable to all meetings of the board, when not in conflict with any of the provisions of these bylaws.

§2. Order of Business

In regular meetings of the board, the order of business shall be as follows:

- A. Roll Call
- B. Approval of the Agenda
- C. Approval of minutes of the preceding regular meeting and of all special meetings held subsequent thereto
- D. Reports and recommendations of standing and special committees
- E. Reports and recommendations of the President
- F. New business
- G. Reports for Board information

§3. Reference to Committees

In cases where feasible and desirable, before the board takes action, any subject or measure should ordinarily be referred to the standing or special committee in whose purview the matter falls. The committee to which the matter is referred should act on the matter and submit to the board its recommendations in writing together with any resolutions necessary to facilitate such recommendations. However, this provision is not to be construed as preventing the board from considering directly any matter which it judges could be more expeditiously and felicitously handled in that manner.

§4. Meetings

In order that all interested parties and the public may be informed of all activities of the board, it shall be the policy of the board that all meetings be open to all who wish to attend. Only when personnel or equally sensitive matters (e.g., litigation) are under consideration shall the board enter into closed or executive session; provided, however, that no final or binding action shall be taken in conformity with R.S. 42:4-10 and public notice of all meetings shall be given at least 10 days prior to the meetings.

Prior to each regular meeting of the board, the board's secretary, in consultation with the chairman of the board, shall prepare and forward to each member of the board a tentative agenda for the meeting at least 10 days prior to such regular meeting. Upon written request of three members of the board that a particular item be included, the board's secretary shall place the subject or subjects upon the agenda. Any matter requiring board action, however, may be acted on even though not carried on the agenda.

Each resolution shall be reduced to writing and presented to the board before it is acted upon.

All official actions of the board shall require the affirmative vote of 10 members. The chairman shall have the right to vote.

§5. Minutes

The minutes of the board meetings shall record official actions taken upon motions or resolutions which are voted upon by the board, and may contain a summary of reports and discussion pertinent to the official action. When the board's action is not by a unanimous vote, the "yeas" and "nays" and abstentions of the individual members shall be recorded. The remarks, personal views, or vote explanations of an individual board member shall be included in the minutes only upon request. The foregoing provisions relative to contents of the minutes shall, in general, also apply to minutes of committees of the board. The minutes of meetings of the board become official only when completed and approved by the board.

Copies of all minutes, papers and documents of the board, or its several committees, may be certified to be true and correct by either the chairman or the secretary to the board.

Article VI

Communications to the Board

§1. All communications to the board, or to any committee thereof, from persons having official relations with the university system shall be filed in writing with the president and duly transmitted by him to the board; but all communications from a student organization, teacher, officer, or employee of any campus or systemwide unit shall be transmitted to the president through the appropriate chancellor, and transmitted by the president to the board. With the concurrence of the chairman of the board, the president may transmit such communications to the appropriate committee of the board. The president, or the chancellor, shall have the authority to read and comment upon the communication but shall not delay or withhold such communications, except as hereinafter provided. Such communications shall be filed with the chancellor at least 10 days before the meeting of the board or committee, and with the president at least seven days before such meeting. In the event a chancellor elects to withhold any such communication until the next meeting, such communication, or a true copy thereof, shall be promptly forwarded to the president with the notation of the chancellor concerning such withholding. The author of any communication shall be notified within a reasonable time of its receipt and disposition. Depending on the nature of the communication, the chancellor or president may elect to seek a resolution to the matter of concern. In this case, the communication, or a true copy thereof, along with a copy of the results of such involvement shall be transmitted by the president to the board.

§2. The above communication procedure shall be fol-

lowed unless the chairman of the board requests information from persons having official relations with the university system, or any student organization, teacher, officer, or employee of any campus, then the aforementioned individuals may communicate directly with the Board of Supervisors. Additionally, if any of the aforementioned individuals, having information that, in their view, should be brought to the direct attention of the Board of Supervisors, they may do so. If the board believes that such information should be directed through established procedures, then the board shall so advise the individual.

Article VII

Rights, Duties and Responsibilities of Principal Administrative Officers of the University System

§1. Officers of the System

The Board of Supervisors shall appoint the president and upon the recommendation of the president, it shall appoint other administrative officers of the university system as deemed necessary. The board shall establish, or cause to be established, procedures for the selection and appointment of the president and other major administrative officers within the university system. These procedures shall include a method of obtaining expression of faculty opinion.

The board shall give consideration to the recommendation of the president in all appointments other than his own.

All administrative officers of the university system shall hold their positions at the pleasure of the board. For practical purposes, the board's approval of the annual budget containing the names, status, and salaries of these officers shall constitute approval of their continuing appointment.

§2. President of the System

A. The president shall be the chief executive officer of the university system and shall serve as secretary to the board. He shall hold office at the pleasure of the board and be compensated at a salary fixed by the board and recorded in its proceedings. The president shall be responsible to the board for the conduct of the affairs of the university system. He shall execute and enforce all of the decisions, orders, rules and regulations of the board with respect to the conduct of the university system. He shall be governed by all laws pertaining to the Southern University System.

The president's discretionary authority shall be broad enough to enable him to meet his extensive responsibilities.

B. The president shall attend meetings of the board and its committees.

C. The president, except as otherwise provided in these bylaws, shall make all nominations for appointments, suspensions, and dismissals of all administrative officers holding positions at the pleasure of the board. Upon recommendation of the chancellor of each campus, the president shall have the authority to make all other appointments, promotions, transfers, suspensions, and dismissals of academic and unclassified employees, subject to the approval of the board. The president, or an officer designated by him, is authorized as the appointing authority to make and approve personnel actions relating to classified and unclassified personnel in positions exempt from classified service by special action of the State of Louisiana, Department of Civil Service, including disciplinary actions required to be expressed in writing, subject to the approval of the board.

In considering the appointment of persons to those administrative offices where there is dual responsibility to both system and a particular campus, the president shall solicit and give careful attention to the views and opinions of the chancellor concerned.

D. Subject to the board's direction and approval:

1. The president shall establish administrative policies and procedures for the university system in keeping with the mission

of each campus, and promote the general welfare of the system.

2. The president shall develop and implement educational policies and procedures for the university system in keeping with the mission of each campus, and promote the general welfare of the system.

3. The president shall develop a sound fiscal management system; he shall prepare and present a consolidated budget of the university system to the board, and shall assume and retain complete control at all times over all budgets of the system as approved by the board.

4. The president shall serve as spokesman for the system to all agencies, both without and within the university system, and to the Alumni, the news media and the general public.

E. The president shall establish and maintain lines of communication with the chancellor of each campus.

F. The president, with the assistance of the chancellors, shall have authority to appoint such committees from among the personnel of the system as deemed desirable for the purpose of advising the president in connection with any problems of the system. The chancellor, or head of campus, shall be informed of all such appointments of personnel on his campus.

G. The president shall be a member of all faculties. The chancellors shall normally serve as presiding officers at meetings of the faculty on their respective campuses, though it shall be the president's privilege to preside at such meetings.

§3. System Staff Officers

System staff officers shall include an executive vice-president, a chief academic officer, a chief finance and business affairs officer, a chief institutional advancement officer, and other such officers as deemed necessary for the efficient operation of the system, to be appointed by the board upon the recommendation of the president. The system staff officers shall perform the duties outlined in writing by the president and approved by the board. To this end and to facilitate an understanding of the organization of the system and the duties and responsibilities of system staff officers, the president shall cause to be published a document wherein detailed information is provided, including the responsibilities these officers have on a particular campus. In their capacities as campus officers, system staff officers shall coordinate their activities with the chancellor of that campus.

§4. The President's Advisory Council

The president shall have an advisory council. It shall consist of the president, system vice-presidents, chancellors and others as he may designate. The president shall serve as chairman, or, in his absence, a member of his staff that he shall designate shall serve.

The council shall advise the president on all matters involving the university system, including, but not limited to academic programs and support services, personnel, and athletics. The agenda for meetings of the council shall be structured by the president and the proceedings recorded.

§5. The Council of Chief Academic Officers

This council shall consist of the chief academic officer of the system staff, who shall serve as chairman, and the chief academic officer of each major subdivision of the university system. The council shall act in an advisory capacity to the president in matters relating to academic standards, programs, and policies of the system. The chief academic officers shall keep their respective chancellors or administrative superiors fully informed of actions of the council.

§6. Chancellors

A. There shall be a chancellor of each campus, who shall be appointed by the board, taking into consideration the recommendations of the President of the System and the expression of opinion of the faculty concerned. The chancellor shall serve at the pleasure of the president at a salary fixed by the president and ap-

proved by the board upon the recommendation of the president. The chancellor shall exercise complete executive authority over the campus he administers, subject to the direction of the president and the board.

B. The chancellor shall be responsible to the board through the president for the effective execution of all resolutions, policies, rules and regulations adopted by the board for the administration and operation of the system and for the governance of his campus; and all policies, rules, regulations, directives, and memoranda issued by the president. The chancellor shall be governed by all laws pertaining to the Southern University System. The chancellor shall have direct access to the president, and he shall be the official medium of communication between the president and all personnel of his campus.

C. The chancellor shall attend the meetings of the board and its committees and he may invite members of his administrative or academic staff to aid him in his presentations to the board.

D. The chancellor shall have the responsibility of fixing the salaries and duties of the members of the faculty, administrative and professional staff for the campus he heads, subject to the recommendation of the president and approval of the board. He shall make all other appointments, promotions, transfers, suspensions, and dismissals of all academic, administrative, and professional employees subject to the recommendations of the president and approval of the board. In coordination with the university system's appointing authority, the chancellor or an officer designated by him is authorized to make and approve personnel actions relating to classified personnel and unclassified personnel in positions exempt from the classified service by special action of the State of Louisiana, Department of Civil Service. In all of his personnel recommendations, he shall give due consideration to the opinion and views of the appropriate academic and administrative staff.

E. The chancellor shall be a member of the faculty of the campus he heads. He or his designee shall be the presiding officer at meetings of the faculty of his campus.

F. The chancellor shall have the responsibility for developing and implementing educational, administrative and fiscal policies, procedures and programs for the campus consistent with the policies of the Southern University System.

G. The chancellor shall be responsible to the president for the management of the financial affairs of his campus. His responsibilities shall include the preparation of a consolidated campus budget after review of the budgets of the various divisions of his campus and the recommendations of the heads of these divisions, and the management of the budget as approved by the president and the board.

H. The chancellor of each campus shall prepare and present to the board a comprehensive annual report.

§7. Campus Officers

Campus officers shall include a chief academic officer, a chief finance and business affairs officer, a chief student affairs officer and such other officers as deemed necessary for the efficient operation of the campus, to be recommended to the board by the president upon the recommendation of the chancellor. The campus officers shall perform the duties outlined in writing by the chancellor subject to the recommendation of the president and the approval of the board. To this end and to facilitate an understanding of the organization of the campus and the duties and responsibilities of campus officers, the chancellor shall cause to be published a document wherein detailed information is provided.

Article VIII

Rights, Duties and Responsibilities of the Faculty

§1. Academic Freedom

The Board of Supervisors is committed to the principle of

academic freedom. Academic freedom is perceived as the right of members of the academic community freely to study, discuss, investigate, teach, conduct research, and publish as appropriate to their respective roles and responsibilities. Because the common good depends upon the free search for and exposition of truth and understanding, full freedom in research and publication is essential, as is the freedom to discuss scholarly subjects in the classroom. A member of the faculty of the university system, as a citizen, has the right to exercise himself in writing, speaking, or participating in activities outside the university, but should always be mindful that these involvements do not lessen the faculty member's responsibility to the university. The faculty member, when not officially designated to represent the university, must make it known that he is speaking as an individual citizen.

Academic freedom does not give faculty members the right to insist upon or demand the adoption by students, colleagues, or others, of a particular point of view.

§2. Duties of Faculty

Each member of the faculty is expected to be committed and to contribute to the attainment of the mission of the institution where employed. It is a basic responsibility of the faculty to participate in the development of educational policy through active and constructive involvement in the academic affairs of their respective departments, divisions and colleges. The faculty's involvement in other matters affecting student, academic, or faculty welfare is expected.

The faculty should be so organized that its business may be properly conducted. This might be accomplished through committees, senates, councils, or other appropriate structures. The faculty should be concerned primarily with academic policies.

§3. Appointment of Faculty

The president shall establish and maintain a procedure for the appointment of members of the faculty.

The procedure shall provide for the establishment of qualifications for the position and allow for the recommendation of candidates to fill the position by the faculty of the academic unit concerned. All appointments shall be made on the basis of merit.

All initial appointments to the faculty normally shall be either temporary or probationary. The president shall issue a contract or contractual letter to the appointee setting forth the terms of the appointment. All appointments shall be made upon the authority of the president, pursuant to recommendations of the chancellor, subject to the approval of the board. These provisions shall not prevent the Board of Supervisors from making an initial appointment with tenure which would in its judgment be distinctly in the interest of the university, normal recommendations and approvals having been made.

§4. Promotion of Faculty

The president, with the advice of the faculty and appropriate administrative officers, shall establish and maintain a procedure for the promotion of faculty based on merit. The procedure established for promotion shall be employed by all campuses in the System. All promotions shall be made upon the authority of the president, pursuant to recommendations of the chancellor, subject to the approval of the board.

§5. Tenure of Faculty

All appointees to the academic staff normally shall serve a probationary period before they can be evaluated for and granted tenure. The president, with the advice of faculty and appropriate administrative officers, shall develop and maintain procedure and criteria whereby tenure is acquired by members of the academic staff in keeping with the statewide tenure policy adopted by the Louisiana State Board of Regents. Tenure may be awarded to academic staff members with the rank of assistant professor or above who have earned at least the master's degree in the discipline in

which they instruct or meet other established criteria for tenure. Transfers within the university system shall not affect tenure status or credit toward tenure.

No administrative position is tenured. The provisions of tenure apply to full-time faculty members who hold administrative positions with respect to their academic rank and not in their administrative capacities.

Any appointment, whether temporary, probationary, or tenured, may be terminated for cause. However, dismissal for cause carries with it the right to a hearing in accordance with principles of due process and accepted academic practice.

§6. Responsibilities of Faculty

For academic freedom to endure, academic responsibility must be exercised. A proper academic climate can be maintained only when members of the faculty meet their fundamental duties and responsibilities. Tenure shall not serve as a basis for the retention of a faculty member in a position when evidence acquired as a result of a thorough investigation, according to procedures of due process, clearly demonstrates that the faculty member has not met and does not give promise of meeting the responsibilities of the position.

Article IX

Rights, Duties and Responsibilities of the Unclassified and Classified Staff

§1. Unclassified and Classified Staff Definition

All positions (student positions excluded) except those of members of the academic staff shall be either unclassified or classified.

§2. Unclassified and Classified Staff Personnel Policies

The president of the University System is charged with developing and administering, subject to board approval, personnel policies and administrative procedures for unclassified personnel on a systemwide basis. These policies and procedures shall contain provisions for reporting grievances, for appeals from decisions which the employee considers to be unfair, for the consideration of charges of incompetency or unsatisfactory performance of duties, and for appropriate hearings. Provisions shall be made for close coordination in personnel administration among the units of this university system.

Personnel administration for classified employees shall be in accordance with the policies and procedures of the Department of Civil Service, State of Louisiana, and the classified procedures of the university.

§3. Appointments

Each appointment to a position on the unclassified or classified staff shall be made on the basis of the qualifications and special fitness of the individual for the work demanded by the position. Each such appointment shall be in accordance with provisions of Article VII, Section 2C and Section 6D of these bylaws.

§4. Duties and Privileges of Unclassified and Classified Staff

Each classified and unclassified staff member is expected to be cognizant of the university's educational mission and to be devoted to the accomplishment of the purpose for which the university exists. The university, in turn, is committed to providing favorable conditions of work and a pleasant environment for its personnel and for their involvement in university cultural and recreational affairs.

§5. Responsibilities of Unclassified and Classified Staff

Competent and effective performance of appropriate duties is expected of all staff members just as it is of all other university employees. An environment conducive to learning is essential in a university. Essential to such an environment is an esprit de corps among faculty and students, academic and other employees. It is a basic responsibility of the unclassified and classified staff, as it is

of all other university personnel, to contribute to that spirit and that kind of environment.

Article X

Rights, Duties and Responsibilities of Students

The Southern University Board of Supervisors subscribes to the principle that the freedom to teach and freedom to learn are inseparable facets of academic freedom and that the freedom to learn depends upon appropriate opportunities and conditions in the classroom, on the campus, and in the larger community. The following provisions are essential for freedom to learn.

§1. In the Classroom

The university is committed to the principle that students in the classroom should be encouraged to exercise free discussion, inquiry and expression as it relates to the subject matter of the discipline involved, and that student performance should be evaluated solely on an academic basis, not on opinion or conduct in matters unrelated to academic standards.

§2. Student Records

The president of the university, with the advice and assistance of appropriate members of the administrative staff and the faculty, shall formulate and issue regulations pertaining to the keeping of student records in accordance with law and appropriate respect for privacy. These regulations shall provide for maintaining separate academic and disciplinary records and shall clearly indicate the kinds of confidentiality which should be respected as regards the records and the conditions of access to them.

Administrative staff and faculty members should respect confidential information about students which they acquire in the course of their work.

§3. Student Affairs

The following standards shall be observed as regards the freedom of students:

A. Freedom of Association

Students bring to the campus a variety of interests previously acquired and develop many new interests as members of an academic community. They shall be free to organize and join associations to promote their common interest in keeping with the law and university policies.

B. Freedom of Inquiry and Expression

Students and student organizations shall be free to examine and discuss all questions of interest to them. They shall be free to support causes by orderly means which do not disrupt the regular and essential operation of the institution. At the same time, students have the responsibility to make clear that, in their public expressions, they and their organizations speak only for themselves.

C. Student Participation in University Governance

As constituents of the academic community, students shall be given the opportunity to participate in the formulation of institutional policy particularly in the area of student affairs.

D. Student Publications

Student publications are valuable aids in establishing and maintaining an atmosphere of free and responsible discussion and of intellectual exploration on the campus. Publications should be governed by the canons of responsible journalism.

§4. Procedural Standards in Disciplinary Proceedings

The Southern University System has the duty and the corollary disciplinary power to protect its educational purpose through the setting of standards of scholarship and conduct for students. The administration of discipline shall guarantee due process to an accused student.

Article XI

Amending or Repealing Bylaws

Any and all sections of these bylaws may be amended or repealed and new bylaws may be added at any meeting upon a

favorable vote of at least ten members of the board, provided the requirements of the applicable statutes of the State of Louisiana are met. A written notice of the proposed change in the bylaws shall be served upon each member of the board at least 30 days in advance of the vote upon the proposed change.

Article XII

Rules and Regulations of the Board

Rules and regulations of the Board of Supervisors shall include any and all action by the board which establishes methods, procedures or policies in academic, administrative, business, or other such matter. The board may adopt, amend, or repeal, in part or in whole, any of the rules and regulations of the board, provided that the requirements of Article XI are met. Upon the date of the adoption of these bylaws by the board, all policies, procedures, and regulations of the board which are not in conflict with these bylaws shall become a part of the rules and regulations of the board.

Article XIII

Adoption of Bylaws

The bylaws, policies and regulations here stated shall become effective May 20, 1986.

Article XIV

Repealing Clause

All rules, orders, regulations, policies, and resolutions heretofore enacted or adopted by the Board, which are in conflict with those contained in this document are hereby repealed.

Article XV

Saving Clause

If any provision or item of these bylaws or the application thereof is held invalid, such invalidity shall not affect other provisions, items or application of the bylaws which can be given effect without the invalid provisions, items and applications, and to this end the provisions of these bylaws are hereby declared severable.

Where amendments, changes, additions, or deletions hereto are made by the Southern University Board of Supervisors, said amendments, changes, additions and deletions shall refer only to those sections changed, added, deleted or amended and the remainder of these bylaws shall remain in full force and virtue in so far as the same can be given applicability.

PART III

REGULATIONS OF THE BOARD OF SUPERVISORS

Chapter I

Administrative and Academic Organization

§1-1. Administrative Organization of the University

1-1.1. Administrative Officers of the Southern University System

The president shall be the chief executive officer of the university system (Article VII, Section 2A of the bylaws). Other administrative officers of the system, along with their duties and responsibilities, shall be given in a document authorized by Article VII, Section 3 of the bylaws.

1-1.2. The President's Advisory Council (See Article VII, Section 4 of the bylaws).

1-1.3. Administrative Officers of the Individual Campuses

The chancellor shall be the chief administrative officer of the campus which he heads. (Article VII Section 6 of the bylaws). Other administrative officers of a campus shall be designated by means of an organizational chart which the chancellor is authorized to prepare by Article VII, Section 7 of the bylaws.

1-1.4. The Advisory Council of the Individual Campuses

A. Membership

The Advisory Council shall be composed of the chancellor, the principal administrative officers of a campus, and three faculty members—two elected by the faculty and one selected by the

Faculty Senate to serve two-year terms; and such other persons as may be specifically designated by the chancellor.

B. Duties

The Advisory Council shall advise the chancellor in the administration of the affairs of the campus and shall assist the chancellor in developing and coordinating administrative policies relative to academic affairs, student affairs, and fiscal affairs and other matters the council deems necessary and appropriate.

C. Officers

The chancellor shall be the chairman of the Advisory Council on his campus, and shall appoint a secretary who shall keep minutes of all meetings and shall maintain a roll of the members of the Advisory Council.

D. Meetings

The Advisory Council of each campus shall meet at the call of the chancellor at least once each semester. Adequate written notice shall be given to each member of the council prior to each meeting.

§1-2. Academic Organization of the University

1-2.1. The Chief Academic Officer of the System

The president shall appoint a chief academic officer of the system, subject to the approval of the board (Article VII, Section 3 of the bylaws).

1-2.2. The Chief Academic Officer of the Individual Campuses

The vice chancellor of academic affairs shall be the chief academic officer of the campus to which he is appointed.

1-2.3. The Council of Academic Deans and Directors

A. Membership

The deans and directors of colleges, schools or divisions, together with other academic officers of equivalent rank responsible to the chief academic officer, shall constitute the Council of Academic Deans and Directors of a campus.

B. Duties

The Council of Academic Deans and Directors shall advise the chief academic officer in the administration of the academic affairs of the campus, including curriculum development, program scheduling, preparation of the academic calendar, coordination of programs of various colleges and schools, review of instructional programs and special university regulations for degrees.

C. Meetings

The council shall meet at the call of the chief academic officer as its chairman at least once each semester.

1-2.4. The Faculties of the Individual Campuses

A. Membership

The academic staff having the rank of instructor or higher or equivalent rank (See Section 2.6) shall constitute the faculty of each campus. The chancellor of each campus and the academic officers of each campus shall be members of each campus faculty. Members of the faculty may be either full time or part time.

The faculty of each campus may organize itself a faculty of Faculty Council. The faculty may also establish a Faculty Senate as a representative body.

B. Duties

The faculty shall have a major role in establishing curricula, fixing standards of instructions, determining requirements for degrees, and generally formulating educational policy under the leadership of the chancellor and subject to the authority of the board. All educational policies must be consistent with policies of the system. The faculty shall make recommendations for the granting of degrees through its respective colleges or schools. Subject to the provisions of Article VII, Section 6E of the bylaws, the faculty shall have legislative power over all matters pertaining to its meetings and may delegate its authority to standing committees and to an elected Faculty Senate, whose authority as derived from this section shall be limited to matter which are proper

to the faculty and which have been specifically delegated by the faculty. The membership of the Faculty Senate shall be determined by the faculty.

C. Actions

Actions taken by the faculty shall be reported to the chief academic officer of the campus concerned. The reports, along with appropriate recommendations of the chief academic officer, shall be submitted to the chancellor who shall then approve and provide for implementation or refer appropriately for further study, or forward with his recommendations to the president.

D. Meetings

Each campus faculty shall meet at least once each academic year at the call of the chancellor who shall normally serve as presiding officer; or upon the written request of 50 faculty members, or 25 percent of the faculty membership, whichever is smaller. At least five days notice of the meeting and its agenda shall be given, except that emergency meetings may be called by the chancellor. Twenty-five percent of the membership of a campus faculty shall constitute a quorum. A majority vote is necessary for the transaction of business, a quorum being present.

1-2.5. The Faculties of Colleges, Schools and Divisions

A. The Chief Academic Officer of the College, School, or Division

The chief academic officer of the college, school, or division is the academic dean or division chairman.

B. Membership

The faculty of each college, school, or division, except the graduate school, shall consist of all members of the academic staff having the rank of instructor or higher (or equivalent rank) who are appointed full time and a part or all of whose current work is in that particular college, school, or division. As a class, part time members of the academic staff having the rank of instructor or higher (or equivalent rank) shall be enfranchised in direct proportion to the percentage of their employment.

C. Duties

The faculty of each college, school, or division shall define and recommend degree programs for units under its jurisdiction. The faculty shall recommend candidates for degrees to be awarded by the college, school, or division.

D. Meetings

The dean or director of each college, school, or division shall call a meeting of the faculty at least once each semester and summer term. The dean or director shall be required to call a faculty meeting upon the written request of one-fourth of the members of the faculty. At the time that the faculty members are notified of a meeting, the chief administrative officer of the campus and the chief academic officer shall receive the same notification. Advance notice of a meeting shall be given.

E. Quorum

Twenty-five percent of the members of the faculty of each college, school or division shall constitute a quorum.

1-2.6. College, School or Division Councils

A. Membership

Membership of each college, school, or division council shall include the academic dean or division chairman as presiding officer, the chairmen of the departments within the college, school or division, one faculty member from each department, and two students from each department. One of the Faculty Senate representatives from the college, school, or division may be appointed by the Senate to serve in an ex-officio capacity on the council.

B. Duties

Each college, school, or division council shall examine and recommend policies to the dean or division chairman and to the college, school, or division faculty on matters pertaining to program development, personnel development and student relations.

C. Meetings

Each council shall meet at least once each semester. The meetings shall be called by the dean or the college or school or division chairman.

1-2.7. The Departmental Faculty

A. The Chief Academic Officer of the Departmental Faculty

The chief academic officer for the department is the departmental chairman.

B. Membership

The departmental faculty shall consist of all members of the academic staff of a department having the rank of instructor or higher (or equivalent rank) who are appointed full time for at least a one-year period and a part or all of whose work for the current year is in that particular department.

As a class, part-time members of the academic staff having the rank of instructor or higher (or equivalent rank) shall be enfranchised in direct proportion to the percentage of employment.

C. Duties

The departmental faculty shall have jurisdiction over matters concerning its educational policies insofar as these do not conflict with the policies of other departments, the rules and regulations of its own college, school, or division, the campus, or the university system.

D. Meetings

The chairman of the department shall call a meeting of the departmental faculty at least twice per semester.

1-2.8. Departmental Councils

A. Membership

The chairman of the department or his designee shall serve as chairman of the Departmental Council. There shall be both faculty and student representation on the council.

B. Duties

The Departmental Council reviews and makes recommendations on such matters as departmental academic policies, faculty-student relations, equipment, and budgetary priorities.

C. Meetings

The Departmental Council shall meet at least once during each semester, at the call of the chairman.

1-2.9. The Graduate Faculty

Membership. The graduate faculty on a campus shall consist of those members of the faculty who have been so designated by the chancellor upon the recommendations of the graduate dean and the chief academic officer, acting upon appropriate nominations. It shall be the responsibility of the chancellor, with advice from the faculty and academic administrative officers, to draw up criteria for membership on the graduate faculty.

1-2.10. The Graduate Council

There shall be a Graduate Council on each campus having a graduate program.

A. Membership

The Graduate Council shall consist of ten members of the graduate faculty named by the chancellor on joint recommendations of the graduate dean and the chief academic officer of the campus for overlapping three-year terms. Nominations for membership on the council shall be made by the academic deans of colleges offering graduate programs. There shall be an additional member from the professional library staff nominated by the director of the Library and appointed in the same manner as other members for a three-year term. The dean of the graduate school shall serve as ex-officio member and secretary of the Graduate Council.

B. Duties

The Graduate Council shall serve as the policymaking body for the entire graduate program of a campus. It shall be concerned with policies governing academic standards, program develop-

ment and review, faculty qualifications, and the consistency and integrity with which the entire graduate program is operated.

C. Officers and Term of Office

Officers of the Graduate Council shall be a chairman, a vice-chairman, and a secretary. The council shall elect its chairman and its vice-chairman, who shall serve terms of two years.

D. Meetings

The Graduate Council shall meet at the call of the chairman of the council. The council shall meet at least three times per academic year with written notice and agenda sent in adequate time to each member of the council.

§1-3. Special Councils and Committees

1-3.1. The Athletic Council

There shall be established an Athletic Council in an advisory capacity on all campuses having organized athletic programs and participation in intercollegiate competition.

A. Membership and Terms

The Athletic Council shall consist of five members of the faculty who do not hold an administrative position above the departmental chairmanship, two members of the student body, two members of the Alumni Federation, the chief academic officer of the campus and one additional administrative officer named by the chancellor. The chancellor shall appoint three of the five faculty members and the faculty shall select two faculty members. The Student Government Association shall select the student members. The Alumni Federation shall select the alumni members. The athletic director shall serve, ex-officio and nonvoting, as secretary of the council.

Faculty members and alumni shall serve on the council for three-year terms on a staggered basis; the term of student members shall be one year. The term of the administrative members shall be at the pleasure of the chancellor.

B. Chairmanship

The chairman shall be elected by the council from among the faculty members on the council.

C. Quorum, Voting, and Bylaws

A quorum shall consist of a majority of the voting members. Within the framework of these policies, the Athletic Council is authorized to establish bylaws for its operations, including, but not limited to, regulations concerning the scheduling of regular and special meetings and policies insuring adequate notice of agenda for meetings.

D. Functions

The Athletic Council shall recommend policies for approval to the chancellor on all matters relating to intercollegiate athletics. Minutes of the council shall be recorded by the secretary, and the chairman shall then submit them to the chancellor for his information and action. The chancellor shall keep the president fully informed in a timely manner in all matters pertaining to the athletic program.

More specifically, duties to be carried out by the Council shall include, but not be limited to, the following activities:

1. Policy formulation:

- a. recommending as to the scope of the athletic program;
- b. assuring that student athletes are provided adequate opportunity to pursue their academic programs successfully;
- c. advising the chancellor on the selection and employment of the athletic director; and, with the chancellor and athletic director, advising in the selection and employment of head coaches in various sports.

2. Review of recommendations of the athletic director in relation to:

- a. intercollegiate schedules;
- b. awards and letters to athletes;
- c. athletic scholarships;

d. developing, using, and operating athletic facilities.
3. Review of the recommendations from the athletic director and faculty representatives of relationships with appropriate athletic organizations at the local, state, and national levels in the areas of:

- a. eligibility of student athletes;
 - b. retention programs;
 - c. counseling, advising, and tutoring programs.
4. Review of financial affairs of the athletic department, and the report of relevant findings to the athletic department and chancellor.

1-3.2. The Teacher Education Council

There shall be established a Teacher Education Council on campuses on which degree programs in teacher education are offered.

A. Membership

The council shall consist of representatives from all areas of the university which contribute to the teacher preparation program. It shall be the responsibility of the chancellor, in consultation with the chief academic officer, to determine the number, term and manner of appointment of the membership. The dean of the College of Education shall serve as ex-officio member and secretary of the Teacher Education Council.

B. Officers and Terms of Office

Officers of the council shall be a chairman, a vice-chairman, and a secretary. The council shall elect its chairman and vice-chairman, who shall serve terms of two years. A consecutive two-year term shall not be served.

C. Duties

The Teacher Education Council shall acquaint itself with standards of accrediting agencies and the applicable statutes of Louisiana. It is the council's responsibility to formulate and propose university policy and procedures whereby there will be maintained a balance between professional preparation, general cultural attainment, and mastery of the subject content field in each curriculum in teacher education. All policies offered by the council are subject to the approval of the university administration and Board of Supervisors.

D. Meetings

The council shall meet at least once per semester at the call of the chairman of the council. Minutes shall be kept of all meetings and transmitted to the chief academic officer of the campus. Should the council fail to meet, such failure shall be called to the attention of the chief academic officer by the secretary.

§1-4. Communications and Reports

The official recommendations and communications of any member of the academic or nonacademic staff, or any organizational unit, shall be sent through channels to the appropriate officer. An administrative officer shall promptly transmit any such recommendations or communications, with the officer's own comments and recommendations thereon, to the next higher officer, or to the appropriate committee or council. The originators of the initial recommendations or communications shall be promptly informed of the disposition of his submission.

The faculty shall make its recommendations to the chief academic officer in regard to educational policies and to policies affecting faculty status and welfare, including such subjects as promotion, tenure, rank, leaves of absence, and salaries.

Chapter II

Personnel Actions:

Ranks, Promotions,

Appointments, and Tenure

§2-1. Classification of Employees

Employees of the System are grouped as follows:

A. Non-student Employees

1. Academic Employees

a. Faculty

Full-time members of the instructional staff on the various campuses with the rank of instructor or above and equivalent ranks. Part-time members of the instructional staff as provided for above (Part III, Chapter I, Sections 1-2.4.A and 1-2.5.B).

b. Other Academic

Professional personnel of the Cooperative Extension Service and other personnel with academic responsibilities not holding faculty rank.

2. Nonacademic Employees

a. Unclassified

1. Administrative officers and professional staff, and positions specifically exempted from the classified service under Article X of the Constitution of the State of Louisiana.

2. Other positions exempted from the classified service by special action of the State of Louisiana, Department of Civil Service.

b. Classified

All employees in positions covered by the provisions of the Civil Service System of the State of Louisiana.

B. Student Employees

1. Graduate Assistants

Full-time graduate students who are employed part time by the university for services supportive of the graduate education program.

2. Students

Those full-time undergraduate, graduate, and professional students who are employed on a part-time basis on the various campuses of the system and not classified as graduate assistants.

§2-2. Personnel Actions for Administrative Officers

The president shall recommend all personnel actions for System administrative officers and chief administrative officers of the several campuses to the board. The chief administrative officers of the various campuses shall recommend all personnel actions for administrative officers on their respective campuses through the president to the board.

§2-3. Personnel Actions for Nonacademic Staff

The president shall recommend to the board, upon the recommendation of the chief administrative officer of a respective campus, personnel actions for nonacademic employees, except for employees in classified positions for which final authority is delegated to the president, who shall act in accordance with the regulations of the Civil Service System of the State of Louisiana. Personnel actions for system unclassified employees shall be recommended to the board by the president.

§2-4. Terms of Employment for Nonacademic Staff

A. Classified personnel hold their positions according to the terms of their appointment under the provisions of the Civil Service System of Louisiana and the procedures of the university system.

B. Unclassified employees hold their positions at the pleasure of the board. Termination of the appointment of an unclassified employee shall be preceded by written notice by the employee's immediate supervisor with the approval of the chief administrative officer of the campus and the president. Such termination is effective after a period of time equivalent in days to the usual payroll period of the employee. These provisions for termination do not preclude suspension or other disciplinary action. The employee shall have the right to appeal (Bylaws, Article IX, Section 2). Any termination of appointment shall be final when reported to and acted upon by the board.

§2-5. Personnel Actions for Academic Staff

In all personnel actions related to academic staff, the prin-

principle of academic freedom shall be recognized. (See Bylaws, Article VIII, Section 1).

All personnel actions relating to faculty and other members of the academic staff shall be initiated by the employee's immediate supervisor after consultation with the appropriate faculty including the concerned faculty member. Such actions shall be transmitted through channels to the president, and shall be subject to confirmation by the board. The recommendation shall include a statement as to any lack of agreement on the part of any administrative officer. The concerned faculty member or faculty body shall have the right to appeal through an established grievance procedure.

§2-6. Academic Ranks

The following academic ranks shall be recognized:

Instructional and Research Ranks—full-time	Instructional and Research Ranks—part-time
Professor, full-time	Professor, part-time
	Adjunct Professor, part-time
Associate Professor, full-time	Associate Professor, part-time
	Adjunct Associate Professors, part-time
Assistant Professor, full-time	Assistant Professor, part-time
	Adjunct Assistant Professor, part-time
Instructor, full-time	Instructor, part-time
	Adjunct Instructor, part-time
	Cooperating Teacher

The title of professor may be modified to indicate particular distinction as approved by the board.

The title "Adjunct" is used for persons employed from outside the Southern University System who participate and contribute to research or instructional activities domiciled on one of the campuses constituting the Southern University System.

The title "Cooperating Teacher" is used for persons employed in the public school system who work with student teachers from the College of Education.

The following ranks for the administrative and professional positions in the Cooperative Extension Service shall be recognized:

director
specialist
associate specialist
assistant specialist
area agent
associate area agent
assistant area agent
county agent
associate county agent
assistant county agent
home economist
associate home economist
assistant home economist

The Cooperative Extension Service at Southern University is an integral part of the Louisiana Cooperative Extension Service and operated by Memorandum of Agreement between Southern University and Louisiana State University to facilitate one extension service in the State of Louisiana.

§2-7. Promotion in Academic Rank

Promotion in academic rank shall be based on merit. Teaching excellence, personal professional growth and development, involvement in creative and research activities and services to the university and community are the recognized criteria em-

ployed in the evaluation of personnel for promotion. The president, with the assistance of the chancellors, shall appoint a system-wide committee to formulate systemwide procedures and criteria for promotion to be submitted to the president for recommendation to the board.

§2-8. Appointments to Academic Staff

A. Kinds of Appointments

1. Temporary

Any appointment that is for a specified limited period and does not lead to consideration for tenure is considered a temporary appointment. Substitute teachers for emergency situations or for teachers on leave, artists-in-residence, or persons from business or industry who teach a limited number of courses for a limited time are on temporary appointment. Faculty members who are appointed at the rank of instructor are also designated as temporary appointees whether for a specified limited period or not.

2. Probationary

Probationary appointments are for a specified period of time—ordinarily for at least one academic year—as indicated on the contractual statement, subject to renewal. Such appointments ordinarily lead to consideration for tenure.

3. Tenured

Tenured appointments are for an indefinite period of time. Tenure, however, is not a guarantee of lifetime employment. It does assure that the employee will not be dismissed without adequate justification and without due process.

B. Termination of Appointments

1. Nonrenewal of a probationary appointment shall be given in writing to the faculty member in advance of the expiration of his appointment as follows:

a. Not later than March 1 of the first academic year of service if the appointment expires at the end of that year; or, if a one-year appointment terminates during an academic year, at least three months in advance of its termination;

b. Not later than December 15 of the second academic year of service if the appointment expires at the end of that year; or, if an initial two-year appointment terminated during an academic year, at least six months in advance of its termination;

c. At least 12 months before the expiration of an appointment after two or more years of service at the institution.

2. Termination of faculty employment may result from cause, financial exigency, discontinuance of a program or department of instruction, medical reasons, resignation, retirement, or contingent matters directly related to those enumerated.

a. Financial Exigency—Termination of faculty appointment, either tenured or non-tenured, may result from demonstrable bona fide financial exigency of the university.

b. Discontinuance of a Program or Department of Instruction—Termination of faculty appointment, either tenured or non-tenured, may result from the discontinuance of a program or department of instruction. The following standards and procedures will apply: (1) There shall be faculty participation in considering the possible formal discontinuance of a program or department of instruction. Such decision shall be based essentially upon educational consideration. (2) Before the administration issues notice to a faculty member of its intention to terminate an appointment because of formal discontinuance of a program or department of instruction, the institution will make every effort to place the faculty member concerned in another suitable position.

c. Cause—Causes for discharge or termination of contract shall include those specified by law governing State University Systems and conduct seriously prejudicial to the University; neglect of duty or failure to perform duties in a professional manner; incompetence or inability to perform duties effectively because of emotional, physical or mental condition; failure to continue

professional development; or conviction for felony or unethical and immoral behavior.

d. With the assistance of the chancellors, the president shall appoint a systemwide committee to establish procedures to be used when termination of faculty appointments is being considered.

Said procedures shall include provisions whereby there will be faculty participation in determining whether financial exigency exists which might lead to termination of faculty appointments, the method of deciding which faculty positions are to be eliminated, and the method of review and appeal from the decision to terminate for financial exigency.

C. Summer Appointments

The chancellor of each campus is responsible for the academic program for the summer session on his campus.

Appointments to the faculty for the summer session will be made by the chancellor, on recommendations made by departmental chairmen through their respective deans and the Office for Academic Affairs, on the basis of teaching requirements of the summer program. Summer appointments must be approved by the president of the Southern University System and the Board of Supervisors.

Each department shall work out a plan for summer employment that is fair and equitable, taking into consideration the availability of funds, demand of courses, professional experience and qualifications of departmental faculty members. Such departmental plans shall be subject to the approval of the appropriate dean, the chief academic officer and the chancellor. Compensation for teaching a full load—nine credit hours or 15 contact hours—during a summer session will normally be one-fourth of the nine-months salary unless otherwise approved by the Southern University Board of Supervisors. Compensation for teaching part time shall be proportionally based on the credit hours or contact hours of the development courses assigned.

§2-9. Tenure

The traditional protection afforded by tenure against unwarranted dismissal of teachers has validity. Tenure is not, nor should it be, a shield for mediocrity, incompetence, or academic irresponsibility. Tenure must be earned, not given. The university subscribes to the principles of tenure for academic staff as set forth in the following statement of the American Association of University Professors:

“Tenure is a means to certain ends; specifically: (1) freedom of teaching and research and of extramural activities and (2) a sufficient degree of economic security to make the profession attractive to men and women of ability. Freedom and economic security, hence, tenure, are indispensable to the success of an institution in fulfilling its obligations to its students and to society.”

The following provisions for tenure, which are in accord with those adopted by the Board of Regents, shall be observed:

A. The Board of Supervisors has the ultimate responsibility for employing academic personnel and for awarding or denying tenure to academic personnel. The precise terms and conditions of every appointment shall be stated in writing and be in the possession of both institution and employee before the appointment is consummated.

B. Indeterminate tenure shall be earned by full-time academic personnel with respect to academic rank only.

1. Administrators shall not earn tenure except in their capacity as members of the faculty.

2. Faculty members at the rank of instructor shall be on annual appointment and shall not be eligible for tenure.

3. Assistant professors, or the equivalent, shall be eligible for tenure after serving the established probationary period. (See C below.)

4. Faculty members promoted to the rank of associate

professor, professor, or equivalent shall be awarded indeterminate tenure and shall be formally notified in writing within 90 days of board action.

5. Faculty members initially employed at the rank of associate professor or equivalent shall serve a probationary period of three years, except at Southern University-Baton Rouge, where the probationary period will be four years.

6. Faculty members initially employed at the rank of professor or equivalent shall serve a probationary period of two years, except at Southern University-Baton Rouge, where the probationary period will be four years.

7. Faculty members appointed to the rank of professor or associate professor while being paid from a grant or contract for services may be granted limited tenure, not exceeding the duration of the grant or contract.

C. Full-time academic personnel below the rank of associate professor or equivalent shall serve a probationary period not to exceed seven years of continuous service. For the purpose of computing continuous service during the maximum seven-year probationary period, service at all ranks shall be included. Leaves approved by the board may be included in individual cases at the discretion of the board.

1. At the end of the first year of continuous service, such faculty members shall be evaluated for the purpose of determining eligibility for tenure.

2. At the end of the sixth year, the results of each individual's evaluation shall be provided to that individual. In the event tenure is to be denied to an assistant professor, 12 months written notice of termination shall be given. In the event tenure is to be awarded, affected faculty members shall be informed in writing.

3. For the purpose of the probationary period, credit shall be given for prior service within the Southern University System; credit may be given for prior service at other institutions at the discretion of the board.

4. Recommendations of those to be considered for tenure shall originate in the various academic departments, with tenured faculty and departmental chairmen initiating the recommendations. Final authority for granting or denying tenure shall rest with the board.

D. Tenured faculty members shall retain their status until they retire, resign, or are terminated for cause or as a result of financial exigency.

E. The provisions of this policy shall not be retroactive. Therefore,

1. all persons holding tenure on the effective date of this policy shall retain their tenure;

2. this policy shall in no way effect any rights acquired by any person employed by Southern University prior to the effective date of this policy.

F. Within 90 days of the effective date of this policy, each tenured faculty member in each affected institution shall be notified of his tenured status. Within the same time period, each non-tenured faculty member shall be informed of his non-tenured status and shall be informed of existing tenure policy affecting him.

§2-10. Grievance Procedure

The president of the Southern University System is charged with the responsibility of formulating policies and procedures for hearing grievances of members of the faculty and other university personnel. In carrying out this responsibility, he shall seek the assistance of the faculty as well as administrative officials and present his recommendations to the board. The president, with the assistance of the chancellors, shall appoint a systemwide committee to formulate systemwide grievance policies and procedures to be submitted to the president for recommendation to the board.

Chapter III
Leaves of Absence

§3.

Leaves of absence shall be granted to University personnel in accordance with provisions stated in Executive Orders, public laws, Civil Service regulations, and policies adopted by the board. Leaves of absence shall be granted in the following categories: academic, annual, sick, civil, military, compensatory, maternity, special, leave without pay, and other.

§3-1. Academic Leave

Full-time academic employees at the rank of instructor (or equivalent) or above who have completed three or more consecutive years of service on the campus may petition for academic leave for study leading to the terminal degree or independent study and research, the object of which is to enable them to increase their professional efficiency and usefulness to the university. Adequate justification setting forth the plans for each academic leave shall be stated, and a report of the accomplishments under each leave granted shall be made promptly upon return from academic leave.

Persons employed on a 12 month basis are eligible for 12 months leave with three-fourths (of yearly salary) pay or 6 months leave with three-eighths (of yearly salary) pay if such persons have completed 6 consecutive years of service. Persons who have completed 3 consecutive years of service are eligible for leave benefits at one-half of the rate granted otherwise.

Persons employed on a 9-month basis are eligible for 9 months leave with three-fourths (of 9 months salary) pay or one-semester leave with three-eighths (of 9 months salary) pay, provided that such persons have completed 6 consecutive years of service. Persons who have completed 3 consecutive years of service are eligible for leave benefits at one-half of the rate granted otherwise.

The chancellor of each campus shall, after having received requests from the chief academic officer or other administrative heads, make recommendations for academic leave through the president to the board.

Prior to the leave period, persons approved for leave shall be informed in writing of the status of their fringe benefits and the conditions of their leave.

§3-2. Annual leave

A. Annual leave is leave with pay granted to an employee for the purpose of rehabilitation, restoration and maintenance of work efficiency, or for the transaction of personal affairs.

B. Annual leave shall be earned by full-time and part-time academic staff members and by unclassified employees who are on fiscal year appointments. The accumulation of annual leave days shall be in accordance with regulations or policies approved by the Board and by appropriate state statutes. The president shall issue a memorandum setting forth these provisions.

Classified personnel earn annual leave in accordance with State Civil Service regulations.

§3-3. Sick Leave

A. Sick leave is leave with pay granted an employee who is suffering with a disability which prevents his performing his usual duties and responsibilities or who requires medical, dental, or optical consultation or treatment.

B. Sick leave shall be granted each regular employee in accordance with policies approved by the board, relevant state statutes or Civil Service regulations, whichever are applicable. Such regulations and policies shall be issued by memorandum from the president.

§3-4. Civil Leave

An employee shall be granted leave with pay when required to serve jury duty or subpoenaed by any court.

§3-5. Military Leave

An employee who is ordered to active duty with any branch of the armed forces, including the National Guard, for periods not to exceed 15 working days in one calendar year is entitled to leave of absence from the University without loss of pay or other benefits, and when relieved from duty shall be restored to the position held when ordered to duty. All days in excess of 15 working days during a calendar year shall be leave without pay, unless covered by annual leave or compensatory leave.

§3-6. Compensatory Leave

Compensatory leave is granted to classified employees only who were required to work overtime and who are granted time off as compensation.

§3-7. Maternity Leave

Sick leave, annual leave and leave without pay may be granted for maternity leave purposes when prenatal or postnatal condition of the employee prevents the performance of usual duties. The limit to the use of sick or annual leave for a postnatal condition is 6 weeks, except cases in which the physician certifies employees' inability to return to work.

§3-8. Special Leave

An employee shall be given time off without loss of pay, annual leave or sick leave when:

a. voting in primary, general, or special election which falls on his regularly scheduled work day, provided not more than two hours of leave shall be allowed an employee to vote in the parish where he is employed, and not more than one day to vote in a parish outside the one where he is employed;

b. participating in a State Civil Service examination on a regular work day, or taking a required examination pertinent to the examinee's state employment, before a State Licensing Board;

c. the appointing authority determines that because of local conditions or celebrations, it is impracticable for his employees in such locality to work.

§3-9. Leaves of Absence without Pay

An employee may be granted leave of absence without pay for good cause. Provisions of policy on leave without pay for academic personnel and administrative officers shall be set forth in a memorandum from the president. State Civil Service regulations shall apply in the cause of any classified employee.

§3-10. Other Leave

Workman's Compensation Payments. When an employee is absent from work due to disabilities for which he is entitled to worker's compensation, he may, at his option, to the extent of the amount accrued to his credit, use sick and annual leave not to exceed the amount necessary to receive total payments for leave and worker's compensation equal to his regular salary.

When an employee engaged in law enforcement work is disabled while in the performance of duty of a hazardous nature, and because of such disability is unable to perform his usual duties, his appointing authority may, with prior approval of the commissioner of administration or director of Civil Service, grant such disabled employee leave of absence with full pay during the period of such disability without charge against the employee's accumulated sick or annual leave, provided such employee must pay to his department all amounts received by him as worker's compensation benefits. However, the period of such payment shall be governed by Civil Service Rules for classified employees.

An employee may be given time off without loss of pay, annual leave, or sick leave when attending the obsequies of a relative within the fourth degree of relationship by blood or affinity; provided such time off shall not exceed two days on any one occasion.

§3-11. Official Leave and Attendance Records

The administration shall maintain official records of leaves

of any kind taken by university personnel. Similarly, attendance records for unclassified employees shall be maintained. The president shall issue a memorandum of instructions to each campus administrative head for keeping such records.

Chapter IV Insurance, Deferred Compensation, and Retirement

§4-1. Group Insurance Program

Employees of the Southern University System, including retirees, may participate in the State of Louisiana Employees Uniform Group Insurance Program in accordance with rules and regulations established for that program. The university will pay the appropriate employer portion of the cost of its employees who elect to participate in this program.

§4-2. Other Group Insurance or Benefit Program

The Southern University System may make available to employees, through payroll deduction procedures or otherwise, other types of group coverage or benefit programs that are considered to be of particular interest and benefit to its employees. The inauguration of any such plan will be made only upon approval of the president, and no contribution will be made toward the cost of such additional programs without the approval of the board.

§4-3. Deferred Compensation

All employees of the Southern University System are eligible to participate in the Deferred Compensation Plan of the State of Louisiana. This Plan, which is supervised by the State of Louisiana Deferred Compensation Commission, provides an opportunity for employees to defer payment of current federal and state income taxes on a portion of income derived from the state.

§4-4. Retirement Plans

All nonstudent regular employees of the Southern University System will be members of one of the following retirement plans, unless ineligible by provisions of the retirement system; however, no employee may be a member of more than one of said retirement plans.

A. Teachers' Retirement System of Louisiana

Employees who are members of this system and who are required or permitted, under appropriate law and regulations of the system, to continue as members may do so.

B. Louisiana State Employees' Retirement System

Employees who are members of this system who are required or permitted, under appropriate law and regulations of the system, to continue as members, may do so.

C. United States Civil Service Retirement System

Personnel of the Cooperative Extension Service who are required to become members of the United States Civil Service Retirement System shall be members of that system.

D. Old Age and Survivors Insurance (Social Security)

In specific cases, persons who are ineligible to participate in one of the three retirement plans mentioned above may contribute to and participate in OASI (Social Security).

§4-5. Conditions of Retirement

A. Eligibility for retirement shall be in accordance with the provisions of the respective retirement systems.

B. Retirement of nonacademic employees shall be compulsory at the attained age of 70 years.

C. Retirement of academic employees shall be compulsory at the end of the year, academic or fiscal, in which the age of 65 is attained, provided, however, that extension may be granted on a year-to-year basis to the end of the academic or fiscal year, as appropriate, during which age 68 is attained.

§4-6. Emeritus Titles

The board, at its discretion, may elect to confer the title of professor emeritus on persons with academic rank who, upon retirement from the university, have attained the rank of professor

and who have made outstanding contributions to the university. The president, with the assistance of the chancellors, shall appoint a systemwide committee to formulate systemwide procedures and criteria for conferring of the title of professor emeritus.

If feasible, the holder may be granted such amenities as office space, secretarial services and research facilities. The holder will be granted use of the library, free passes to cultural events, free parking privileges, and consideration for services on university advisory councils and committees.

Chapter V

Financial and Business Affairs

§5-1. Fiscal Planning and Budgeting

The annual operating budget is the principal instrument for planning and controlling the fiscal affairs of the Southern University System. It presents an estimate of the amounts and sources of available funds and specifies how the anticipated revenue will be allocated for expenditures by various components of the University in support of goals and objectives.

A. All budgets of the Southern University System must be balanced and prepared in accordance with the principles of prudent and responsible financial management.

B. The head of each system budgetary unit shall be responsible for preparation of the budget of each respective unit in accordance with rules and procedures of the state, board policies, and the president's administrative guidelines.

C. General fund and capital outlay budgets of each budgetary unit of the Southern University System must be submitted, for approval, to the Southern University Board of Supervisors by the president of the system prior to being transmitted to any agency or entity of the state.

D. Following passage of the appropriation acts by the Legislature and approval by the governor, the president shall submit a revised budgetary plan to the board for approval, recommending those changes which are occasioned by the legislative action.

After approval of such budgetary plan by the board, a detailed budget shall be prepared in accordance therewith and distributed to the Board. The execution of the detailed budget shall be exercised by the president through the chancellor concerned.

E. Any request made to the Legislature, Interim Emergency Board or Division of Administration for funds relating to any anticipated deficit of any budgetary unit of the university or agency thereof must be submitted to the Southern University Board of Supervisors for approval.

The university may seek from the Legislature, the Division of Administration or any other state agency additional funds for any budgetary unit of the university system or any agency thereof upon proper notice of the Southern University Board of Supervisors, through its chairman, provided, however, that full and complete reports of the success or failure of the effort to obtain said funds together with the reasons therefor shall be communicated to the Board of Supervisors.

§5-2. Budget Management and Control

General policies for managing and controlling the budget shall be established by the President. All appropriations shall lapse at the end of the fiscal year, June 30, unless otherwise specifically provided for by state statutes.

In accordance with state regulations, a BA-7 is prepared as it becomes necessary to summarize all proposed budget adjustments, affecting all budgetary totals, increasing or decreasing expenditure authorizations by categories or reflecting changes in revenue. Upon the approval of the President, the BA-7 must subsequently be approved by the Southern University Board of Supervisors, the Board of Regents, Division of Administration and the Legislative Budget Committee.

§5-3. Fiscal Reporting

A. Reports showing the encumbrances, expenditures and available allotment balances of each budgetary unit of the System shall be provided to the Southern University Board of Supervisors on a monthly basis.

B. Reports showing the encumbrances, expenditures and available allotment balances of each department of the respective units of the System shall be provided to the Finance and Business Affairs Committee of the Board of Supervisors on a monthly basis.

C. An annual financial report of the system shall be prepared following the close of each fiscal year, and copies shall be provided members of the Board of Supervisors, and shall become a part of the official record of the board.

D. The Board of Supervisors shall be furnished reports of impending or probable major financial problems as they are foreseen or anticipated during the course of the fiscal year. The report shall identify the problem and causes, and suggest corrective action or consequences.

§5-4. Internal Auditing

The internal auditor shall conduct a continuous review of the business and financial accounts of the Southern University System and reliability of its records.

§5-5. External Auditing

A. The board may, at its discretion, cause to be conducted an independent audit of the financial transactions and accounts of the university system or of any unit therein.

For the performance of an independent audit, the board shall employ auditors who have no financial interest in the activities of the university system and who are under no contract of employment or retainer with the university system. At least one responsible member of the auditing firm or group selected shall be qualified to practice as a certified public accountant.

Upon completion of an independent audit, a complete and detailed report of the findings and recommendations of the auditors shall be printed by the board and copies thereof transmitted to the governor and the legislative auditor. The expense of the audit and report shall be borne by the university system out of appropriations.

Nothing herein contained shall be construed to eliminate the necessity of an audit required by law to be made by any public auditing agency.

B. The chairman of the Board of Supervisors and the president of the Southern University System shall require or otherwise obtain an exit interview with the auditors conducting any and all audits involving the receipt and expenditures of state and/or any other funds. Each member of the Board of Supervisors shall be notified of the date, time and place established for such exit interview. The attendance of other board members at exit interviews is permissible.

The Board of Supervisors shall be notified of any anticipated difficulties which may manifest themselves in any final audit reports.

The final audit reports shall be submitted to the Board of Supervisors for information, consideration and action deemed appropriate by the board.

§5-6. Fiscal Operations

A. Student fees charged by any unit of the system must be approved by the Board of Supervisors. Changes in fees must have the board's approval prior to implementation.

B. The purchase of goods and services by the university shall be accomplished in accordance with the purchasing procedures, rules, and guidelines of the state. Centralized purchasing through the Business Office of the respective campuses must be adhered to.

C. In securing contracts for food services, construction and

contracts for equipment not covered by state contracts, the following procedures shall be followed:

1. Notice of bids shall be advertised as provided by state regulations.

2. Members of the board shall receive a copy of the notice as advertised.

3. Board members shall be invited to be present at the opening of bids and at the discussion of the bids or summary quotations of bids under consideration.

4. Notice of the date of bid openings and the discussion thereof as noted above shall be sent to board members not less than five days prior to date of discussion of bid opening.

5. A summary noting the designated lowest responsible bidder shall be submitted to the board for review and shall include the following:

a. cost figure of each bid;

b. comparison of quality of services where applicable;

c. indication of number of persons from whom bids were received;

d. evaluation of specifications;

e. other pertinent information used to determine the lowest responsible bidder.

D. Contracts for food services, construction, and contracts for equipment covered by state contracts, shall be subject to the purchasing procedures and regulations of the State of Louisiana, and these procedures shall be executed by the proper University officials. However, once the lowest responsible bidder is designated, such designations with supporting documentation shall be submitted to the Finance and Business Affairs Committee for its action. That committee shall report its findings to the Board for final action. Once approved by the board, the chairman shall so designate by affixing his signature to the contractual document.

E. All primary athletic contracts in the amount of \$5,000 or above to which Southern University shall be a party shall have the approval of the principal officers involved, and the president of the Southern University System. Thereafter, said contracts shall be submitted to the board for final action; and if approved by the Board of Supervisors shall then be signed by chairman of the board. Subsidiary contracts necessary to execute the obligations of the primary contracts shall be negotiated by and entered into by the proper university officials, complying with all applicable existing purchasing procedures and regulations of the State of Louisiana, promulgated by the Division of Administration, Office of the Governor.

F. When competitive bids are obtained by the university for the purchase of goods or services, the bid documents must be kept available for convenient examination by the board.

G. Travel allowances shall be in accordance with state regulations. When travel advances are provided, reports must be made by the recipients no later than 15 days following the close of the month in which the trip was completed. The president shall issue a memorandum of travel regulations for the guidance of university personnel.

§5-7. Expenses of the Board of Supervisors

Each member of the board shall be paid a per diem in the amount prescribed by law for each day of actual attendance at meetings of the board or of a committee appointed by the board on which the member serves, or while on business for the board assigned by it, plus travel and other expenses incurred in the performance of official duties. Reimbursement of travel and expenses shall be in conformity with regulations governing such expenses of state officials. The membership of each committee shall be shown on each committee notice.

§5-8. Entertainment and Expenses of Visitors and Guests of the University System

Visitors and guests shall be reimbursed for costs of transportation only when such visitors and guests have rendered a definite service to the Southern University System.

Costs of entertainment of visitors and guests shall be drawn only from funds designated by the Southern University Board of Supervisors for such purposes.

Exception to this rule may be granted by the president or appropriate official designated by the president when entertainment and expenses are paid from restricted funds provided for such purposes.

§5-9. Custody and Control of the Southern University System Property

No one shall use for his own benefit or for any other personal purposes any Southern University System property of whatever description, and no one shall be permitted to remove from the buildings or grounds any property belonging to the Southern University System unless approved by the president or his designee.

§5-10. Use of Southern University System Vehicles

All transportation equipment of the Southern University System shall be used only on official business and shall be operated only by employees of the Southern University System and others authorized by the president or his designee.

§5-11. Use of Southern University System Facilities

The facilities and premises of the Southern University System are for use in accomplishing its educational objectives and programs. The Southern University Board of Supervisors shall establish general policy under which permission shall be granted for the use of System facilities by departments and divisions of the Southern University System, recognized campus groups, or non-University affiliated organizations. The administrative head of each campus shall prepare and file with the Office of the Southern University Board of Supervisors such detailed procedures as deemed desirable and necessary for compliance with the established general policy.

§5-12. Sale of Goods or Services and Operation of Business Enterprises

No department or agency of the Southern University System shall sell goods or services for cash or on account, other than those of a nature recurring for the activity, or operate a business enterprise without the approval of the president or his official designee.

§5-13. Auxiliary Enterprises

Self-supporting auxiliary enterprises (designated as restricted fund accounts) shall be charged with the costs of all utilities, equipment, repairs, and alterations to buildings incident to their operations.

§5-14. Gifts and Grants

A. Gifts and grants from federal, private and state sources other than legislative appropriations can be obtained by the university administration for the purpose of supporting and creating academic, scholarship, research, and social service programs within the university system. These programs must be in keeping with the mission, purposes, and goals of the university.

B. The university administration shall establish guidelines and procedures for seeking funds, for their use and for their accounting in accordance with the laws and policies of the State of Louisiana and the granting agency.

C. Authority to accept or reject a grant proposal or the funds for same rests with the university administration.

D. The university administration shall notify the Board of Supervisors of the receipt of grant funds and shall submit an annual status report on grants within the system to the Board of Supervisors.

nual status report on grants within the system to the Board of Supervisors.

§5-15. Patents and Copyrights

A. General Policy

The Southern University System expects and encourages its faculty and staff to engage in creative, scholarly activities as part of their duties. Some of these activities may lead to an invention or the production of material for which a patent or copyright may be obtained. In such cases, both the Southern University System and the employees may stand to gain prestige and financial benefits from the products of such activities, as further defined below.

B. Legal Title to Patents and Copyrights

Inventions and material for which a patent or a copyright can be obtained (resulting from work carried on by, or under the direction of, Southern University System personnel, supported in whole or in part by funds under control of the system or involving system facilities) should be used and controlled to produce the greatest benefit to the system and the public. Accordingly, the Southern University System reserves the right to share legal title to any such inventions or material, and any employees responsible for such invention or copyrightable material shall, upon request of the Southern University System, assign the agreed upon share of the rights, title, and interest to the system.

The system respects the rights of the sponsors of research to the title of such inventions or right to copyright material if prescribed by law and explicitly stated in contractual agreements made with the system. If the Southern University System declines to pursue a patent or copyright application, it may release its rights to the inventor or author unless such release is not permitted by law and contractual agreement with a sponsor supporting the work that led to the invention or the product of other types of creative activity.

C. Royalties

Both the Southern University System and employees may obtain financial benefits from royalties which may be generated from patents and copyrights. In each such case, the amount of royalties to be paid to the system and to the particular employee will be outlined in a written agreement between the concerned parties.

Chapter VI

Organizations Affiliated with the University

§6-1. Relationship to the University System

Within the appraisal and judgement of the university, certain organizations and agencies are recognized as being so closely related to the program of the university, even though they are not under the management and direction of the university, that they are accorded privileges, including offices, laboratories, other facilities, and services. However, an organization, group, agency, or activity not under the direct control of the university shall not be accorded such privileges on the campus without receiving written permission from the chancellor or the system president.

§6-2. The Alumni Federation

The Alumni Federation is an autonomous organization of Southern University graduates and former students with headquarters at and housed in Southern University, Baton Rouge, but with chapters throughout the nation. The objectives of the Federation are to encourage academic excellence, to stimulate a wholesome school spirit, to foster a spirit of cooperation and fellowship between the University and its graduates, and to promote the welfare of Southern University. The Federation augments the program of the University by maintaining records of Southern University graduates and former students, and actively soliciting support of, and interest in, the university. In support of this close affiliation, the university shall furnish the Alumni Federation with office and other appropriate space on the respective campuses, together with utilities and other services incident to the occupancy

of such space, with special reference and accord to the Alumni House built by the alumni on the Baton Rouge campus. The chief system officer for the Alumni Federation shall be the Alumni Director with offices on the Baton Rouge campus, who shall coordinate the alumni activities of all the various chapters. The membership of the Federation and of the various chapters shall be determined by the organizations on the respective campuses and each of the various chapters throughout the nation.

§6-3. The Southern University Foundation

The Southern University Foundation is incorporated as defined in Title 12, Section 101-155 of the Louisiana Revised Statutes of 1950. Its purposes are to promote the educational and cultural welfare of Southern University, its faculty, students, and facilities so as to provide broader educational advantages and opportunities, encourage faculty research and creative activities, and to aid students to continue their studies at the university; also to solicit and accept gifts, grants and bequests for the aforesaid purposes of the Foundation.

§6-4. Southern University at New Orleans Foundation

The Southern University at New Orleans Foundation, established in the spring of 1976, is a non-profit organization duly incorporated to do business in the State of Louisiana and the Parish of Orleans. This corporation is organized exclusively for charitable, religious, scientific, and educational purposes. Among the Foundation's objectives are to promote the educational and cultural welfare of Southern University at New Orleans, to aid any student to continue his studies at the University, to facilitate any line of work or research embraced at the University, and to solicit and accept funds of all kinds for the purpose of providing funds for scholarship, research, and any other designated benefits for the University or its faculty.

Chapter VII

Repeal and Amendment to Regulations

§7-1. Repealing Clause

Any and all resolutions, regulations, orders, directives, and rules adopted or enacted heretofore by the Board of Supervisors, and which are in conflict with any section of these regulations are hereby repealed.

§7-2. Amendment

Any and all sections of these regulations, except as they include regulations specifically enacted by the Louisiana Board of Regents and the Statutes of the State of Louisiana, may be amended by an affirmative vote of a majority of the members of the Board of Supervisors after recommendations by the appropriate committee of the Board, and the proposed amendment has been placed on the agenda, and has been communicated in writing to each member of the Board at least 30 days before the action of amendment is brought to vote.

§7-3. Saving Clause

If any provision or item of these regulations or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of the regulations which can be given effect without the invalid provisions, items or applications, and to this end, the provisions of these regulations are hereby severable.

Where amendments, changes, additions, or deletions hereto are made by the Southern University Board of Supervisors, said amendments, changes, additions, and deletions shall refer only to those sections changed, added, deleted or amended and the remainder of these regulations shall remain in full force and virtue insofar as the same can be given applicability.

Joffre T. Whisenton
President

RULE

Southern University Board of Supervisors

The following fee increases adopted by the Southern University Board of Supervisors on August 24, 1985, effective 1985 Fall Semester and 1986 Summer Session supercede previous fee changes:

(1) Tuition on each of the three campuses was increased by \$50 per semester; \$25 per summer session and a pro-rata amount for part-time fees.

(2) The out-of-state fee for undergraduates at each university was increased by \$25 per semester.

(3) The out-of-state fee for law students was increased by \$100 per semester.

(4) The out-of-state fee for graduate students at Southern University-Baton Rouge was increased by \$214.

(5) Student assessed fees for the Student Government Association at Southern University-Shreveport-Bossier City was increased by \$4 per semester.

Joffre T. Whisenton
President

RULE

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

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:1051 et seq., in particular Sections 1065 B and 1084 B (1) and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the secretary of the Department of Environmental Quality, Patricia L. Norton, adopted the Louisiana Air Quality Division Fee System Regulations on May, 9, 1986. The effective date of these regulations will be July 1, 1986.

The secretary initiated rulemaking procedures to adopt this rule on March 10, 1986. Prior to the final adoption by the secretary, this rule was forwarded to, and found acceptable by, the Joint Committees on Natural Resources.

PART VI

FEE SCHEDULE

100.1 Scope and Purpose—It is the purpose of these regulations to establish a fee system for funding the monitoring, investigation and other activities required to be conducted for the maintenance of a safe and healthful environment by the Department of Environmental Quality in accordance with the Louisiana Environmental Quality Act (La. R.S. 30:1051 et seq.). Fees are required for all permits, licenses, registrations, and variances authorized by the Act.

100.2 Authority—These regulations provide fees as required by R.S. 30:1065.

100.3 Definitions—All terms used in these rules, unless the context otherwise requires or unless specifically defined in the Louisiana Environmental Quality Act, or in other regulations promulgated by the Secretary of the Department of Environmental Quality or his predecessor, shall have their usual meaning.

100.4 Application Fees—Each application or amendments thereto for which a fee is prescribed shall be accompanied by a remittance in the full amount of the fee. No application or amendments thereto shall be accepted or processed prior to payment of the full amount specified. No permit, license, registration, or variance, unless otherwise authorized by the secretary, shall be issued until such check or draft, has been accepted by the bank or drawee and the department's account has been credited with the amount of the fee.

100.5 Annual Fees—Unless otherwise provided herein,

all parties conducting activities for which an annual fee is provided shall be subject to the payment of such fee within 30 days from receipt of billing.

100.6 Methodology

(1) Formula to apportion fees:

Annual Compliance Determination Fee (based on type of facility and on rated production capacity/throughput)	Variable
New Application Fee (based on type of facility and on rated production capacity/throughput)	Variable
Major and Minor Modification Modified Permit Fee (based on type of facility and on rated production capacity/throughput)	Variable
PSD Application Fee (based on type of facility and on rated production capacity/throughput)	Surcharge of 50% of the application fee
“NESHAP” Compliance Fee (based on type of facility and on rated production capacity/throughput)	surcharge of 25% of the Annual Compliance Determination Fee for that particular process/plant
“NSPS” Compliance Fee (based on type of facility and on rated production capacity/throughput)	surcharge of 25% of the permit application fee
Research fee for alternate disposal of hazardous	Surcharge of 7.4% of the annual compliance fee for those facilities that generate hazardous waste

(2) Fee Methodology

i. All persons required to obtain a new or modified permit shall be subject to a permit fee (See Fee Schedule). This fee shall be submitted with any application for a new or modified permit. The annual compliance determination fee for a new or modified source shall be paid during the fiscal year in which the process specified in the permit comes on line.

ii. The Standard Industrial Classification (SIC) codes listed in the Fee Schedule shall be used to assess fees.

iii. The permit fee for multiple source permits shall be equal to the total amounts required by the individual processes involved, as listed in Table 4.1.

iv. All invoices for annual compliance determination fees for major sources shall be submitted to those sources during the fiscal year and remittances are due 30 days after receipt of the invoice. The annual compliance determination fee shall be applicable to the fiscal year beginning July 1 of each year and ending the following June 30. Failure to timely remit the annual compliance determination fee in accordance with the above shall be considered grounds for revoking an existing permit. Compliance fees not received for prior fiscal years are due upon receipt of new or duplicate invoices. Minor sources may or may not receive an annual compliance determination inspection. In this case the compliance determination fee must be paid within 30 days after notification by the agency of the amount due. Only one such fee shall be charged annually.

v. If a conditional permit is issued in accordance with adopted procedures, fees submitted with that application for permit shall be retained and be applicable to the regular permit when it is acted upon.

vi. If a process is not listed in the Fee Schedule and is not a source type exempted from fees by this regulation, then the De-

partment shall assign a fee based on the most similar processes and negotiated separately. The Air Quality Division (AQD) shall analyze each permit request to determine the number of processes involved and the permit fee associated with each.

vii. Periodically, the Air Quality Division (AQD) shall reevaluate the permit fee schedule based upon the previous fiscal year’s reasonable costs involved in the operation of the permit system and shall adjust fees in Table 4.1 so as to recover the reasonable costs and submit such revised schedule to the Secretary for approval action.

viii. A permit fee exempt list shall be presented to the Secretary annually for approval. The permit fee exempt list shall be in the offices of the Air Quality Division and shall be available for public inspection. Any person may request permit fee exemption for a source class by application to the assistant secretary. Sources listed in the permit fee exempt list shall be exempt from the permit fee Fee Schedule and from having to obtain a permit. The assistant secretary may grant initial approval and denial of the class exemption pending consideration by the secretary.

ix. When a company withdraws its application and claims refund for the permit fee, no refund shall be made if the review of the application is essentially completed at the time of withdrawal. However, up to 50 percent refund may be made when the review has been initiated but is not essentially completed.

x. Although a process unit or a plant is operated at a reduced level or is operated during certain months only, the annual compliance fee will not be prorated. The annual compliance fee is charged on the rated capacity and not on the actual output/throughput level.

xi. When a permanent shutdown occurs and a company properly notifies the Air Quality Division, by official change in the Emission Inventory Questionnaire (EIQ) and permit, the compliance fee will be dropped for that shutdown portion of the process/plant in the appropriate fiscal year only if that portion of the process/plant does not operate at any time during that fiscal year.

xii. Unless otherwise stated, generally, the minor modification fee is equal to the Annual Compliance fee (ACF), the major modification is three times the ACF and new application fee is five times the ACF. Where there is a minimum and/or maximum ACF established in a particular category, the same rationale shall apply to minimum and maximum permit fees.

xiii. NSPS fees may be waived when a PSD application fee is imposed.

xiv. The AQD administrator and staff will determine the type of fee. This determination will be based on the work load and on the factors described as follows:

(a) New application fee (based on new capacity or incremental capacity) applies when:

- (1) a new facility is added;
- (2) a new operation in an existing facility is added;
- (3) an existing operation is expanded by more than 80 percent in capacity.

(b) Major modification fee (based on existing capacity) applies when:

- (1) the modification will trigger PSD review
- (2) the modification would have triggered PSD review without the use of contemporaneous emission reductions or banked emissions
- (3) the modification will increase 25 tons/yr or more of non-attainment pollutant
- (4) the modification will change emissions over 100 tons/yr
- (5) the modification will increase capacity of an existing operation by 40 percent.

(c) Minor modification fee (based on existing capacity) ap-

plies when a modification is not qualified under new application fee or major modification fee.

(d) If a modification is such that it does not increase capacity and changes emissions by less than 25 tons/year, the permit fee can be charged equal to the minimum minor modification permit fee for each process category involved.

100.7 Determination of fee—These regulations apply to all registrants, specific licensees, permittees and other persons subject to charges concerned with one or more of the various programs of the Department of Environmental Quality.

100.8 Method of Payment—Fee payment shall be made by check, draft or money order payable to the Department of Environmental Quality and mailed to the following address: State of Louisiana, Department of Environmental Quality, Air Quality Division, Box 44096, Baton Rouge, LA 70804-4096.

100.9 Late Payment—Unless otherwise provided herein, annual fees or other charges not received by 15 days after the due

date will be subject to a late charge of an additional 10 percent per month.

100.10 Failure to Pay—Failure to pay the prescribed application fee or annual fee as provided herein will constitute a violation of these regulations and shall subject the person to applicable enforcement actions under the Louisiana Environmental Quality Act, including, but not limited to, revocation or suspension of the applicable permit, license, registration or variance.

100.11 Effective Date—The application fees prescribed herein shall be effective upon publication in the *Louisiana Register* as adopted.

The annual fees prescribed herein shall be effective for the state fiscal year in which these fee regulations are published in the *Louisiana Register* as adopted and each state fiscal year thereafter. Fees submitted to the department in accordance with previous fee regulations for the state fiscal year in which these fee regulations are published in the *Louisiana Register* as adopted shall be credited against the fees due and payable under these fee regulations.

DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR QUALITY DIVISION FEE SCHEDULE
EFFECTIVE JULY 1, 1986

EXPLANATORY NOTES FOR FEE SCHEDULE

NOTE: 1 - THIS CATEGORY DOES NOT INCLUDE BUILDING PAPER.

NOTE: 2 - THIS CATEGORY IS CONSIDERED ONE PROCESS WITH THE FEE BASED ON THE RATED YEARLY CHLORINE CAPACITY.

NOTE: 3 - THE FEE FOR THIS CATEGORY IS BASED ON CRUDE THROUGHPUT OF THE REFINERY. THROUGHPUT INCLUDES ADDITIONAL PURCHASED CHARGE STOCKS.

NOTE: 4 - MODULE IS DEFINED AS A ROTARY PRINTING DEVICE CAPABLE OF PRINTING ONE SHEET AND COMMONLY ARRANGED IN SERIES TO COMPRISE A PRINT PRESS.

NOTE: 5 - THE FEES FOR THIS CATEGORY APPLY TO BOTH BATCH AND CONTINUOUS PROCESSES.

NOTE: 6 - THIS FEE APPLIES TO LUBRICANTS MEANING LUBRICATING OILS AND GREASES. THIS FEE IS NOT TO BE CHARGED FOR UNITS WHICH ARE PART OF A FACILITY FOR WHICH THE PETROLEUM REFINERY FEE WAS PAID.

NOTE: 7 - THE FEES FOR THIS CATEGORY ARE BASED ON THE ORGANIC COMPOUND STORAGE CAPACITY OF THE FACILITY.

NOTE: 8 - FOR AN ELECTRIC POWER GENERATION UNIT TO BE PLACED IN THIS CATEGORY IT MUST BURN FUEL OIL OR COAL OF LESS THAN .7% SULPHUR.

NOTE: 9 - WHOLESALE GRAIN DISTRIBUTION IS NOT INCLUDED IN THIS CATEGORY.

NOTE: 10- FACILITIES WITH NO FUEL OR WASTE BURNING EQUIPMENT ARE EXEMPTED FROM BOTH THE ANNUAL COMPLIANCE AND PERMIT FEES. POWER MUST BE SUPPLIED BY ELECTRIC MOTORS OR INTERNAL COMBUSTION ENGINES.

NOTE: 11- FOR COAL GASIFICATION AND COGENERATION PROJECTS, WHEN COMPUTING APPLICATION FEES, THE CAPITAL COST FOR THE CONTROL EQUIPMENT THAT REDUCES EMISSIONS TO A LEVEL BELOW THE APPLICABLE NSPS REGULATIONS SHOULD BE DEDUCTED FROM THE CAPITAL COST.

NOTE: 12- THE MAXIMUM FEE FOR THIS CATEGORY IS NOT TO EXCEED \$12,150.00 TOTAL FOR ANY ONE COMPANY.

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
 AIR QUALITY DIVISION
 FEE SCHEDULE LISTING

0010	COTTON GIN	SICC	ANNUAL COMPLIANCE DETERMINATION	NEW APPLI-CATION	MODIFIED PERMIT FEES		ANNUAL COMPLIANCE FEE	
					MAJOR	MINOR	MIN.	MAX.
0010	COTTON GIN	0724	0.00	0.17	0.10	0.03		
0020	PER BALE GINNED IMMEDIATE PAST SEASON BITUMINOUS COAL AND LIGNITE MINING	1211	242.95	1214.75	728.85	242.95		
0030	COAL PREPARATION	1211	607.38	3036.88	1822.13	607.38		
0040	CRUDE OIL AND NATURAL GAS PRODUCTION (100 - 249 T/YR SOURCE)	1311	48.59	242.95	145.77	48.59		
0041	CRUDE OIL & NAT GAS PRODUCTION (250 - 499 T/YR SOURCE)	1311	150.00	750.00	450.00	150.00		
0042	CRUDE OIL & NAT GAS PROD (GREATER THAN 500 TON/YR SOURCE)	1311	250.00	1000.00	750.00	250.00		
0050	NATURAL GAS LIQUIDS PER UNIT	1321	121.48	607.38	364.43	121.48		
0060	CONSTRUCTION SAND AND GRAVEL	1442	48.59	242.95	145.77	48.59		
0070	INDUSTRIAL SAND	1446	48.59	242.95	145.77	48.59		
0080	SALT MINING	1476	607.38	3036.88	1822.13	607.38		
0090	SULFUR MINING	1477	607.38	3036.88	1822.13	607.38		
0100	COMMERCIAL RICE MILLING	2044	242.95	1214.75	728.85	242.95		
0110	ANIMAL FEED PREPARATION	2048	242.95	1214.75	728.85	242.95		
0120	CANE SUGAR, EXCEPT REFINING ONLY	2061	607.38	3036.88	1822.13	607.38		
0130	CANE SUGAR REFINING PER 1,000 LB/HR RATED CAPACITY	2062	4.86	24.30	14.58	4.86	600.00	
0140	COTTONSEED OIL MILL	2074	121.48	607.38	364.43	121.48		
0150	SOYBEAN OIL MILL	2075	85.03	425.16	255.10	85.03		
0160	ANIMAL & MARINE FATS AND OIL (RENDERING) 10,000 OR MORE TON/YR	2077	291.54	1457.70	874.62	291.54		
0170	ANIMAL & MARINE FATS & OIL (RENDERING) LESS THAN 10,000 TON/YR	2077	145.77	728.85	437.71	145.77		
0180	SHORTENING, TABLE OILS, MARGARINE AND OTHER EDIBLE FATS AND OILS	2079	60.74	303.69	182.21	60.74		
0190	MALT BEVERAGES	2082	60.74	303.69	182.21	60.74		
0200	COFFEE ROASTING PER 1,000,000 LB/YR RATED CAPACITY	2095	48.59	242.95	145.77	48.59		3050.00
0210	SAWMILL AND/OR PLANING LESS THAN 25,000 BD FT/SHIFT	2421	121.48	607.38	364.43	121.48		

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CONTAMINANT SOURCE	SICC	ANNUAL COMPLIANCE DETERMINATION	NEW APPLICATION	MODIFIED PERMIT FEES		ANNUAL COMPLIANCE FEE	
				MAJOR	MINOR	MIN.	MAX.
0220 SAWMILL AND/OR PLANING MORE THAN 25,000 BD FT/SHIFT	2421	364.43	1822.13	1093.28	364.43		
0230 HARDWOOD MILL	2426	218.66	1093.28	655.97	218.66		
0240 SPECIAL PRODUCT SAWMILL N.E.C.	2429	218.66	1093.28	655.97	218.66		
0250 MILLWORK WITH 10 EMPLOYEES OR MORE	2431	218.66	1093.28	655.97	218.66		
0260 HARDWOOD VENEER AND PLYWOOD	2435	485.90	2429.50	1457.70	485.90		
0270 SOFTWOOD VENEER AND PLYWOOD	2436	485.90	2429.50	1457.70	485.90		
0280 WOOD PRESERVING	2491	121.48	607.38	364.43	121.48		
0290 PARTICLEBOARD/WAFERBOARD MANUFACTURE (O.S.B)	2492	485.90	2429.50	1457.70	485.90		
0300 HARDBOARD MANUFACTURE	2499	364.43	1822.13	1093.28	364.43		
0310 FURNITURE AND FIXTURES	2511	72.89	364.43	218.66	72.89		
0320 A) 100 OR MORE EMPLOYEES FURNITURE AND FIXTURES	2511	72.89	364.43	218.66	72.89		
0330 B) MORE THAN 10 & LESS THAN 100 EMPLOYEES PULP MILLS PER TON DAILY RATED CAPACITY	2611	1.82	9.11	5.47	1.82	1250.00	
0340 PAPER MILL PER TON DAILY RATED CAPACITY	2621	1.82	9.11	5.47	1.82	1250.00	
0350 PAPERBOARD MILLS PER TON DAILY RATED CAPACITY	2631	1.82	9.11	5.47	1.82	1250.00	
0360 PAPER COATING	2641	72.89	364.43	218.66	72.89		
0370 INSULATION MANUFACTURE	2649	121.48	607.38	364.43	121.48		
0380 CORRUGATED BOXES	2653	182.21	911.06	546.64	182.21		
0390 BUILDING BOARD AND TILE	2661	607.38	3036.88	1822.13	607.38		
0400 COMMERCIAL PRINTING - BLACK AND WHITE PER PRESS MODULE	2752	72.89	364.43	218.66	72.89	350.00	
0410 COMMERCIAL PRINTING - COLOR PER PRESS MODULE	2752	121.48	607.38	364.43	121.48	600.00	
0420 CAUSTIC/CHLORINE PER 1,000,000 LB/YR RATED CAP BASED ON CL	2812	1.22	6.08	3.65	1.22	600.00	
0430 CAUSTIC SODA PER 1,000,000 LB/YR RATED CAPACITY	2812	0.25	1.22	0.73	0.25	500.00	
0440 INDUSTRIAL GASSES	2813	242.95	1214.75	728.85	242.95		

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CONTAMINANT SOURCE	SICC	ANNUAL COMPLIANCE DETERMINATION	NEW APPLICATIION	MODIFIED PERMIT FEES		ANNUAL COMPLIANCE FEE
				MAJOR	MINOR	
						MIN. MAX.
0450 INORGANIC PIGMENTS	2816	242.95	1214.75	728.85	242.95	
0460 ALUMINUM SULFATE PRODUCTION PER 100 TON/YR RATED CAPACITY	2819	0.61	3.04	1.82	0.61	500.00
0470 ALUMINA PER 1,000,000 LB/YR RATED CAPACITY	2819	2.43	12.15	7.29	2.43	
0480 CATALYST MFG & CAT. REGENERATION PER LINE	2819	607.38	3036.88	1822.13	607.38	
0490 FLUOSILICATES	2819	364.43	1822.13	1093.28	364.43	
0500 INDUSTRIAL INORGANIC CHEMICALS MFG N.E.C. PER 1,000,000 LB/YR	2819	0.61	3.04	1.82	0.61	350.00
0510 INDUSTRIAL INORGANIC ACIDS N.E.C. PER 1,000,000 LB/YR RATED CAPACITY	2819	6.08	30.37	18.23	6.08	600.00
0520 NITRIC ACID MANUFACTURE PER 1,000 TON/YR RATED CAPACITY	2819	2.43	12.15	7.29	2.43	600.00
0530 PHOSPHORIC ACID MFG PER TON DAILY RATED CAP	2819	0.61	3.04	1.82	0.61	500.00
0540 SULPHURIC ACID MANUFACTURE PER TON DAILY RATED CAPACITY	2819	0.61	3.04	1.82	0.61	500.00
0550 POLYETHYLENE/POLYPROPYLENE MANUFACTURE PER 1,000,000 LB/YR RATED CAPACITY	2821	4.86	24.30	14.58	4.86	600.00
0560 PVC MANUFACTURE PER 1,000,000 LB/YR RATED CAPACITY	2821	6.08	30.37	18.23	6.08	600.00
0570 SYNTHETIC RESINS MANUFACTURE N.E.C. PER 1,000,000 LB/YR RATED CAPACITY	2821	6.08	30.37	18.23	6.08	600.00
0580 RUBBER MFG PER 1,000,000 LB/YR RATED CAPACITY	2822	2.43	30.37	18.23	6.08	750.00
0590 CHARCOAL PER OVEN	2861	121.48	607.38	364.43	121.48	
0600 GUM AND WOOD CHEMICALS PER UNIT	2861	364.43	1822.13	1093.28	364.43	
0610 STYRENE MONOMER PER 1,000,000 LB/YR RATED CAPACITY	2865	2.43	12.15	7.29	2.43	600.00
0620 HALOGENATED HYDROCARBONS PER 1,000,000 LB/YR RATED CAP.	2869	3.65	18.23	10.94	3.65	600.00
0630 ORGANIC OXIDES, ALCOHOLS, GLYCOLS PER 1,000,000 LB/YR RATED CAPACITY	2869	2.43	12.15	7.29	2.43	600.00
0640 AMMONIA MANUFACTURE PER TON DAILY RATED CAPACITY	2873	1.22	6.08	3.65	1.22	600.00
0650 FERTILIZER MANUFACTURE PER 1,000 TON/YR RATED CAPACITY	2873	0.61	3.04	1.82	0.61	350.00
0660 UREA AND UREAFORM PER 1,000 TON/YR RATED CAPACITY	2873	1.22	6.08	3.65	1.22	350.00
0670 PESTICIDES MFG PER TRAIN	2879	485.90	2429.50	1457.70	485.90	

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0700-0900	CONTAMINANT SOURCE	SICC	ANNUAL COMPLIANCE DETERMINATION	NEW APPLI-CATION	MODIFIED PERMIT FEES		ANNUAL COMPLIANCE FEE	
					MAJOR	MINOR	MIN.	MAX.
0680	CARBON BLACK MANUFACTURE PER 1,000,000 LB/YR RATED CAPACITY	2895	7.29	36.44	21.87	7.29	600.00	
0690	CHEMICAL AND CHEMICAL PREP. N. E. C. PER 1,000,000 LB/YR	2899	6.08	30.37	18.23	6.08	500.00	
0700	DRILLING MUD-STORAGE AND DISTRIBUTION	2899	121.48	607.38	364.43	121.48		
0710	DRILLING MUD-GRINDING	2899	485.90	2429.50	1457.70	485.90		
0720	PETROLEUM REFINING PER 1,000 BBL/DAY RATED CAP. CRUDE THRUPUT	2911	30.37	151.85	91.11	30.37	600.00	
0730	ASPHALTIC CONCRETE PAVING PLANTS PER TON/HR RATED CAPACITY	2951	0.92	4.55	2.73	0.92	250.00	
0740	ASPHALT BLOWING PLANT(NOT TO BE CHARGED SEPARATELY IF IN REFINERY)	2951	364.43	1822.13	1093.28	364.43		
0750	OLEFINS & AROMATICS N.E.C PER 1,000,000 LB/YR RATED CAPACITY	2951	2.43	12.15	7.29	2.43	600.00	
0760	BLENDING, COMPOUNDING, OR REFINING OF LUBRICANTS PER UNIT	2992	364.43	1822.13	1093.28	364.43		
0770	PETROLEUM COKE CALCINING PER 1,000 TON/YR RATED CAPACITY	2999	4.86	24.30	14.58	4.86	600.00	
0780	GLASS AND GLASS CONTAINER MFG NATURAL GAS FUEL PER LINE	3229	182.21	911.06	546.64	182.21		
0790	CEMENT MANUFACTURE PER 1,000 TON/YR RATED CAPACITY	3241	3.65	18.23	10.94	3.65	500.00	
0800	GLASS AND GLASS CONTAINER MFG FUEL OIL PER LINE	3241	364.43	1822.13	1093.28	364.43		
0810	BRICK MANUFACTURE PER 1,000 TON/YR RATED CAPACITY	3251	1.82	9.11	5.47	1.82	250.00	
0820	READY-MIX CONCRETE	3273	303.69	923.21	607.38	303.69		
0830	LIME MANUFACTURE PER 1,000 TON/YR RATED CAPACITY	3274	3.65	18.23	10.94	3.65		
0840	GYPNUM MANUFACTURE PER 1,000 TON/YR RATED CAPACITY	3275	3.65	18.23	10.94	3.65	350.00	
0850	ABESTOS PRODUCTS PER SITE OR PER PRODUCTION UNIT	3292	728.85	3644.25	2186.55	728.85		
0860	CLAY KILN	3295	145.77	728.85	437.31	145.77		
0870	ROCK CRUSHER	3295	133.62	668.11	400.87	133.62		
0880	GRAY IRON AND STEEL FOUNDARIES	3321	194.36	971.80	583.08	194.36		
0890	GRAY IRON AND STEEL FOUNDARIES	3321	97.18	485.90	291.54	97.18		
0900	MALLEABLE IRON FOUNDARIES	3322	194.36	971.80	583.08	194.36		

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AIR CONTAMINANT SOURCE	SICC	ANNUAL DETERMINATION	NEW APPLICATION	MODIFIED PERMIT FEES		ANNUAL COMPLIANCE FEE
				MAJOR	MINOR	
0910 MALLEABLE IRON FOUNDARIES B) LESS THAN 3,500 TON/YR PRODUCTION	3322	97.18	485.90	291.54	97.18	
0920 STEEL INVESTMENT FOUNDARIES A) 3,500 OR MORE TON/YR PRODUCTION	3324	194.36	971.80	583.08	194.36	
0930 STEEL INVESTMENT FOUNDARIES B) LESS THAN 3,500 TON/YR PRODUCTION	3324	97.18	485.90	291.54	97.18	
0940 STEEL FOUNDARIES NOT ELSEWHERE CLASSIFIED A) 3,500 OR MORE TON/YR PRODUCTION	3325	194.36	971.80	583.08	194.36	
0950 STEEL FOUNDARIES NOT ELSEWHERE CLASSIFIED B) LESS THAN 3,500 TON/YR PRODUCTION	3325	97.18	485.90	291.54	97.18	
0960 PRIMARY SMELTING AND REFINING OF COPPER PER 100,000 LB/YR RATED CAPACITY	3331	2.43	12.15	7.29	2.43	600.00
0970 ALUMINUM PRODUCTION PER POT	3334	12.15	60.74	36.44	12.15	
0980 REFINING OF NON-FERROUS METALS N.E.C. PER 1,000 LB/YR RATED CAPACITY	3339	0.02	0.12	0.07	0.02	600.00
0990 SECONDARY SMELTING OF NON-FERROUS METALS PER FURNACE	3341	364.43	1822.13	1093.28	364.43	750.00
1000 WIRE MANUFACTURE	3357	242.95	1214.75	728.85	242.95	
1010 ALUMINUM FOUNDARIES(CASTINGS) PER UNIT	3361	97.18	485.90	291.54	97.18	
1020 BRASS/BRONZE/COPPER-BASED ALLOY FOUNDRY PER FURNACE	3362	121.48	607.38	364.43	121.48	
1030 METAL HEAT TREATING INCLUDING SHOTPEENING	3398	72.89	364.43	218.66	72.89	
1040 DRUM MANUFACTURING AND/OR RECONDITIONING	3412	364.43	1822.13	1093.28	364.43	
1050 METAL CAN MANUFACTURE	3441	242.95	1214.75	728.85	242.95	
1060 FABRICATED PLATE WORK	3443	565.00	2825.00	1695.00	565.00	
1070 ELECTROPLATING, POLISHING AND ANODIZING WITH 5 OR MORE EMPLOYEES	3471	72.89	364.43	218.66	72.89	
1080 SANDBLASTING OR CHEM. CLEANING OF METAL A) 10 OR MORE EMPLOYEES	3471	364.43	1822.13	1093.28	364.43	
1090 SANDBLASTING OR CHEM. CLEANING OF METAL B) LESS THAN 10 EMPLOYEES	3471	182.21	911.06	546.64	182.21	
1100 COATING, ENGRAVING, AND ALLIED SERVICES A) 10 OR MORE EMPLOYEES	3479	133.62	668.11	400.87	133.62	
1110 COATING,ENGRAVING,AND ALLIED SERVICES B) LESS THAN 10 EMPLOYEES	3479	72.89	364.43	218.66	72.89	
1120 GALVANIZING AND PIPE COATING EXCLUDING ALL OTHER ACTIVITIES	3479	145.77	728.85	437.31	145.77	
1130 PAINTING TOPCOAT PER LINE.	3479	121.48	607.38	364.43	121.48	

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AIR CONTAMINANT SOURCE	SICC	ANNUAL COMPLIANCE DETERMINATION	NEW APPLICATION	MODIFIED PERMIT FEES		ANNUAL COMPLIANCE FEE	
				MAJOR	MINOR	MIN.	MAX.
1140 POTTING PER LINE	3479	72.89	364.43	218.66	72.89		
1150 SOLDERING PER LINE	3479	72.89	364.43	218.66	72.89		
1160 WIRE COATING PER LINE	3479	242.95	1214.75	728.85	242.95		
1170 OIL FIELD MACHINERY AND EQUIPMENT	3533	121.48	607.38	364.43	121.48		
1180 POWER CHAIN SAW MANUFACTURE PER LINE	3546	182.21	911.06	546.64	182.21		
1190 COMMERCIAL GRAIN DRYER	3559	145.77	728.85	437.31	145.77		
1200 ELECTRODE MANUFACTURE PER LINE	3624	170.07	850.33	510.20	170.07		
1210 TELEPHONE MANUFACTURE PER LINE	3661	425.16	2125.81	1275.49	425.16		
1220 ELECTRICAL CONNECTOR MANUFACTURE PER LINE	3678	218.66	1093.28	655.97	218.66		
1230 BATTERY MANUFACTURE PER LINE	3691	242.95	1214.75	728.85	242.95		
1240 ELECTRICAL EQUIPMENT PER LINE	3694	145.77	728.85	437.31	145.77		
1250 SHIP AND BOAT BUILDING A) 5001 OR MORE EMPLOYEES	3732	1822.13	9110.63	5466.38	1822.13		
1260 SHIP AND BOAT BUILDING B) 2501 TO 5000 EMPLOYEES	3732	1214.75	6073.75	3644.25	1214.75		
1270 SHIP AND BOAT BUILDING C) 1001 TO 2500 EMPLOYEES	3732	607.38	3036.88	1822.13	607.38		
1280 SHIP AND BOAT BUILDING D) 201 TO 1000 EMPLOYEES	3732	364.43	1822.13	1093.28	364.43		
1290 SHIP AND BOAT BUILDING E) 200 OR LESS EMPLOYEES	3732	121.48	607.38	364.43	121.48		
1300 PLAY GROUND EQUIPMENT MANUFACTURE PER LINE	3949	182.21	911.06	546.64	182.21		
1310 GRAIN ELEVATORS A) 20,000 OR MORE TON/YR	4221	388.72	1943.60	1166.16	388.72		
1320 GRAIN ELEVATORS B) LESS THAN 20,000 TON/YR	4221	194.36	971.80	583.08	194.36		
1330 A) PETROLEUM,CHEMICAL BULK STORAGE & TER-MINAL(OVER 3,000,000 BBL CAPACITY)	4226	3644.25	18221.25	10932.75	3644.25		
1340 B)PETROLEUM, CHEMICAL BULK STORAGE & TER-MINAL(1,000,000-3,000,000BBL CAP)	4226	2429.50	12147.50	7288.50	2429.50		
1350 C)PETROLEUM,CHEMICAL BULK STORAGE & TER-MINAL(500,001-1,000,000BBL CAP)	4226	1214.75	6073.75	3644.25	1214.75		
1360 D)PETROLEUM,CHEMICAL BULK STORAGE & TER-MINAL(500,000BBL CAP OR LESS)	4226	607.38	3036.88	1822.13	607.38		

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AIR CONTAMINANT SOURCE	SICC	ANNUAL COMPLIANCE DETERMINATION	NEW APPLI-CATION	MODIFIED PERMIT FEES		ANNUAL COMPLIANCE FEE	
				MAJOR	MINOR	MIN.	MAX.
1370 RAILCAR/BARGE/TANK TRUCK CLEANING HEAVY FUELS ONLY	4742	121.48	607.38	364.43	121.48		
1380 RAILCAR AND BARGE CLEANING OTHER THAN HEAVY FUELS	4742	607.38	3036.88	1822.13	607.38		
1390 TANK TRUCK CLEANING OTHER THAN HEAVY FUELS	4742	364.43	1822.13	1093.28	364.43		
1400 A)ELEC. POWER GEN PER MW (OVER 0.7% S IN FUEL)	4911	5.65	28.25	16.95	5.65	1150.00	
1410 B)ELEC POWER GEN PER MW(0.7% S OR LESS IN FUEL)	4911	3.39	16.95	10.17	3.39	550.00	
1420 C)ELEC. POWER GEN. PER MW (NATURAL GAS FIRED)	4911	1.70	8.48	5.09	1.70	400.00	
1430 NAT. GAS COMP PER 100 H.P. (TURBINES)	4922	2.43	12.15	7.29	2.43		
1440 RECIP. NAT GAS COMP PER 100 H.P. A) > 50,000 H.P.	4922	10.94	54.67	32.80	10.94		
1450 RECIP. NAT GAS COMP. PER 100 H.P. B) 20,000 TO 50,000 H.P.	4922	12.15	60.74	36.44	12.15		
1460 RECIP. NAT GAS COMP. PER 100 H.P. C)5,000 TO 20,000 H.P.	4922	14.58	72.89	43.73	14.58		
1470 RECIP NAT GAS COMP PER 100 H.P. D) 2,500 TO 5,000 H.P.	4922	17.01	85.03	51.02	17.01		
1480 RECIP. NAT GAS COMP. PER 100 H.P. E) 1,000 TO 2,500 H.P.	4922	18.23	91.11	54.67	18.23		
1490 RECIP. NAT. GAS COMP. F) < 1,000 H.P.	4922	242.95	607.38	242.95	242.95		19450.00
1500 COAL GASSIFICATION PER \$100,000 CAPITAL COST	4925	2.43	12.15	7.29	2.43		
1510 CO-GENERATION PER \$100,000 CAPITAL COST	4939	2.43	12.15	7.29	2.43		12150.00
1520 INCINERATORS N.E.C.	4953	121.48	607.38	364.43	121.48		
1530 MUNICIPAL INCINERATORS	4953	1214.80	6073.80	3644.30	1214.80		
1540 STEAM GEN UNITS PER 1000 LBS/HR STEAM CAP-NAT GAS OR COMB NON-FOSSIL FUELS	4961	0.61	3.04	1.82	0.61	100.00	
1550 STEAM GEN UNITS PER 1000 LBS/HR STEAM CAP-FUELS WITH 0.7% S OR LESS	4961	1.22	6.08	3.65	1.22	250.00	
1560 STEAM GEN UNITS PE 1000 LBS/HR STEAM CAP-FUELS WITH MORE THAN 0.7% S	4961	1.82	9.11	5.47	1.82	350.00	
1570 CEMENT(BULK DISTRIBUTION)	5052	485.90	2429.50	1457.70	485.90		
1580 WHOLESale DISTRIBUTION OF COAL PER 1,000 TON/YR THROUGHPUT	5052	0.12	0.61	0.36	0.12	350.00	
1590 WHOLESale DISTRIBUTION OF COKE AND OTHER BULK GOODS PER 1000 TON/YR CAP	5093	0.25	1.22	0.73	0.25	600.00	

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AIR CONTAMINANT SOURCE	SICC	ANNUAL COMPLIANCE DETERMI- NATION		NEW APPLI- CATION	MODIFIED PERMIT FEES		ANNUAL COMPLIANCE FEE	
					MAJOR	MINOR	MIN.	MAX.
1600 FLOATING BULK LOADER	5153	1214.75	6073.75	6073.75	3644.25	1214.75		
A) OVER 100,000 TON/YR THROUGHPUT								
1610 FLOATING BULK LOADER	5153	607.38	3036.88	3036.88	1822.13	607.38		
B) 100,000 OR LESS TON/YR THROUGHPUT								
1620 GRAIN ELEVATORS-TERMINAL	5153	0.12	0.61	0.61	0.36	0.12		550.00
PER 10,000 BU/YR THROUGHPUT								
1630 WHOLESALE DISTRIBUTION OF CHEMICALS AND ALLIED PRODUCTS PER FACILITY	5161	303.69	1214.75	1214.75	911.06	303.69		
1640 PETROLEUM BULK PLANTS	5171	24.30	121.48	121.48	72.89	24.30		
1650 PETROLEUM BULK TERMINAL	5171	242.95	1214.75	1214.75	728.85	242.95		
1660 PETROLEUM BULK STATION	5171	24.30	121.48	121.48	72.89	24.30		
1670 STORAGE TANK	5171	0.00	242.95	242.95	121.48	121.48		
1680 CRUDE OIL DISTRIBUTION	5172	364.43	1822.13	1822.13	1093.28	364.43		
1690 AUTOMOBILE, TRUCK AND VAN ASSEMBLY PER 1000 VEHICLES PER YEAR CAPACITY	3711	60.74	303.69	303.69	182.21	60.74		12150.00
1700 CHEMICAL WASTE DISPOSAL FACILITY FOR NONHAZARDOUS WASTE	9998	1130.00	5650.00	5650.00	3390.00	1130.00		
1710 NEGOTIATED FEE	9999	0.00	0.00	0.00	0.00	0.00		
1720 ELECTRIC TRANSFORMERS PER 1000 UNITS/YEAR	3612	56.50	282.50	282.50	169.50	56.50		
1730 PAINT MANUFACTURING AND BLENDING	2851	226.00	1130.00	1130.00	678.00	226.00		
1740 PLASTICS INJECTION MOULDING & EXTRUSION PER LINE	3079	121.48	607.38	607.38	364.43	121.48		
1750 AUTOMOBILE RECYCLING SCRAP PER 1000 TONS/YR	5093	5.00	25.00	25.00	15.00	5.00		250.00
1760 SALT PROCESSING & PACKAGING PER 1,000,000 LB/YR	2899	0.10	0.50	0.50	0.30	0.10		150.00
1770 COMMERCIAL HAZARDOUS WASTE INCINERATOR (PER 1,000,000 BTU PER HOUR THERMAL CAPACITY)	4953	70.00	350.00	350.00	210.00	70.00		
1780 NON COMMERCIAL HAZARDOUS WASTE INCINERATOR (PER 1,000,000 BTU/HR THERMAL CAPACITY)	4953	35.00	175.00	175.00	105.00	35.00		
1790 COMMERCIAL HAZARDOUS WASTE DISP FACILITY, N.E.C.	4953	10000.00	50000.00	50000.00	30000.00	10000.00		
1800 COMMERCIAL HAZARDOUS WASTE UNDERGROUND INJECTION (SURFACE FACILITIES) PER LOCATION	4953	2000.00	10000.00	10000.00	6000.00	2000.00		
1810 RECOVERABLE/RE-USABLE MATERIALS PROC. FACILITY (PER 1,000,000 BTU/HR THERMAL CAPACITY)	4953	35.00	175.00	175.00	105.00	35.00		5000.00

Persons requesting copies and/or further information concerning the rule may contact Gus Von Bodungen, Department of Environmental Quality, Air Quality Division, Box 44096, Baton Rouge, LA 70804.

Patricia L. Norton
Secretary

RULE

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

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:1066 (1) and (7) and 1084 B (1) and in accordance with the provisions in R.S. 49:950 et seq., the secretary of the Department of Environmental Quality, Patricia L. Norton, adopted the Louisiana Air Quality Division Section 17.14, Stack Height Regulations on May 9, 1986. The effective date of these regulations will be the date of this publication.

The secretary initiated rulemaking procedures to adopt this rule on March 10, 1986. Prior to the final adoption by the secretary, this rule was forwarded to, and found acceptable by, the Joint Committees on Natural Resources.

Revise Sections 17.14, 17.14.1 and 17.14.2 and add 17.14.3 as follows:

17.14 Stack Heights

This regulation applies to all stacks in existence and all dispersion techniques implemented since December 31, 1970.

17.14.1 Definitions

For the purpose of this section, the terms below will have the meaning herein given.

a. *Emission limitation and emission standard*—a requirement established by the administrative authority or administrator which limits the quantity, rate, or concentration of emissions of air pollutants on a continuous basis, including any requirements which limit the level of opacity, prescribe equipment, set fuel specifications, prescribe operation or maintenance procedures for a source to assure continuous emission reduction.

b. *Stack*—any point in a source designed to emit solids, liquids or gases into the air, including a pipe or duct but not including flares.

c. *A stack in existence*—the owner or operator had 1) begun, or cause to begin, a continuous program of physical on-site construction of the stack, or 2) entered into binding agreements or contractual obligations, which could not be cancelled or modified without substantial loss to the owner or operator, to undertake a program of construction of the stack to be completed in a reasonable time.

d. *Dispersion technique*—any technique which attempts to affect the concentration of a pollutant in the ambient air by:

- (i) using that portion of a stack which exceeds good engineering practice stack height;
- (ii) varying the rate of emission of a pollutant according to atmospheric conditions or ambient concentrations of that pollutant; or
- (iii) increasing final exhaust gas plume rise by manipulating source process parameters, exhaust gas parameters, stack parameters, or combining exhaust gases from several existing stacks into one stack; or other selective handling of exhaust gas streams so as to increase the exhaust gas plume rise.

Section 17.14.1(d)(iii) does not include:

(1) The reheating of a gas stream, following use of a pollution control system, for the purpose of returning the gas to the temperature at which it was originally discharged from the facility generating the gas stream;

(2) The merging of exhaust gas streams where:

(A) the source owner or operator demonstrates that the facility was originally designed and constructed with such merged gas streams;

(B) after July 8, 1985, such merging is part of a change in operation at the facility that includes the installation of pollution controls and is accompanied by a net reduction in the allowable emissions of a pollutant. This exclusion from the definition of "dispersion techniques" shall apply only to the emission limitation for the pollutant affected by such change in operation; or

(C) before July 8, 1985, such merging was part of a change in operation at the facility that included the installation of emissions control equipment or was carried out for sound economic or engineering reasons. Where there was an increase in the emission limitation or, in the event that no emission limitation was in existence prior to the merging, an increase in the quantity of pollutants actually emitted prior to the merging, the administrative authority shall presume that merging was significantly motivated by an intent to gain emissions credit for greater dispersion. Absent a demonstration by the source owner or operator that merging was not significantly motivated by such intent, the administrative authority shall deny credit for the effects of such merging in calculating the allowable emissions for the source;

(3) smoke management in agricultural or silvicultural prescribed burning programs;

(4) episodic restrictions on residential woodburning and open burning; or

(5) techniques under 17.14.1(d)(iii) which increase final exhaust gas plume rise where the resulting allowable emissions of sulfur dioxide from the facility do not exceed 5,000 tons per year.

e. *Good engineering practice (GEP) stack height* - the greater of:

(1) 65 meters, measured from the ground-level elevation at the base of the stack;

(2) (i) for stacks in existence on January 12, 1979, and for which the owner or operator had obtained all applicable permits or approvals required under State or Federal Regulations.

$$H_g = 2.5H$$

provided the owner or operator produces evidence that this equation was actually relied on in establishing an emission limitation;

(ii) for all other stacks,

$$H_g = H + 1.5L$$

where

H_g = good engineering practice stack height, measured from the ground-level elevation at the base of the stack,

H = height of nearby structure(s) measured from the ground-level elevation at the base of the stack,

L = lesser dimension, height or projected width, of nearby structure(s)

provided that EPA or the administrative authority may require the use of a field study or fluid model to verify GEP stack height for the source; or

(3) the height demonstrated by a fluid model or a field study approved by EPA or the administrative authority, which ensures that the emissions from a stack do not result in excessive concentrations of any air pollutant as a result of atmospheric downwash, wakes, or eddy effects created by the source itself, nearby structures or nearby terrain features.

(f) *Nearby* - as used in 17.14.1(e) of this section is defined for a specific structure or terrain feature and

(1) for purposes of applying the formulae provided in 17.14.1(e)(2) means that distance up to five times the lesser of the height or the width dimension of a structure, but not greater than 0.8 km (½ mile), and

(2) for conducting demonstrations under 17.14.1(e)(3) means not greater than 0.8 km (½ mile), except that the portion of a terrain feature may be considered to be nearby which falls within a distance of up to 10 times the maximum height (H_i) of the feature, not to exceed two miles if such feature achieves a height (H_i) 0.8 km from the stack that is at least 40 percent of the GEP stack height determined by the formulae provided in 17.14.1(e)(2)(ii) of this part or 26 meters, whichever is greater, as measured from the ground-level elevation at the base of the stack. The height of the structure or terrain feature is measured from the ground-level elevation at the base of the stack.

(g) *Excessive concentration* - is defined for the purpose of determining good engineering practice stack height under 17.14.1(e)(3) and means:

(1) for sources seeking credit for stack height exceeding that established under 17.14.1(e)(2), a maximum ground-level concentration due to emissions from a stack due in whole or part to downwash, wakes, and eddy effects produced by nearby structures or nearby terrain features which individually is at least 40 percent in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects and which contributes to a total concentration due to emissions from all sources that is greater than an ambient air quality standard. For sources subject to the prevention of significant deterioration program (PSD), an excessive concentration alternatively means a maximum ground-level concentration due to emissions from a stack due in whole or part to downwash, wakes, or eddy effects produced by nearby structures or nearby terrain features which individually is at least 40 percent in excess of the maximum concentration experienced in the absence of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects and greater than a prevention of significant deterioration increment. The allowable emission rate to be used in making demonstrations under this part shall be prescribed by the new source performance standard that is applicable to the source category unless the owner or operator demonstrates that this emission rate is infeasible. Where such demonstrations are approved by the administrative authority, an alternative emission rate shall be established in consultation with the source owner or operator;

(2) for sources seeking credit after October 11, 1983, for increases in existing stack heights up to the heights established under 17.14.1(e)(2), either (i) a maximum ground-level concentration due in whole or part to downwash, wakes or eddy effects as provided in paragraph (g)(1) of this section, except that the emission rate specified by these regulations (or, in the absence of such a limit, the actual emission rate) shall be used, or (ii) the actual presence of a local nuisance caused by the existing stack, as determined by the administrative authority; and

(3) for sources seeking credit after January 12, 1979 for a stack height determined under 17.14.1(e)(2) where the administrative authority requires the use of a field study or fluid model to verify GEP stack height, for sources seeking stack height credit after November 9, 1984 based on the aerodynamic influence of cooling towers, and for sources seeking stack height credit after December 31, 1970 based on the aerodynamic influence of structures not adequately represented by the equations in 17.14.1(e)(2), a maximum ground-level concentration due in whole or part to downwash, wakes or eddy effects that is at least 40 percent in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects.

17.14.2 The degree of emission limitation required of any source for control of any air pollutant must not be affected by so much of any source's stack height that exceeds good engineering practice (GEP) or by any dispersion technique, except as provided herein. The administrative authority will notify the public of the

availability of any stack height demonstration study and will provide opportunity for public hearing on it. This section does not restrict, in any manner, the actual stack height of any source.

The provisions of 17.14.2 shall not apply to (1) stack heights in existence, or dispersion techniques implemented on or before December 31, 1970, except where pollutants are being emitted from such stacks or using such dispersion techniques by sources, as defined in section 111(a)(3) of the Clean Air Act, which were constructed, or reconstructed, or for which major modifications, as defined in Section 90.2(2), were carried out after December 31, 1970; or (2) coal-fired steam electric generating units subject to the provisions of Section 118 of the Clean Air Act, which commenced operation before July 1, 1957, and whose stacks were constructed under a construction contract awarded before February 8, 1974.

17.14.3 Review of new sources and modifications - The degree of emission limitation required of any source for control of any air pollutant must not be affected by so much of any source's stack height that exceeds good engineering practice or by any other dispersion technique except as provided in 17.14.2. When the administrative authority proposes to issue a permit to a source based on a good engineering practice stack height that exceeds the height allowed by 17.14.1(e), the administrative authority will notify the public of the availability of the demonstration study and will provide opportunity for public hearing on it. This section does not restrict, in any manner, the actual stack height of any source.

Persons requesting copies and/or further information concerning the rule may contact Gus Von Bodungen, Department of Environmental Quality, Air Quality Division, Box 44096, Baton Rouge, LA 70804.

Patricia L. Norton
Secretary

RULE

Department of Environmental Quality Office of Solid and Hazardous Waste Hazardous Waste Division

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:1051 et seq., and in particular Section 1065 B and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary of the Department of Environmental Quality adopted revisions to the Fee System of the Hazardous Waste Division. Preceding final adoption of the revisions by the secretary, the revisions were forwarded and found acceptable by the Joint Committees on Natural Resources. The effective date of these regulations will be July 1, 1986.

The secretary initiated rulemaking procedures to adopt this rule on March 10, 1986 and adopted the rule on May 9, 1986.

AMENDMENTS

25.6 a) Insert the following:

After "appropriate application fee" and before "according to the schedule" insert the following: "and Research and Development Fee"

25.6 b) Insert the following:

In the heading insert "Application" prior to "Fee schedule:"

25.6 c) Add the following:

"Initial Research and Development Fee Schedule
Application Fee X 0.25 = Initial Research and Development Fee"

25.10 Replace with this:

25.10 Calculation of Annual Fees

Formula to apportion fees:

Annual Fee = Fee per site + fee per facility + fee based on volume + annual research and development fee

—Fee Per Site:	
Off-site Disposer (Commercial)	\$30,500
Off-site Disposer (Non-commercial)	\$ 6,100
On-site Disposer	\$ 3,050
—Fee Per Facility:	
Standard for all disposers (For each facility)	\$1,830ea.
—Fee Based on Volume:	
Less than 1,000 tons	\$1,220
Less than 10,000 tons	\$2,440
Less than 100,000 tons	\$3,660
Less than 1,000,000 tons	\$4,880
More than 1,000,000 tons	\$6,100

—Annual Research and Development Fee
(Fee per site + fee per facility + fee based on volume) ×
0.25 = Annual Research and Development Fee

—Maximum fee (cut-off):	
Off-site (Commercial)	\$61,000
Off-site (Non-commercial)	\$30,500
On-site	\$22,875

Note: The higher fee for off-site disposal is due to cost of the manifest system and emergency response to transport spills. (Neither cost is applicable to on-site disposers).

25.12 Change the following:
Change the initial fee of “6.10” to “7.63.”

25.13 Change the following:
Change the Annual Monitoring and Maintenance Fee from “\$183” to \$228.75.”

Persons requesting copies and/or further information concerning the rule may contact Bill Greenwich, Department of Environmental Quality, Hazardous Waste Division, Box 44307, Baton Rouge, LA 70804.

Patricia L. Norton
Secretary

RULE

Department of Environmental Quality Office of Solid and Hazardous Waste Hazardous Waste Division

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:1051 et seq., and in particular Section 1061 D 1 and in accordance with the provisions of the Administrative Procedure Act, La. R.S. 49:950 et seq., the secretary of the Department of Environment Quality adopted revisions to the regulations of the Hazardous Waste Division which require sequentially numbered manifests, signatory requirements for permit applications and to correct and clarify existing regulations. Preceding final adoption of the revisions by the secretary, the revisions were forwarded and found acceptable by the Joint Committees on Natural Resources. The effective date of these regulations will be June 1, 1986.

The secretary initiated rulemaking procedures to adopt this rule on March 10, 1986 and adopted the rule on May 9, 1986.

AMENDMENTS

1.3a) Replace “correct” in the fifth line with the following:
approved

Replace the second paragraph with the following:

All notifications received must be in accordance with EPA notification procedures and must receive an EPA identification number issued through the State of Louisiana.

Note: The following change corrects typographical errors, Section 2.1, definition of “Accumulated Speculatively.” Page 7 of December 20, 1985 Amendments to the Louisiana Hazardous Waste Regulations (LHWR). Parenthetical statement, second from last sentence. Change to read:

2.1 . . . (Materials that are already defined as solid wastes also are not to be included in making the calculation.)

Note: For consistency, the definition of reclaimer is changed. Substitute the following for the page 2-10 Definition of Reclaimer.

2.1 Reclaimer - any person or agency who processes materials or wastes to recover a usable product or who regenerates materials or wastes.

Note: This changes the signatory requirements for permit applications. For Section 4.4a) substitute the following:

4.4a) For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:

1) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decisionmaking functions for the corporation, or

2) The manager of one or more manufacturing, production or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

6.2a)1) Replace with the following: A state manifest document number which shall be obtained from this Department if the destination point is in Louisiana;

6.2d Replace with the following: The manifest form used must be either obtained from the Department or approved by the Administrative Authority;

6.7c) Replace with the following: The hazardous waste facility operator fills out his portion, retains a copy for his files, submits the original to the Department no later than seven days after delivery of the hazardous waste and sends all remaining copies to the generator no later than seven days after delivery of the hazardous waste;

6.7d) Replace with the following: The generator files his copy and maintains records in accordance with 7.6 a1);

7.4 Add the following:

a)10)

The manifest form used must be obtained from the department or approved by the administrative authority.

7.4b) Insert the following after “A state manifest document number” and before “;,”

which shall be obtained from this department if the destination point is in Louisiana

7.4b) Insert the following after “all of the following information” and before “;,”

prior to leaving the generator site

Note: The following changes clarify applicability and exemptions and correct typographical errors, Section 22.3b) Pages 16 and 17 of December 20, 1985 Amendments to the LHWR. Change first three lines and item 11) to read:

22.3b) The following recyclable materials (Group II) are only subject to the requirements of Subchapter II of this Chapter and all applicable provisions as provided in Subchapter II of this Chapter:

11) Wastes described in Sections 22.3b)1) through 22.3b)10) which are used or reused on-site or stored at the generator site prior to such use or reuse are exempt from these regulations except that on-site storage shall be in an environmentally sound manner.

Note: The following changes clarify applicability and exemptions, Section 22.3c) Page 17 of December 20, 1985 Amendments to the LHWR. Change first three lines to read:

22.3c) The following recyclable materials (Group III) are only subject to the requirements of Subchapter III of this Chapter

and all applicable provisions as provided in Subchapter III of this Chapter.

Note: The following changes clarify applicability and exemptions, Section 22.9 Page 19 of December 20, 1985 Amendments to the LHWR. Change first eight lines under "Applicability" to read:

22.9 Applicability

The requirements of this Subchapter and all applicable provisions as provided in this Subchapter apply to industrial ethyl alcohol that is reclaimed; used batteries (or used battery cells) returned to a battery manufacturer for regeneration; used oil that exhibits one or more of the characteristics of hazardous waste; sludges and by products exhibiting a characteristic of a hazardous waste which are reclaimed. The following wastes are exempt from regulations:

22.10 Insert the following between "11.2d" and "11.4" 11.3,

Note: The following changes clarify applicability and exemptions, Section 22.9e) Pages 19 and 20 of December 20, 1985 Amendments to the LHWR. Change the first four lines to read:

22.9e) Wastes described in Sections 22.3b)1) through 22.3b)10) which are used or reused on-site or stored at the generator site prior to such use or reuse are exempt from these regulations except that on-site storage shall be in an environmentally sound manner.

Note: The following changes provide clarification and include storers and recyclers in requirements.

22.16 Recordkeeping

a) Generators, transporters, storers, and recyclers that handle recyclable materials shall maintain the required manifests, shipping papers, annual reports, and exception reports for a period of three years.

b) An annual report shall be submitted by generators, storers and recyclers of recyclable materials. The reports shall be submitted by March 1 after the end of the calendar year and shall include:

- 1) materials handled;
- 2) quantities;
- 3) physical state; and
- 4) for recyclers, the final utilization or disposition of the recyclable materials.

22.17 Personnel training—All generators, storers, and recyclers shall institute a personnel training program covering all portions of the facility that handle recyclable material.

22.18 Contingency Plan—Each generator, storer, and recycler shall prepare a contingency plan, outlining steps to be taken in the case of spills, fires, releases, and other emergency situations.

Note: The following changes clarify applicability and exemptions and correct typographical errors, Section 22.19, page 24 of December 20, 1985 Amendments to the LHWR. Change the first three lines to read:

22.19 Applicability—Except as provided in Section 22.3b) the following recyclable materials are subject to the requirements of this Subchapter and to all other applicable provisions unless otherwise stated:

Note: The following corrects a typographical error.

22.21f)1) Except as provided in S22.21f)2), hazardous waste fuels that are spent materials and by-products and that are hazardous only because they exhibit a characteristic of hazardous waste are not subject to the requirements of these regulations except for Subchapter II of Chapter 22.

Note: EPA amended federal regulations December 31, 1985, changing descriptions for solvent listings F001, F002, F003, F004, and F005. Replace the listings of wastes F001, F002, F003, F004, and F005 with the following:

Industry and EPA hazardous waste no.	Hazard Code	Hazardous Waste
F001	(T)	The following spent halogenated solvents used in degreasing: tetrachloroethylene, trichloroethylene, methylene chloride, 1,1,1-trichloroethane, carbon tetrachloride, and chlorinated fluorocarbons; all spent solvent mixtures/blends used in degreasing containing, before use, a total of ten percent or more (by volume) of one or more of the above halogenated solvents or those solvents listed in F002, F004, and F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.
F002	(T)	The following spent halogenated solvents: tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, chlorobenzene, 1,1,2-trichloro-1,2,2-trifluoroethane, ortho-dichlorobenzene, and trichlorofluoromethane; all spent solvent mixtures/blends containing before use, a total of 10 percent or more (by volume) of one or more of the above halogenated solvents or those solvents listed in F001, F004, and F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.
F003	(I)*	The following spent non-halogenated solvents: xylene, acetone, ethyl acetate, ethyl benzene, ethyl ether, methyl isobutylketone, n-butyl alcohol, cyclohexanone, and methanol; all spent solvent mixtures/blends containing, before use, only the above spent non-halogenated solvents; and all spent solvent mixture/blends containing, before use, one or more of the above non-halogenated solvents, and, a total of 10 percent or more (by volume) of one or more of those solvents listed in F001, F002, F004, and F005; and still bottoms from the recovery of those spent solvents and spent solvent mixtures.
F004	(T)	The following spent non-halogenated solvents: cresols and cresylic acid, and nitrobenzene; all spent solvent mixtures/blends containing, before use, a total of 10 percent or more (by volume) of one or more of the above non-halogenated solvents or those solvents listed in F001, F002, and F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.
F005	(I, T)	The following spent non-halogenated solvents: toluene, methyl ethyl

ketone, carbon disulfide, isobutanol, and pyridine; all spent solvent mixture/blends containing, before use, a total of ten percent or more (by volume) of one or more of the above non-halogenated solvents or those solvents listed in F001, F002, and F004; and still bottoms from the recovery of these spent solvents and spent solvents mixtures

* (I,T) should be used to specify mixtures containing ignitable and toxic constituents.

Note: In regulations published December 20, 1985, several wastes were added to the list of hazardous wastes. Wastes identified as F007 - F012 should have been indicated as replacements for existing waste listings. These wastes are printed below for convenience.

24.1a)

Industry and EPA hazardous waste no.	Hazard Code	Hazardous Waste
F007	(R,T)	Spent cyanide plating bath solutions from electroplating operations.
F008	(R,T)	Plating bath residues from the bottom of plating baths from electroplating operations where cyanides are used in the process.
F009	(R,T)	Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process.
F010	(R,T)	Quenching bath residues from oil baths from metal heat treating operations where cyanides are used in the process.
F011	(R,T)	Spent cyanide solutions from salt bath pot cleaning from metal heat treating operations.
F012	(T)	Quenching waste water treatment sludges from metal heat treating operations where cyanides are used in the process.

25.13 Add the following:

b) All annual fees provided by this Chapter shall be paid within 30 days from receipt of billing.

25.16 Replace with the following: Failure to Pay - Failure to pay the prescribed application fee or annual fee as provided herein will constitute a violation of these regulations and shall subject the person to applicable enforcement actions under the Louisiana Environmental Quality Act including, but not limited to, revocation or suspension of the applicable permit, license, registration or variance.

25.9a) Replace with the following: All annual fees provided by this Chapter shall be paid within 30 days from receipt of billing.

Persons requesting copies and/or further information concerning the rule may contact Bill Greenwich, Department of Environmental Quality, Hazardous Waste Division, Box 44307, Baton Rouge, LA 70804.

Patricia L. Norton
Secretary

RULE

Department of Environmental Quality Water Pollution Control Division

Under the authority of the Louisiana Environmental Quality Act of 1983, in particular La. R.S. 30:1065 (B), (C), and (D) and La. R.S. 1094 (B)(3) and in accordance with the provisions in R.S. 49:951 et seq., the secretary of the Department of Environmental Quality, Patricia L. Norton, adopted the Louisiana Water Pollution Control Fee System Regulations on May 9, 1986. The effective date of these regulations will be July 1, 1986.

The secretary initiated rulemaking procedures to adopt this rule on February 24, 1986. Prior to the final adoption by the secretary, this rule was forwarded to, and found acceptable by, the Joint Committees on Natural Resources.

Persons requesting copies and/or further information concerning this rule may contact Mary Fleming, Department of Environmental Quality, Water Pollution Control Division, Box 44091, Baton Rouge, LA 70804-4091.

Patricia L. Norton
Secretary

RULE

Department of Health and Human Resources Office of Management and Finance Division of Policy, Planning and Evaluation

The Department of Health and Human Resources, Office of Management and Finance, Division of Policy, Planning and Evaluation has adopted the following change to the policies and guidelines for Section 1122 capital expenditure reviews effective May 20, 1986. The change is made to the rule published in Volume 11, Number 4 of the *Louisiana Register*, April 20, 1985, and to LAC 48:1.12503. It adds another criterion to the 13 "Criteria for Section 1122 Review" which reads as follows:

14. Whether the project will foster cost containment or improved quality of care through improved efficiency and productivity or through increased competition between different health services delivery systems.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

RULE

Department of Health and Human Resources Office of Mental Retardation/Developmental Disabilities

Title 48

Part XI Mental Retardation/Developmental Disabilities Services
Chapter 5 - State Residential Facilities
Section 509. Voting Rights

Effective May 20, 1986, the Department of Health and Human Resources, Office of Mental Retardation/Developmental Disabilities, has adopted the following policy and procedure relating to voting by residents of state-operated facilities for mentally retarded/developmentally disabled persons.

OMR/DD POLICY/PROCEDURE

Subject: Voting by residents of state-operated facilities for mentally retarded/developmentally disabled persons.

Purpose: The purpose of this policy/procedure is to assist eligible residents of state-operated residential facilities for mentally retarded/developmentally disabled persons to register to vote and to vote.

Scope: This policy applies to all state-operated residential facilities for mentally retarded/developmentally disabled persons.

Policy: Every resident of a state-operated facility for mentally retarded/developmentally disabled persons, upon reaching 18 years of age, shall have the right to register and vote, except that this right may be suspended while a resident is interdicted and judicially declared mentally incompetent or is under an order of imprisonment for conviction of a felony.

Procedure:

1. All residents 18 years of age or older who have not had the right to vote suspended through interdiction and have not been convicted of a felony are eligible to vote.

2. Staff will determine whether or not a client is eligible to vote by reviewing the client's records.

3. Residents who are eligible to vote will be informed of their right to vote in accordance with medicaid regulations 45CFR442.404(d).

4. Residents who are eligible to vote and who ask to register to vote or to vote will be provided transportation to and from the registrar's office or the polls.

5. If residents are to be transported in large groups (more than three per group) the registrar's office or polling place will be notified in order to minimize problems.

6. Staff will not provide assistance to residents in registering to vote or in voting while at the registrar's office or the polls. Assistance in mobility may be provided to handicapped persons in wheelchairs.

7. Nothing in this policy is intended to inhibit facilities from teaching residents the skills necessary to vote in accordance with medicaid regulation 45CFR442.404(d). Rather, such training is encouraged. Such training shall not extend to any attempt to influence any resident's vote either for or against any candidate or proposition.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

RULE

**Department of Health and Human Resources
Office of Preventive and Public Health Services**

The Department of Health and Human Resources, Office of Preventive and Public Health Services is amending the fee schedule for genetic evaluation and counseling at regional genetics clinics as contained in the regulations for the genetic diseases program found in the *Louisiana Register*, Vol. 11, No. 6, page 639 (June 20, 1985). Effective May 20, 1986 the current fee schedule is replaced by the following:

Initial Clinic Visit for Genetic Evaluation and Counseling:

Brief	\$30
Limited	\$49
Intermediate	\$69
Extended	\$86
Comprehensive	\$102

Clinic Visit After Initial For Genetic Evaluation and Counseling:

Minimal	\$12
Brief	\$20
Limited	\$27
Intermediate	\$38
Extended	\$62
Comprehensive	\$69

Genetic Counseling Only By a Medical Geneticist,
Initial or After Initial:

Brief	\$27
Standard	\$61
Long	\$90

This addition of five new service levels and the deletion of one will bring the fee schedule into conformity with the list of service levels found on pages 5 and 46 of the *Physicians Current Procedural Terminology*, Fourth Edition, 1986, published by the American Medical Association and copyrighted 1985.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

RULE

**Department of Health and Human Resources
Office of the Secretary**

Effective upon publication, under the authority of the Uniform Controlled Dangerous Substances Act, R.S. 40:965 and 972, the secretary of the Department of Health and Human Resources hereby adds the following rule pertaining to Controlled Dangerous Substances to the existing regulations of the Department of Health and Human Resources, Division of Licensing and Certification.

§20. Added Controlled Substances

The following drug is hereby controlled under the designated schedule under authority of R.S. 40:962: (the following drug is in addition to the drugs previously controlled in Section 20 of the regulations and in the statute in Section 40:964).

Schedule I

C. Hallucinogenic Substances

(23) 3,4-Methylenedioxymethamphetamine. (MDMA).
* * * * *

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

RULE

**Department of Justice
Office of the Attorney General**

The Department of Justice, Office of the Attorney General, adopts the following rules to implement the Electronic Video Bingo Machine Law, R.S. 33:4861.17, pursuant to Act 671 of 1985.

Rule I.

Statement of Department Policy

The public health, safety, and welfare, is the primary consideration in promulgating electronic video bingo machine rules and shall continue to be the primary consideration in their application and enforcement.

Rule II.

Definitions

(1) As used throughout this Chapter, the following definitions apply:

(a) *Act* means the Charitable Bingo, Keno and Raffle Law enacted as Louisiana Revised Statutes 33:4861.1 et. seq. including all amendments thereto that may hereafter be enacted including Acts 671, 823, 373 and 989 of 1985.

(b) *Applicant* means any person who has applied for or is about to apply for registration as a manufacturer, distributor or supplier or for a permit stamp for an electronic video bingo machine.

(c) *Bingo* means the game of chance commonly known as bingo played for prizes with cards bearing numbers or other designations, five or more in one line, the holder covering numbers, as objects, similarly numbered or drawn from a receptacle and the game being won by a person who first covers a previously designated arrangement of numbers on such a card.

(d) *Electronic video bingo* means a machine designed for the specific purpose of playing the game of bingo as described

above except that an electronic random number generator may be utilized to select numbers in lieu of the drawing of numbers from a receptacle and that one or more video images containing numbers or other designations five or more in one line may be utilized instead of a card.

(e) *Permit stamp* means a decal issued by the department which authorizes a specific machine to be operated as an electronic video bingo machine.

(f) *Department* means the Louisiana Department of Justice, Office of the Attorney General, and shall include the Electronic Video Bingo Panel of the Department of Justice.

Rule III.

Application For Permit Stamp

(1) An application to permit an electronic video bingo machine must be submitted to the Electronic Video Bingo Panel of the department upon forms prescribed by the department. The application is not complete unless it is dated and signed by the applicant, and contains all information and statements required by the department.

(2) A separate application must be completed for each machine.

(3) A fee in the amount of \$125 to cover the cost of the permit stamp and the processing of the application must accompany each application.

(4) A machine permitted under these rules must comply with all the required specifications in these rules and to the requirements of the Act.

(5) All permits issued under these rules will expire at midnight on September 5, each year.

Rule IV.

Eligibility for Permits

Permit stamps for electronic video bingo shall only be issued to:

(1) a charitable organization licensed by a parish or municipality to conduct gaming by means of electronic video bingo; or

(2) a manufacturer, supplier or distributor of electronic video bingo machines who is registered under Section XXVII of these rules and who leases or rents such machines only to charitable organizations licensed by a parish or municipality to conduct gaming by means of electronic video bingo.

Rule V.

Issuance of Permit Stamp

(1) Upon approval of an application and payment of the application fee, the department will issue a permit stamp.

(2) The applicant must affix the permit stamp to the machine cabinet as instructed by the department so that the stamp is visible and easily read. The machine may not abut another machine, wall, or other obstruction which would obscure a person's ability to see and read the permit stamp.

(3) The permit stamp must be affixed to a machine before the machine is placed in service.

(4) A permit stamp may only be affixed to the machine for which it was applied and is not transferable to any other machine.

Rule VI.

Permit Stamp Not Transferable

(1) A permit stamp for an electronic video bingo machine is only valid for the applicant and the premises identified on the permit application.

(2) A permit stamp is further restricted to the particular machine approved by the department and identified on the permit application.

(3) A permit stamp issued pursuant to the Act and these rules is a privilege and not personal property.

(4) A machine may not be moved from the establishment

named in the permit application and placed in service at another establishment unless application is made for an electronic video bingo machine permit at the new location, the machine is inspected, the fee is paid and a new permit stamp is issued. A new permit stamp is required even if a machine has a current unexpired permit stamp for the former location.

Rule VII.

Expiration - Renewal of Permit

(1) All permits expire at midnight September 5.

(2) An application for a new permit must be submitted to the Electronic Video Bingo Panel of the department on forms prescribed by the department, the fee paid, new permit issued, and a new permit affixed to the machine before a previously permitted machine may be operated after midnight of September 5.

(3) The department will consider the same criteria for renewal of permits as for the original issuance of permits. Failure to satisfy permit criteria contained in the Act and these rules may result in denial of renewal of a permit.

Rule VIII.

Applicant Suitability and Business Relationships

(1) The department may deny an application or revoke, suspend, restrict, or limit a permit or approval of a machine when it finds that the applicant or a business relationship between an applicant and another person or business entity is unsuitable or endangers the health, safety, or welfare of the citizens of this state. In determining the suitability of an applicant or other persons or business entities in a business relationship, the department may consider the person or business entity's:

(a) general character, including honesty and integrity;

(b) financial security and stability, competency, and business experience in the capacity of the relationship;

(c) record, if any, of violations which may affect the legal and proper operation of a machine including a violation affecting another permittee or applicant and any violation of the laws of this state, other states, and countries without limitations as to the nature of the violation;

(d) refusal to provide access to records, information, equipment, or premises to the department or peace officers when such access is reasonably necessary to ensure or protect public health, safety or welfare.

Rule IX.

Applicant Qualifications - Denial of Application - Nonrenewal of Permit or Registration Hearing - Judicial Review

(1) When the department denies an application for permit or registration or renewal of a permit or registration, the applicant may request a hearing. Upon the department's receipt of written request, a hearing shall be conducted in accordance with the provisions of the Louisiana Administrative Procedure Act.

(2) Administrative procedures conducted by the department are subject to judicial review according to the provisions of the Louisiana Administrative Procedure Act.

Rule X.

Quarterly Reporting Requirements

(1) For each machine the permittee must file with the department a quarterly electronic video bingo machine report signed by the permittee. The forms prescribed and supplied by the department require readings from the mechanical meters. The report will be used by the department to verify the winning percentage of the machine. The following requirements apply:

(a) the report must be delivered to the department, Electronic Video Bingo Panel, at the Office of the Attorney General, Box 94005, State Capitol Building, Baton Rouge, LA 70804-9005, or shall be post-marked no later than midnight of the fifteenth of each month following the quarters ending March 31, June 30, September 30, and December 30 in each calendar year;

(b) the meter reading must be taken and recorded for the report within seven days of the close of the permittee's last day of business in the reporting quarter; and

(c) the report is due on each machine after it has been permitted regardless of whether the machine was in use during a subsequent quarter of the permit year.

(2) If a permittee leases, rents, or shares machine ownership, or a machine's revenues with another person or business entity, the permittee must provide upon the same form prescribed by the department, in Subsection (1) above, quarterly information for each machine as follows:

(a) full identification including name, address and social security number (or federal identification number) of all persons or business entities involved in the above-mentioned business relationship;

(b) percentage of participation in machine income by each person or business entity involved in the above-mentioned business relationship;

(c) specific machine income (total collections less amounts paid to players without adjustment for expense) paid to or received by each person or business entity involved in the above-mentioned business relationship.

Rule XI.

Record Retention Requirements

Record requirements are as follows:

(1) Machine operation records must be maintained and made available for inspection by the department upon request. The records must provide all necessary information the department may require to insure operation of machines in compliance with the law.

(2) The records must include, but are not limited to, the accounting ticket and corresponding permittee records containing the performance synopsis of the machine.

(3) The permittee records required by this rule must be maintained in the State of Louisiana by the permittee for a minimum of three years.

Rule XII.

General Specifications of Electronic Video Bingo Machines

Detailed specifications for electronic video bingo machines are required by the department. Such specifications are required to ensure the legal operation and integrity of each machine and provide the department with methods to monitor machines.

(1) All hardware and software modifications made to a permitted electronic video bingo machine must be submitted to the department for approval prior to installation.

(2) The department may revoke, suspend, restrict, or limit a permit or registration at any time when it finds that any machine or machine component does not comply with statutes and rules governing electronic video bingo machines. The department may also revoke, suspend, restrict, or limit permits or registration of other similar model machines or machine components in use in the state.

Rule XIII.

Hardware Specifications

An electronic video bingo machine must include the following hardware specifications:

(1) All electrical and mechanical parts and design principles shall follow acceptable codes and standards in both design and manufacture.

(2) An electronic video bingo machine shall be designed to ensure that the player will not be subjected to any physical, electrical, or mechanical hazards.

(3) A machine shall be equipped with a surge protector that will feed all a.c. electrical current to the machine and a battery backup power supply to maintain the accuracy of all electronic meters displaying information required by the Act and these rules

during power fluctuations and loss. The battery must be in a state of charge during normal operation of the machine.

(4) The design of a machine shall ensure there are no readily accessible game function-related points which would allow any input and that there is no access to input or output circuits unless it is necessary for the proper operation of the machine.

(5) The non-resettable mechanical meters required must meet the following specifications:

(a) either the meters must be located so they can be viewed and read externally from the front of the machine or the keys to the cash area must be immediately available at the permitted premises:

(b) the meters shall be situated in a left to right or top to bottom configuration according to function and visibly labeled as follows:

(i) coins in;

(ii) credits played;

(iii) credits won;

(iv) credits paid; and

(c) the mechanical meters shall be manufactured in such a way as to prevent access to the internal parts of the meter.

(6) The department may require and provide a validating identification sticker to be attached to the mechanical meters to verify the meters are assigned to a specific permitted machine.

(7) A machine must have a separate and locked area for the logic board and software. The department must be allowed immediate access to this locked area upon request.

(8) The ticket printing mechanism must be located in the locked logic area to ensure the safekeeping of the audit copy. The printing mechanism must produce a printed original and duplicate that will remain legible throughout the retention period required by these rules.

(9) The logic and printer interface boards shall be mounted within the logic area so they are not visible upon operating the logic area door.

(10) A machine must have a non-removable identification device externally attached to the machine which shall include the following information about the machine:

(a) manufacturer;

(b) serial number;

(c) model or make; and

(d) any other information required by the department.

(11) The logic board must have a unique serial number that may be used to identify the board for approval and inspection purposes. The serial number shall be in ten symbol configuration. The first four symbols shall identify the manufacturer and the last six symbols shall identify the board.

(12) The electronic meters shall be able to maintain totals no less than eight digits in length.

(13) Printing of all totals from the electronic meters shall occur automatically, by means of a switch attached to either the door or the lock for the door, each time access to either the logic compartment or the cash area occurs.

(14) Any necessary resetting of electronic meters shall be done in a manner that is easily verifiable by the department.

(15) The face of each machine shall be clearly labeled so as to inform the public that no one under age 18 years is allowed to play.

(16) The printer mechanism shall have a paper sensing device that will prevent play if there is insufficient paper to print a ticket for a customer or an audit ticket. Upon setting a "paper low" or "paper out" condition the machine must display a message to that effect on the monitor.

(17) The machine printer shall print a ticket voucher to the player at the completion of game play if there are any remaining

credits on the game. The information printed on the ticket shall consist of the following:

- (a) the serial number of the machine;
- (b) the value of the prize in numerical form;
- (c) the time of day that the ticket voucher was printed in hours and minutes in a 24 hour format;
- (d) the date that the ticket was printed;
- (e) the sequential number of the ticket voucher;
- (f) an inscriptive validation number from which the validity of the ticket can be derived.

(18) An exact copy of each printed ticket voucher and accounting ticket shall be printed and retained within the machine. The audit copy is to contain all of the information described above for the ticket voucher.

(19) Each machine shall issue an accounting ticket that will contain a performance synopsis of the terminal. The information printed on the ticket shall consist of the following:

- (a) the serial number of the machine;
- (b) the time of day that the ticket was printed in hours and minutes in a 24 hour format; and
- (c) the date on which the ticket was printed; and
- (d) all of the electronic meter readings as described in this rule at Section (5).

Rule XIV.

Software Specifications

A machine is required to possess software specifications that enable it to play the game of electronic video bingo with operation set forth by the Act. The software logic must have the following characteristics:

- (1) The logic of the program must not interfere in any way with expected random play.
- (2) The random number selection process shall conform to an acceptable random order of occurrence and uniformity of distribution.

Rule XV.

Software Information To Be Provided To The Department

A permittee may be required to provide information to the department necessary to ensure the machine's software and logic are in compliance with the Act and these rules. The information may be provided directly by the permittee, the distributor or the manufacturer of the machine. The information shall include, but not be limited to:

- (1) all technical manuals, instructions, wiring and logic diagrams for the machine;
- (2) all microprocessor manuals;
- (3) all source listings, including programmer's comments, and flow charts for the electronic video bingo programs, character sets, including those that may reside on the printer interface board;
- (4) a hexadecimal dump of all compiled programs;
- (5) model PROM's containing compiled electronic video bingo character sets, including those that may reside on the printer interface board;
- (6) access to a compiler for the programming language used if the department is unable to compile the program with the equipment it has available;
- (7) the algorithm for the random number generator along with a written description;
- (8) a photo or drawing of the display which shows all set-ups, test modes with detailed written descriptions and instructions;
- (9) a listing of the payback values and the probabilities of the outcome of cards for the program logic used;
- (10) the schedule of proposed payout odds and overall payback percentage;
- (11) tabulated results of five separate simulations of not less than 200,000 games using the bingo program;

(12) instructions on the means, including assumptions made, by which the simulations in Subsection (11) were created so the department can verify the simulation results; and

(13) a description of the methods of all testing criteria if performed and the results of the tests for the following:

- (a) random number generator;
- (b) electromechanical interference;
- (c) radio frequency interference;
- (d) FCC standards;
- (e) A.C. line noise;
- (f) static electricity; and
- (g) extreme temperature conditions.

Rule XVI.

Restrictions On Optional Game Format Or Features

(1) A machine shall only offer the game of electronic video bingo as provided by the Act and these rules and shall not offer any other game or variant which will award free games or credits which deviates from the award of games or credits for games of bingo.

(2) The department shall determine what optional features may be allowed and such features must be approved by the department prior to inclusion in a machine's game format.

Rule XVII.

Prohibited Machines

(1) Any machine including amusement machines which, in substance, simulates the game of bingo without conforming to the requirements of the Act and is placed in service for play by the public is prohibited. The machine is subject to immediate seizure and destruction in accordance with the provisions of LRS 15:31.

(2) Any person who owns or operates or possesses a machine described in Subsection (1) is in violation of the Act, and these rules.

Rule XVIII.

Possession of Electronic Video Bingo Machines By A Manufacturer, Supplier, Distributor, Owner, Or Repair Service

A manufacturer, supplier, distributor, owner, or repair service may possess or own electronic video bingo machines, logic boards, meters, and machine components which conform to the statutory requirements and rules relating to electronic video machines. Such machines possessed or owned may not be operated except when inspected, permitted, and placed on a permittee's premises.

Rule XIX.

Conditional Approval of Electronic Video Bingo Machines By Department

(1) The department may conditionally approve and maintain a list of specific models of machines based on its finding that the machines conform to the Act and these rules.

(a) Final approval of each machine is required even if a machine has been conditionally approved.

(b) Conditional or final approval may be withdrawn by the department subsequent to finding that a machine does not conform to specifications, including new or revised requirements of the Act and these rules.

(3) The department may accept shipment of a machine for the purpose of providing conditional approval of that particular make or model provided the following conditions are met:

(a) the department will not be responsible for any purchase, shipping, or handling charges;

(b) all the information required in Rule XVIII must accompany the machine; and

(c) prior to shipment, the department has approved such shipment of a machine for scheduled testing and approval.

(4) The department may accept the results of tests and examinations of independent testing laboratories in lieu of its own

examination if the selection of the laboratory is agreed upon in advance by the department and the applicant, all costs associated with testing are borne by the applicant and test results are sufficiently detailed for the department to determine whether a machine meets all requirements of the Act and these rules.

(5) New rules may be adopted which redefine or set forth new specifications that previously approved machines do not comply with. In such cases, and only in such cases, the department shall allow up to 90 days for a permittee to bring a machine into compliance with a new or modified specification.

Rule XX.

Dissemination of Information

(1) Certain information collected by the department is known to contain confidential information. The information in Subsection (2) is confidential and may not be revealed by the department except under order of a court of competent jurisdiction.

(2) Information designated as confidential includes, but is not limited to, the following:

(a) technical, manuals, instructions, wiring, or logic diagrams for the machine;

(b) listings of source codes and flow charts;

(c) results of simulations and related information explaining simulation methodology;

(d) model PROMS or logic boards containing compiled programs.

(3) Information relating to the results of actual operations as shown on a machine's meter is not confidential and may be used to compile studies or reports.

(4) Persons with access to confidential information as described in Subsection (2) may not use or reveal anything of a confidential nature outside the scope of its intended purpose.

(5) The department shall secure confidential information and restrict all persons from access, except designated employees whose duties include testing and interpretation of the information. Such information is not public record and may not be released to any member of the public.

Rule XXI.

Repairing Machines—Approval

(1) When the department approves the software and logic board of a machine, it may use a prescribed security seal process to guard against any unauthorized tampering or changes to the method by which the game of bingo is played on the machine.

(2) Any repair made to a machine's logic board which requires the breaking of a departmental seal must be reported to the department before the seal is removed or broken. At that time, readings of the machine's electronic meters and mechanical meters must be approved by the department and initial electronic and mechanical meter readings provided to the department before the machine is again placed in operation on the permittee's premises.

(3) Any repair or replacement made to a machine's meters must be reported to the department before a seal is removed or broken and the readings of the machine's electronic and mechanical meters must be provided to the department. After repair, the initial readings of the electronic and mechanical meters must be provided before the machine is again placed in operation. The department must subsequently be given access to the machine to reseal the meters and verify their proper operation.

(4) To assure the integrity, security, and monitoring of machines in service, a permitted machine may not be substituted or replaced until the replacement machine has been permitted by the department.

Rule XXII.

Inspection and Seizure of Machines

(1) The department or its duly authorized representative has the right at all times to make an examination of any machine

being used to play electronic video bingo. Such right of inspection includes immediate access to all machines and unlimited inspection of all machine parts. The department or its authorized representative may immediately seize and remove any machine or device which violates the Act, these rules or the statutes of Louisiana.

(2) Given reasonable cause, the department may remove a machine or parts from a machine for laboratory testing and analysis. When parts are removed, the department may seal any machine left on the permittee's premises pending the department's investigation. The breaking or removal of the department's seal will subject the permittee to seizure of the entire machine and suspension or revocation of the permittee.

Rule XXIII.

Investigation of Permittee

The department may, upon its own motion, and shall upon receipt of a written verified complaint of any person, investigate the actions of any permittee and the operations of any machine. The investigation shall be undertaken for the purpose of gathering evidence and determining whether a violation of the Act, rules or other statutes of the State of Louisiana has occurred.

Rule XXIV.

Civil Violations

(1) When the department determines a permittee has violated the Act or these rules, the department shall issue a civil violation to the permittee.

(2) A violation may be issued for, but is not limited to, the following acts:

(a) the operation of an unpermitted machine;

(b) the use of more than 25 electronic video bingo machines on a premises;

(c) allowing a person under the age of 18 years to play a machine;

(d) the falsification of application or reporting documents;

(e) the refusal to allow the inspection of a machine;

(f) the failure to comply with documentary reporting requirements;

(g) the destruction of printed ticket voucher and accounting ticket copies required in Rule XIV.

Rule XXV

Department

(1) The department may suspend any or all permits held by an alleged violator after opportunity for hearing when:

(a) the department receives:

(i) a certified copy (or other credible evidence) of any judgment or conviction of any permittee or his agent, servant, or employee for any violation of any criminal law or ordinance of the United States, the State of Louisiana or any Louisiana parish, city or town relating to charitable gaming; or

(ii) a certified copy of the record (or other credible evidence) of the forfeiture by any permittee or his agent or employee of bond to appear to answer charges of violating any law or ordinance relating to charitable gaming; or

(b) the department, after investigation, has reasonable cause to believe that any permittee, his agent or employee has violated the provisions of the Act or these rules and has been issued a violation or citation.

(2) The department may suspend a permit or permits prior to the opportunity for hearing when the department, after investigation, has reasonable cause to believe continued operation of the permitted machine endangers public health, safety, and welfare. During the period of suspension, the permittee shall not operate such machine.

(3) A permit may be revoked, subsequent to opportunity for a hearing, as penalty for violation of the Act or these rules. In addition to the penalties provided in this Section, a machine may

be seized and treated in accordance with LRS 15:31 when reasonable cause exists to believe the machine is being operated in violation of the Act or these rules.

Rule XXVI.

Administrative Proceedings and Judicial Review

- (1) The department shall conduct a hearing;
 - (a) following the emergency suspension of a permit, and
 - (b) prior to the revocation of a permit.
- (2) All hearings must be held in accordance with the Louisiana Administrative Procedure Act.
- (3) Administrative procedures conducted by the department are subjected to judicial review in accordance with the provisions of the Louisiana Administrative Procedure Act.

Rule XXVII.

Registration of Manufacturers, Suppliers, Or Distributors of Electronic Video Bingo Machines

- (1) Any person or business entity desiring to sell or distribute electronic video bingo machines in this state must:
 - (a) be issued and maintain all required federal, state, parish, and municipal licenses;
 - (b) apply to the department on forms prescribed by the department for registration;
 - (c) furnish to the department monthly reports identifying the quantities and models of machines and manufacturer, supplier, or distributorships into Louisiana, and such other information the department may determine necessary to regulate and control electronic video bingo machines in accordance with the Act and these rules; and
 - (d) meet the suitability and business relationship criteria of Rule XI.

(2) No person shall be registered who holds a permit to sell liquor of either high or low alcoholic content or who is directly involved with the operating or the assisting in the operation of any game of chance permitted under the Act or who is involved directly or indirectly in leasing or renting any premises or equipment for such game or in the providing of any other incidental goods or services in connection with such game or games.

(3) No person shall ship electronic video bingo machines into this state until his application for registration is granted by the department.

(4) Registration may be suspended or revoked by the department upon the department's determination, after notice and opportunity for hearing, that the registrant has not complied with the conditions of registration.

(5) These permanent rules will remain effective until repealed or amended.

(6) The authority for the department to adopt these rules is found in Act 671 of the 1985 Louisiana Legislature and in the Louisiana Administrative Procedure Act (R.S. 49:950 et seq.)

William J. Guste, Jr.
Attorney General

RULE

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

As Fire Marshal for the State of Louisiana, I amended the boiler rules to provide for and maintain safe operating conditions for boilers installed and operated in the State of Louisiana (City of New Orleans excepted). These rules and regulations are excerpts from the American Society of Mechanical Engineers (ASME) new construction codes, and The National Board of Boiler and Pres-

sure Vessel Inspectors Inspection Code (NBIC). These rules and regulations will provide sufficient guidance to the owners, users and persons making repairs to boilers, without the need for them to maintain the expense code books. The changes to these rules and regulations include: the change in responsibility from the commissioner of labor, to the assistant secretary for the Office of the State Fire Marshal; the deletion of the section on miniature boilers, which are new construction code requirements covered by Section I of the ASME Code and can only be accomplished by ASME Certificate holders; the Appendix on Instructions for Riveted Patches, Record of Welded Repair, Procedure Specification and Record of Qualification Test of Welding Procedures and Operators will be referenced to the NBIC, of which each inspector responsible for in-service inspections of the boiler is required to maintain; the fees for in-service inspection and certification placed into the act; and numerous definitions added to clarify their use.

Carrol L. Herring
State Fire Marshal

RULE

Department of Public Safety and Corrections Office of State Police

The Louisiana Department of Public Safety and Corrections announces the adoption of rules pursuant to Act 435 of the 1985 Louisiana Legislature, "Hazardous Materials Information Development, Preparedness, and Response Act."

These rules establish the format and procedure mandated by Act 435 for the "Hazardous Materials Survey Form," and provisions for emergency notification during unpermitted, dangerous emissions. Appendices as referred to in these rules contain the following information and may be obtained from the Department of Public Safety.

Appendix A—U. S. EPA Chemical Emergency Preparedness Program List "405."

Appendix B—CFR 172.101, "Hazardous Material Table."

Appendix C—Louisiana Department of Environmental Quality's "Reportable Quantities for Notification of Unauthorized Discharges."

Appendix D—U.S. Coast Guard Chemical Hazard Response Information System (CHRIS).

Interested persons may review these regulations at the following address: Louisiana State Police Hazardous Materials Unit, 265 South Foster Drive, Baton Rouge, LA. Anyone interested in receiving a copy of the rules, including a list of regulated material, should write to: "Right to Know", Box 66614, Baton Rouge, LA 70896; ATTN: Lt. P. A. Touchard.

Affected persons will have until August 31, 1986 to return the completed survey form to the Louisiana State Police.

Hazardous Material Information Development, Preparedness, and Response Rules

These rules will serve as the initial implementation phase of the Hazardous Material Information Development, Preparedness, and Response Act. It is important to note that information generated during this initial phase will enable the Department of Public Safety to comprehensively address all components of this Act in carefully coordinated stages. These rules are hereby issued pursuant to the authority granted by Act 435 of the 1985 Legislative Regular Session.

1. PURPOSE

The purpose of this Section is to insure that the hazards of

all chemicals produced, imported, consumed, applied, transported, stored, or emitted in Louisiana are communicated to appropriate emergency response organizations, local information repositories, and to the general public upon request. This communication system shall be intended to provide information to medical personnel for emergency medical diagnosis, to develop a data base which will facilitate research into possible chronic health risks which may appear as the result of the presence of hazardous materials, and to allow the State Police to coordinate hazardous material emergency response. Nothing contained herein shall be so construed as to conflict with the U.S. Department of Labor's Hazard Communication Standard 29 CFR 1910.1200.

2. SCOPE

A. This Part applies to all persons, corporate or real, in Louisiana, not otherwise excluded in this Part, who produce, transport, consume, dispose, store, distribute, apply, or emit any hazardous materials listed by this Part.

B. This Part does not apply to -

- i. hazardous materials under the direct control of the military forces of the United States;
- ii. consumer products when packaged for distribution to, and intended for use by, the general public;
- iii. products used by a facility when used from a container for, and in a manner consistent with, the intended use of the consuming public;
- iv. substances reported to the Department of Agriculture under the Louisiana Pesticide Law, or the Louisiana Structural Pest Control Law, provided that pertinent data has been transmitted to the Department as provided for in R.S. 30:1150.67;
- v. hazardous materials required to be reported under 40:1299.100 or R.S. 30:1101-1120 et seq., nuclear materials;
- vi. small businesses operating in the state of Louisiana. The term "small business" shall mean a single business establishment employing a maximum of nine employees and showing a maximum of two million dollars in average annual gross receipts;
- vii. cosmetology and barber salons as defined by R.S. 47:301(4)(b) and (11);
- viii. household non-commercial use of hazardous materials, provided the use, storage, or application is from a package purchased from a retail outlet and is specifically designed and intended for use by a person who requires no special information other than what information is supplied on the manufacturer's label;
- ix. forensic laboratories mandated by applicable state law to conduct analyses for law enforcement or regulatory functions. This exemption does not apply to commercial laboratories contracted by government agencies;
- x. persons regulated under 29 CFR 1910.1200 only when compliance with Part V clearly conflicts with federal regulations.

3. DEFINITIONS

Chemical means any element, chemical compound, or mixture of elements and/or compounds.

Chemical name means the scientific designation of a chemical in accordance with the nomenclature system developed by the International Union of Pure and Applied Chemistry (IUPAC) or the Chemical Abstracts Service (CAS) rules of nomenclature, or a name which will clearly identify the chemical for the purpose of conducting a hazard evaluation, such as the name located in Appendices A, B, or C of this Section.

Code means three letter designation corresponding with identity listed in Appendix D.

Container means any bag, barrel, bottle, box, can, cylinder, drum, storage tank, or the like that contains a hazardous chemical. For purposes of this Section, pipes or piping systems are not considered to be containers.

Distributor means a business, other than a chemical manufacturer or importer, which supplies hazardous chemicals to other distributors or to manufacturing purchasers.

Emission means a discharge into the atmosphere, land, or water, of any material regulated by the Part, whether permitted or not, where such discharge may reasonably be considered dangerous if it escapes beyond the confines of the facility.

Explosive means a chemical that causes a sudden, almost instantaneous release of pressure, gas, and heat when subjected to sudden shock, pressure, or high temperature, and meets the definition of Part 173.50 of the Louisiana Hazardous Materials Transportation Regulations.

Facility means the physical premises used by the owner or operator at which the hazardous materials are manufactured, used, or stored.

Hazardous material means any substance listed in Appendices A, B, or C of this Part. "Hazardous material" also means any substance designated by the deputy secretary by rule on recommendation of the board which meets criteria established for adding other material to the list.

Identity means any chemical or common name which is indicated on the material safety data sheet (MSDS) for the chemical. The identity used shall permit cross-references to be made among the required list of hazardous chemicals, the label, and the MSDS.

Label means any written, printed, or graphic material displayed on or affixed to containers of hazardous chemicals.

Material Safety Data Sheet (MSDS) means written or printed material concerning a hazardous material. An MSDS prepared in accordance with the OSHA Hazard Communication Standard 1910.1200, paragraph g, or identical to the U.S. Coast Guard Chemical Hazard Response Information System (CHRIS), shall be deemed to be in compliance with this Part. In any case, an MSDS must be prepared in a manner that provides basic chemical identity, health, safety, and emergency response information, consistent with the purpose of this Part.

Person means a natural person, whether or not employed at a given facility, a member of the general public, or a firm, association, partnership, co-partnership, joint venture, corporation, or other legal entity.

Produce means to manufacture, process, formulate, or repackage.

Trade secret means any confidential formula, pattern, process, device, information, or compilation of information (including chemical name or other unique chemical identifier) that is used in an employer's business, and gives the employer an opportunity to obtain an advantage over competitors who do not know or use it.

Use means to package, handle, react, or transfer.

4. SURVEY FORM

All persons subject to this Part shall complete and submit the following form within ninety days after the effective date of these regulations, and no later than March 31 of each subsequent year.

A. HAZARDOUS MATERIALS SURVEY FORM

- 1) Facility Name: _____
- 2) Location: _____
- 3) Mailing Address (if different from location): _____
- 4) Business Phone: _____ 5) Emergency Phone: _____
- 6) Facility Type (check as many as appropriate):
 - a. Alternate means of compliance

- | | |
|---|---|
| <input type="checkbox"/> building industry jobsite | <input type="checkbox"/> oil & gas production facility |
| <input type="checkbox"/> wharf or dock (maritime) | <input type="checkbox"/> natural gas, crude oil, hydrocarbon |
| <input type="checkbox"/> electric substation | <input type="checkbox"/> product pipeline |
| <input type="checkbox"/> liquefied petroleum gas (only when tanks are clearly marked as such) | <input type="checkbox"/> hydrocarbon storage facilities (other than refinery) |
| <input type="checkbox"/> hazardous waste commercial disposal | <input type="checkbox"/> railcar storage area (if placarded appropriately) |
| <input type="checkbox"/> gasoline retail sales | <input type="checkbox"/> explosive storage magazine |
| <input type="checkbox"/> tank truck storage area (if placarded appropriately) | <input type="checkbox"/> other |

b. Full survey form

- | | |
|---|--|
| <input type="checkbox"/> manufacturing | <input type="checkbox"/> hardware or building supply warehouse |
| <input type="checkbox"/> storage | <input type="checkbox"/> refining |
| <input type="checkbox"/> mixing | <input type="checkbox"/> oil recycler |
| <input type="checkbox"/> coatings applicator | <input type="checkbox"/> solvent recycler |
| <input type="checkbox"/> fiberglass repair | <input type="checkbox"/> laboratory |
| <input type="checkbox"/> tank or equipment cleaning | <input type="checkbox"/> hospital |
| <input type="checkbox"/> sewerage treatment | <input type="checkbox"/> medical facility |
| <input type="checkbox"/> waste water treatment | <input type="checkbox"/> dry cleaner or laundry |
| <input type="checkbox"/> drinking water treatment | <input type="checkbox"/> other |
| <input type="checkbox"/> coatings warehouse | |
| <input type="checkbox"/> food store warehouse | |

B. HAZARDOUS MATERIALS INVENTORY

HAZARDOUS MATERIAL IDENTITY AND CODE	INVENTORY RANGE	AGENCY REPORTED TO (If applicable)	SHIPPING PAPER LOCATION (If applicable)

C. CERTIFICATION

This survey form must be certified as true and correct by a responsible person as follows:

"I hereby certify the information contained herein is true and correct to the fullest extent of my knowledge".

SIGNATURE

DATE

Name: _____

Position: _____

Phone Number: _____

DO NOT WRITE BELOW THIS LINE

Approved by: _____

Date: _____

Disapproved by: _____

Reasons:

5. NOTIFICATION

A. Any emission of any hazardous material, when such hazardous material is reported under this Part, which escapes the boundary of any facility, where such emission may reasonably be considered dangerous, must be reported to the State Police Hazardous Materials Unit via telephone within 30 minutes of the discovery of that release. Actual notification may be accomplished through local emergency response officials; however, it remains the responsibility of the facility experiencing the release to insure notification is accomplished.

B. Any person required to report under Sections 8.1, 8.1.1, 8.1.2, 8.1.3 of Part II of the Department of Environmental Quality's (DEQ) "Notification Regulations and Procedures for Unauthorized Discharges" shall also be required to notify the State Police Hazardous Materials Unit within 30 minutes of discovery of the reportable incident. It shall be the responsibility of the State Police to notify the Department of Environmental Quality as required by the aforementioned Sections.

C. This emergency reporting does not relieve any person or facility of written or follow-up reporting as may be required under applicable law; e.g., "Prompt Notification," "Written Report after Prompt Notification," or "Written Report Following Emergency/Notification," as contained in "Notification Regulation Procedures for Unauthorized Discharges" of DEQ.

D. Transportation incidents shall be reported according to R.S. 32:1510.

E. All emergency notification, including transportation, shall be to (504) 925-6595.

6. REPORTING

A. Alternate means of compliance

i. Facilities indicating only Block 6a (of the Hazardous Materials Survey Form) who currently report chemical identities and quantities as may be required by applicable law, to any other state agency, shall list the agency to whom said chemical is reported, and the names of the hazardous materials reported on the survey form.

ii. Facilities indicating only Block 6a who do not currently report to any other state agency, and are not solely engaged in transportation, shall list on the survey form all materials listed in Appendix A if the maximum quantity which may be encountered at any given time exceeds 10 lbs. "Explosives," as defined by Part 173.50 of the Hazardous Materials Regulations, must be reported regardless of quantity. Mixtures containing materials listed in Appendix A need not be reported if the aggregate weight of Appendix A materials in said mixture does not exceed 10 percent provided said mixture was formulated prior to its arrival at the reporting facility. Each material found in Appendix B and Appendix C shall be reported if the maximum quantity exceeds 60 gallons or 600 lbs.

iii. Fees -

a) Facilities checking only Block 6a shall submit a \$15 fee upon filing the survey form, for each form submitted.

b) Facilities in compliance with the Liquefied Petroleum Gas Commission Regulations shall have their fees paid by the Liquefied Petroleum Gas Commission.

c) Said fee shall not exceed \$90 per parish, or \$270 for multi-parish facilities.

d) Agencies of the state or of the state's political subdivisions must file the survey form, but are exempt from the fees.

iv. Facilities indicating Block 6a engaged solely in the transportation of hazardous materials, or facilities whose storage of hazardous materials is purely incidental to the transportation of hazardous materials, shall -

a) report to the fullest extent possible, hazard classes and

total quantities which may be experienced at any given time within the confines of their yard.

b) maintain a copy of the shipping papers as defined by Part 172.200 of the Louisiana Hazardous Material/Hazardous Waste Regulations, in a central, accessible location, and include this location on the survey form. Shipping papers will not be required to be maintained for any wheeled vehicle which has been emptied to the fullest possible extent and is awaiting cleaning or refill, provided said vehicle is properly placarded according to the last hazardous material contained.

c) maintain all markings, labeling, or other communication devices required by law on all transportation containers, until such time as said container is cleaned, purged, refilled, or discarded, in accordance with applicable state law.

v. Facilities indicating "hazardous waste commercial disposal" shall report previous year's total waste received. Identification of wastes received shall be indicated using the alpha numeric designation as listed in Appendix C.

B. Full Survey Form

i. Facilities indicating Block 6b, refer to Appendices A, B, C, D.

ii. Any material found listed in Appendix A shall be reported in quantities which exceed 10 lbs.; however, mixtures containing materials listed in Appendix A need not be reported if the aggregate weight of Appendix A materials in said mixture do not exceed 10 percent, provided said mixture was formulated prior to its arrival at the reporting facility. Hazardous materials meeting the definition of "explosives", as contained in Part 173.50 of the Hazardous Materials Transportation Regulations, shall be reported regardless of quantity.

iii. Any material listed in Appendices B or C shall be reported when the total quantity at one facility exceeds 60 gallons or 600 lbs. per material, unless previously provided for.

iv. Any material listed in Appendices A, B, or C, which is also listed in Appendix D, shall also be reported using the three-letter code supplied in Appendix D.

v. Hazardous materials required to be reported, but not listed in Appendices A or D, shall be reported by attaching an appropriate material safety data sheet (MSDS) to the survey form.

vi. The facility submitting the MSDS shall be responsible for supplying the most recent MSDS made available by the person supplying the facility.

vii. Facilities checking Block 6b shall submit a fee of \$50 per survey form reported. In no case shall the fee exceed \$300 for any one person reporting multiple facilities in one parish; and in no case shall this fee exceed \$1,000.

C. Inventory Range

Materials listed in Appendices A, B, C, or D shall be listed according to the following range:

Range	Maximum Quantity for any given time
1	10 - 100 lbs.
2	101 - 1,000 lbs.
3	1,001 - 10,000 lbs.
4	10,001 - 100,000 lbs.
5	100,001 - 1,000,000 lbs.
6	Greater than 1,000,000 lbs.

7. TRADE SECRETS

A. If an owner or operator believes that disclosing information as required by this Part will reveal a trade secret, he may file a trade secret claim with the Department of Public Safety and Corrections (hereinafter referred to as the department) at the time of submission of the survey form(s). He shall first disclose the identity of the material which is the subject of the trade secret claim to the department. In filing such a claim, the owner or operator shall include for each claim -

i. a statement in writing that reporting the information requested would reveal a trade secret, stating that concealment is justified, and the reasons for such concealment.

ii. all appropriate information regarding procedures, including emergency treatment procedures for responding to leaks, spills, and any other exposure to hazardous materials. This information shall also be supplied to designated local governing authorities.

iii. a written statement identifying whether or not the material(s) sought to be protected as part of a trade secret claim appear on the most recent list of the National Toxicology Program Report on Carcinogens or most recent monograph of the International Agency for Research on Cancer.

B. Based on the claim submitted pursuant to Subsection (A) of this Section, the deputy secretary (of the department) shall make an initial determination of the validity of the trade secret claim. If he initially determines that such claim is not valid, he shall set a hearing date to receive information regarding the trade secret claim. The hearing shall be set not more than 60 days from the department's receipt of the owner or operator's claim, and shall be conducted with due regard for confidentiality. The owner or operator shall have the burden of showing the deputy secretary that the trade secret claim is valid. In determining such validity, the deputy secretary shall consider materials provided by the owner or operator regarding -

i. the extent to which the information, for which the trade secret claim is made, is known outside his business;

ii. the extent of measures he has taken to guard the secrecy of the information;

iii. the value of the information to him or his competitor;

iv. the amount of effort or money he has expended in developing the information;

v. the ease or difficulty with which the secret could become known by analytical techniques, laboratory procedures, reverse engineering, or other means.

C. If the deputy secretary determines that the trade secret claim is not valid, he shall notify the owner or operator in writing by certified mail. The owner or operator shall have 15 working days, not to exceed 20 consecutive days, to file an appeal with a court of appropriate jurisdiction. The owner or operator shall notify the department of its filing within five days, in writing, that an appeal has been filed. If no appeal is filed, the owner or operator shall provide the department with a survey form containing the disputed information immediately. If the owner or operator timely notifies the department of filing an appeal, the department shall withhold from public disclosure, any information for which the trade secret claim was made. The deputy secretary's determination shall be considered the final agency review, and he shall inform the owner or operator of his action by certified mail.

D. The subject of any trade secret claim pending or approved shall be treated as confidential information. The department shall protect the confidentiality of trade secrets, provide separate secure storage areas for such information, and shall institute disciplinary procedures, including the firing of department employees who, negligently or intentionally, divulge such information.

E. At such time as the subject of an approved trade secret claim ceases to be a trade secret, the owner or operator shall have the obligation to report such information to the deputy secretary.

F. The provisions of this Section shall not apply to the disclosure of any information required pursuant to any provision of law other than this Part.

G. The department may provide trade secret information to a physician under an agreement of confidentiality, when such

information is needed for medical diagnosis or treatment of a person exposed to a hazardous material.

H. Nothing in this Section shall be so construed as to interfere with the duty of a physician to report actual or potential public health problems to the proper authorities.

Patrick A. Touchard
Lieutenant

RULE

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission at its regular monthly meeting amended Rule 33 of the seismic rules and regulations which concern seismic activity in designated red-lined oyster seed grounds belonging to the state of Louisiana.

The rule reads as follows:

(33) Seismic operators making application to work on any designated red-lined oyster seed ground belonging to the State of Louisiana will be required to pay the following fees: \$100 per drilled shot hole, or \$1000 per mile, whichever is greater, for reflective or refractive cable. These fees are to be paid in advance. Fees will be reviewed each January. For use of air guns only the following fees apply. When working in waters from 0 to 5 feet deep, the fee remains \$1000 per mile. In waters from 5 to 100 feet deep, the fee is \$400 per mile. In waters 10 feet and deeper, the fee is \$200 per mile.

J. Burton Angelle
Secretary

RULE

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

In accordance with R.S. 56:497A and based on the best technical information available, the Wildlife and Fisheries Commission:

- 1) Sets the 1986 Spring shrimp season to be opened at 6 a.m. on Monday, May 19, in all three shrimp management zones.
- 2) Authorized the secretary of the Department of Wildlife and Fisheries to close the shrimp season when technical data indicates the need to close to protect the forthcoming white shrimp crop.

J. Burton Angelle
Secretary

Notices of Intent

NOTICE OF INTENT

Department of Agriculture Office of Agricultural and Environmental Sciences Fertilizer Commission

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 3:1312, the Department of Agriculture, Fertilizer Commission, is hereby giving notice of its intention to amend LAC 7:XI. Chapter 79. Regulations for Sale of Fertilizers.

Copies of the proposed rules may be obtained from and comments forwarded to Hershel Morris, Director of Agricultural Chemistry Programs, Box 16390A, Baton Rouge, LA 70893; (504) 342-5812. All interested persons will be afforded an opportunity to submit views in writing through June 10, 1986.

Bob Odom
Commissioner

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Fertilizer Commission

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
These amendments will not require any costs for the implementation of these changes.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
These amendments will not have any impact on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
These amendments will not have any economic benefit which will directly affect any person or non-governmental group.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
These amendments will not effect competition and employment.

Carol H. Guidry
Fiscal Officer

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of State Civil Service

The State Civil Service Commission will hold a public hearing on Tuesday, June 3, 1986, to consider proposed changes in the Classification and Pay Plan.

The hearing will begin immediately after the general busi-

ness session starting at 9 a.m. and will be held in the auditorium of the State Police Training Academy, Administration Building, 7901 Independence Boulevard, Baton Rouge, Louisiana. In the event that this hearing cannot be completed on June 3, 1986, the public hearing will be resumed at the same location on Wednesday, June 4, 1986, beginning at 9 a.m.

The Commission will consider only the following proposals:

1. Exhibit A—Classes Given Interim Approval Since the Pay Hearing on November 6, 1985.
2. Exhibit B—Classes Abolished Since the Pay Hearing on November 6, 1985.
3. Exhibit C—Revisions in Qualification Requirements Only Since the Pay Hearing on November 6, 1985.
4. Exhibit D—Revised List of Proposed Classes to be Established.

Persons interested in making comments relative to these proposals may do so at the public hearing or in writing to the following address: Director, Department of State Civil Service, Box 94111, Baton Rouge, LA 70804-9111.

Herbert L. Sumrall
Director

NOTICE OF INTENT
Department of State Civil Service
Civil Service Commission

The Civil Service Commission will hold a public hearing on Tuesday, June 3, 1986 for the purpose of considering proposed amendments to Civil Service Rules 1.39.2 and 17.22.

The hearing will be at 9 a.m. and will be held at the State Police Training Academy Auditorium, 7901 Independence Blvd., Baton Rouge, LA.

Consideration will be given to the following:

Chapter 1

Amend Rule 1.39.2 to read:

1.39.2 'State Service', for the purposes of layoff and layoff avoidance measures, means the total length of Classified State Service in the equivalent full-time years, months, and days as an employee of a State agency or agencies subject to the following:

- (a) ...
 1. ...
 2. ...
 3. ...
 4. ...
 5. ...
- (b) ...
 1. ...
 2. ...
 3. ...
 5. ...
 7. ...
 8. ...
 9. ...
 - a. ...

b. Any period(s) of leave without pay which does not exceed 30 calendar days, if taken after January 1, 1983. Additionally, if any period of leave without pay taken after January 1, 1983 equals or exceeds a 30 calendar day period, i.e., a reportable action to Civil Service, 30 days of one reportable period shall be

counted in any calendar year, i.e., January 1, 1983 through December 31, 1983.

- c. ...
- d. ...
- e. ...
- (c) ...

EXPLANATION

Rule 1.39.2(b) 9 b has been amended due to difficulty in understanding the present wording and intent of this rule.

CHAPTER 17

Amend Rule 17.22 to read:

17.22 Ties

Rule 17.16(b) shall be used, if applicable, in breaking ties among employees who have the same length of State service. Below are listed other methods by which ties may be broken. The method or methods of breaking ties must be applied uniformly. Subject to Rule 17.21 ties may be broken by:

- (a) ...
- (b) ...
- (c) ...
- (d) ...

EXPLANATION

The first paragraph of this Rule has been amended for clarity.

Persons interested in making comments relative to these proposals may do so by appearance at the public hearing or by writing to the Director of the Department of State Civil Service at Box 94111, Baton Rouge, LA 70804-9111.

Herbert L. Sumrall
Director

NOTICE OF INTENT
Department of Commerce
Racing Commission

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to amend rule LAC 35:I.1787 "Pre-Race Testing," part G. relative to pre-race blood levels of Phenylbutazone and Oxyphenbutazone, and penalties for violations thereof.

§1787. Pre-Race Testing

G. Whenever pre-race laboratory test reports indicate the presence of a prohibited medication or drug in the sample taken from a horse scheduled to race, particularly, but not limited to specific maximum by quantitative determination of 5.0 micrograms Phenylbutazone per milliliter of blood or 5.0 micrograms Oxyphenbutazone per milliliter of blood, the stewards shall scratch the horse from the race. On the first offense a penalty of not less than \$100, nor more than \$200, shall be assessed the trainer. Upon second or multiple offenses for positive tests, the stewards shall take whatever action they deem appropriate, consistent with law and the rules of racing.

The office of the Racing Commission will be open from 9 a.m. to 4 p.m. and interested parties may contact either Tom Trenchard or Alan J. LeVasseur at (504) 568-5870 at this time, holidays and weekends excluded, for a copy of this rule. All interested persons may submit written comments relative to this rule through June 4, 1986, to 320 North Carrollton Avenue, Suite 2-

B, New Orleans, Louisiana 70119-5111 or Box 19267, New Orleans, LA 70179-9267.

Albert M. Stall
Chairman

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: LAC 35:I.1787 "Pre-Race Testing," Part G

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There are no implementation costs to this agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There is no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
There are no costs or benefits to affected groups, as the rule change is technical in nature.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There is no effect on competition or employment.

Albert M. Stall
Chairman

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Board of Elementary and Secondary Education
Computer Literacy Technology and Computer Science**

In accordance with the R.S. 49:950, et. seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education agreed to allow Computer Literacy Technology and Computer Science to be adopted every third year rather than every year.

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., July 8, 1986 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

James V. Soileau
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Computer Literacy Technology

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
The establishment of an adoption every third year would result in a savings of approximately \$7,000 per year.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There will be no effect on revenue collections of state and local governmental units.

- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

There are no estimated costs or economic benefits to directly affected persons or non-governmental groups.

- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

The incorporation of Computer Literacy Technology and Computer Science at the local level will enable those school children to become more competitive and employable. Competition among the publishers of these textbooks will be improved.

Joseph F. Kyle
Deputy Superintendent
For Management and Finance

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Board of Elementary and Secondary Education
Amendment to Bulletin 1191**

In accordance with the R.S. 49:950 et. seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the following amendments to Bulletin 1191, *School Transportation Handbook: LOADING AND UNLOADING SCHOOL BUSES*

The board approved the following recommendations of the Superintendents' Advisory Council which was that the three changes in current policy on loading and unloading of buses as recommended by the Concerned Citizens for Highway Safety, be implemented only on an optional basis at the discretion of each local school board. Those three suggested changes are:

- 1. "to amend the present directive in BESE minutes of June, 1983 to include state property and private property when permission can be obtained from owners as an addition to the present policy which allows local boards the option to use shoulders for loading children;"
- 2. "to implement a policy to apply only to highspeed and volume highways when no child crosses the roadway and when areas exist off the shoulders which permit a safe re-entry without the use of mirrors (a 45 degree angle) which is owned by the state or private owners as other states do;" and
- 3. "to completely delete the requirement which states that businesses must be closed if buses load on shoulders fronting them, or if possible, add to the policy unless found safe by the local transportation department."

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., July 8, 1986 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

James V. Soileau
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Loading and Unloading School Buses**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There are no estimated costs or savings to state or local governmental units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There is no effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

There are no estimated costs or economic benefits to directly affected persons or nongovernmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There is no estimated effect on competition or employment.

Joseph F. Kyle
Deputy Superintendent
For Management and Finance

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Office of the Governor
Division of Administration
Property Assistance Agency**

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 39:361-365, the Office of the Governor, Division of Administration, Louisiana Property Assistance Agency, acting under authority delegated by the Commissioner of Administration, is hereby giving notice of its intention to amend and replace the State Fleet Management Regulations (formerly entitled Policy and Procedure Memorandum No. 63) with the following:

Publication of these rules is dependent upon substantial passage of legislation proposed to the 1986 Regular Session of the Legislature concerning State Fleet Management.

Comments on the proposed rules should be forwarded in writing to Joel LaBauve, Acting Assistant Director, Louisiana Property Assistance Agency, Box 94095, Baton Rouge, LA 70804-9095. Comments will be accepted until close of business at 4:30 p.m. on Monday, June, 30, 1986. Copies of the proposed rules may also be obtained from Joel Labauve at the aforementioned address.

Louis W. Amedee
Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: State Fleet Management Regulations**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

The attached rules and regulations enhance the ability of the Commissioner of Administration to control personal assignment and home storage of vehicles owned and leased by the state, and the Commissioner's ability to identify specific vehicles whose cost of maintenance and operation is beyond the point of cost effectiveness to the state to own or lease the

vehicle. Joint savings to the state resulting from these effects are expected to reach \$4.1 million annually, allowing for mileage reimbursement for additional mileage traveled on state business in personal vehicles.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There will be no effect on revenue collection for state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

State employees who will no longer have personally assigned vehicles will have to provide their own means of transportation and subsequently be reimbursed for all approved mileage.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There will be no effect on competition and employment.

Louis W. Amedee
Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Office of the Governor
Division of Administration
Property Assistance Agency**

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 39:321-332, the Office of the Governor, Division of Administration, Louisiana Property Assistance Agency is hereby giving notice of its intention to amend the State Property Control Regulations as follows:

LAC 34:VII.703.C.1 shall be changed to read as follows: "IBM standard tape with a record length of 150 characters blocked with a blocking factor of 15,000 characters, or 100 records."

Comments on the above amendment should be forwarded in writing to Phillip Collins, Director, Property Planning and Analysis, LA Property Assistance Agency, Box 94095, Baton Rouge, LA 70804-9095. Comments will be accepted until close of business at 4:30 p.m. on Monday, June 30, 1986.

Louis W. Amedee
Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: 701.C.1**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There will be no implementation costs (savings) to state or local governmental units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There will be no revenue impact to 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 estimated costs and/or economic benefits to persons directly affected or nongovernmental units.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There will be no impact on competition and employment.

Louis W. Amedee
Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Office of the Governor
Office of Women's Services**

Effective August 1, 1986 the Office of Women's Services proposes to revise and re-adopt the Minimum Standards for Family Violence Programs. These standards were previously adopted by the Department of Health and Human Resources, Women's Advocacy Bureau in May, 1983 in accordance with Act 60 of the 1983 First Extraordinary Session of the Louisiana Legislature. Act 60 expired in March, 1985.

These minimum health, safety and program standards were established to provide eligibility criteria for all programs receiving state and federal family violence funding. Funding is allocated and administered by the Office of Women's Services for the provision of services to victims of family violence.

As a result of the length of the standards, they are not included in this notice. Copies of the proposed standards may be obtained from the Office of Women's Services, 200 Riverside Mall, Baton Rouge, LA 70804, or by calling (504) 342-2715.

Interested persons may submit written comments on the proposed standards until 4:30 p.m., June 20, 1986 to Judy Dunlap, Director, Office of Women's Services, Box 94095, Baton Rouge, LA 70821.

Judy Dunlap
Director

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Minimum Standards for Family Violence Programs

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

It is estimated that there will be no implementation costs to the agency.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

It is estimated that there will be no effect on revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

It is estimated that there will be no costs to directly affected persons or non-governmental groups. Victims of family

violence will benefit from continued services provided in compliance with these health, safety and program standards.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

It is estimated there will be no effect on competition and employment.

Judy Dunlap
Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Health and Human Resources
Board of Medical Examiners**

Notice is hereby given that the Louisiana State Board of Medical Examiners, within the Department of Health and Human Resources, proposes to adopt, at its July 1986 meeting, rules and regulations governing the certification and practice of athletic trainers in the state of Louisiana. Interested persons may submit comments, data, views or arguments, in writing, through June 30, 1986, to: J. Morgan Lyons, M.D., Secretary-Treasurer, Louisiana State Board of Medical Examiners, Suite 100, 830 Union Street, New Orleans, LA 70112-1499. Copies of the proposed rule may also be obtained at this location.

J. Morgan Lyons, M.D.
Secretary-Treasurer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Athletic Training Certification**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

It is estimated that implementation of these rules and regulations will result in increased costs to the Louisiana State Board of Medical Examiners of \$15,200 for FY 85-86, \$10,800 for FY 86-87 and \$12,700 for FY 87-88.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

It is estimated that the proposed rules and regulations will generate additional gross revenues collected by the board through certificate and examination fees of \$3,500 for FY 85-86, \$8,000 for FY 86-87 and \$12,000 for FY 87-88.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

All athletic trainers would be required to pay a one time \$35 fee for certification and approximately \$75 for examination fees. A \$25 annual certification renewal fee would also be required.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

It is not anticipated that these rules and regulations, independently of the certification law which they implement, will have a significant impact on competition or employment in the public or private sector.

Paula M. Mensen
Administrative Assistant

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Board of Medical Examiners

Notice is hereby given that the Louisiana State Board of Medical Examiners, within the Department of Health and Human Resources, proposes to adopt, at its July 1986 meeting, amendments to its existing rules and regulations governing the licensing of physicians and surgeons. The proposed amendments may be seen in their entirety as an emergency rule in the April 20, 1986 issue, pp. 212-213 of the *Louisiana Register*. The proposed amendments, together with the existing rules which they would affect, will be made available for public inspection between the hours of 10 a.m. and 3 p.m. on working days at the board's offices, Suite 100, 830 Union Street, New Orleans, LA. Interested persons may submit comments, data, views or arguments, in writing, through June 30, 1986, to: J. Morgan Lyons, M.D., Secretary-Treasurer, Louisiana State Board of Medical Examiners, Suite 100, 830 Union Street, New Orleans, LA 70112-1499.

J. Morgan Lyons, M.D.
Secretary-Treasurer

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Amendments to Rules for Licensing of Physicians and Surgeons

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
It is not anticipated that implementation of the proposed amendments will have a material effect on the costs incurred by the board in processing medical licensing applications, although some savings in staff personnel time, board member time, photocopying, postage and oral examination development and administration costs may be realized.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
It is anticipated that implementation of the proposed amendments will reduce gross revenues (derived from Temporary Permit issuance and renewal fees) by \$5,000 for FY 1986-87, and \$6,500 for FY 1987-88. The proposed amendments will not affect gross revenues for fiscal year 1985-86.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
It is not anticipated that the proposed amendments will result in any direct economic costs or benefits to persons or nongovernmental units affected by the amendments.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
It is anticipated that the proposed amendments will facilitate the unrestricted medical licensing of graduates of foreign medical schools and thereby, to an indeterminable degree, increase competition and employment in the practice of medicine. Conversely, it is anticipated that the proposed amendments might have the temporary effect of minimally decreasing employment in certain medical residency programs of state medical schools.

Paula M. Mensen
Administrative Assistant

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Board of Medical Examiners

In accordance with R.S. 49:950 et. seq., the Administrative Procedure Act, and pursuant to authority granted under R.S. 37:3240 et. seq., The Louisiana State Board of Medical Examiners hereby gives notice of its intent to adopt rules governing the licensing and practice of midwives in the State of Louisiana. These rules previously were adopted under emergency procedure as set forth in the April 20, 1986 *Louisiana Register* and were published in their entirety.

Interested persons may submit written comments on the rules to J. Morgan Lyons, M.D., Louisiana State Board of Medical Examiners, 830 Union Street, Suite 100, New Orleans, LA 70112, telephone (504) 524-6763. Written comments must be received by June 20, 1986.

Delmar Rorison
Executive Administrative Assistant

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Midwives Licensure and Practice

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
It is estimated that implementation of these rules and regulations will result in increased costs to the Louisiana State Board of Medical Examiners of \$22,800 for FY 85-86, \$6,100 for FY 86-87 and \$4,900 for FY 87-88.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
It is estimated that the proposed rules and regulations will generate additional gross revenues collected by the Board through license and examination fees of \$3,100 for FY 85-86, \$2,000 for FY 86-87 and \$1,700 for FY 87-88.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
All licensees would be required to pay a one time \$50 fee for licensure, and approximately \$35 for examination fees. A \$25 annual license renewal fee would also be required.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
It is not anticipated that these rules and regulations, independently of the licensing law which they implement, will have a significant impact on competition or employment in the public or private sector.

Paula M. Mensen
Administrative Assistant

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, proposes to adopt the following rule in the Food Stamp Office.
Summary

The Food Stamp Program requested a waiver of 7 CFR 273.21(f)(2) to allow annualization of interest income for retroactively budgeted monthly reporting households. The United States Department of Agriculture (USDA) approved the waiver for one year.

The waiver was requested to simplify budgeting procedures and to make it consistent with prospective budgeting procedures which are used in the majority of the caseload. This waiver will reduce client error and worker error which will result in the more effective and efficient administration of the program. An emergency rule was necessary so that we can immediately reduce our error rate in this area in an effort to avoid or reduce federal fiscal sanctions which result in reduced program funding and would have an adverse impact on Food Stamp Households. The emergency rule is in the April, 1986, issue of the *Louisiana Register*.

PROPOSED RULE

Effective May 1, 1986, interest income received by retroactively budgeted monthly reporting households shall be annualized.

Interested persons may submit written comments at the following address: Marjorie T. Stewart, Assistant Secretary, Office of Family Security, Box 94065, Baton Rouge, LA 70804. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of this proposed rule and its fiscal and economic impact statement is available for review in each parish in the local Office of Family Security.

A public hearing on the proposed rule will be held June 4, 1986, in the Louisiana State Library Auditorium, 760 Riverside North, Baton Rouge, LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views and arguments, orally or in writing, at said hearing.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Annualization of Interest Income

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

The cost is \$50 in FY 86-87 (\$25 federal and \$25 state).

The amount of savings from avoiding or reducing fiscal sanctions is unknown as we do not know how much the error rate might be reduced.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There is no effect on revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

There are no cost and/or economic benefits.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There is no effect on competition and employment.

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, proposes to adopt the following rules in the Food Stamp Program.

Summary

These rules are mandated by federal regulations as published in the *Federal Register*, Vol. 51, No. 62, Tuesday, April 1, 1986, pages 11009-11012 and 11086-11087. It was necessary to adopt this as an emergency rule to avoid sanctions as federal regulations mandate a May 1, 1986, implementation date.

PROPOSED RULE

The following Food Stamp Program changes are effective May 1, 1986:

1. The earned income deduction increases from 18 percent to 20 percent of total countable gross earnings;
2. The resource limit for a household which does not include an elderly member increases from \$1,500 to \$2,000;
3. The \$3,000 resource limit has been expanded to include any household which has at least one elderly member;
4. The shelter/dependent care deduction has been separated into two separate deductions;
5. The maximum dependent care deduction shall be \$160 for a household which does not include a member who is elderly or disabled;
6. The maximum dependent care deduction shall be \$147 for a household which includes a member who is elderly or disabled;
7. The maximum shelter deduction increases from \$139 to \$147 for households which do not include a member who is elderly or disabled. The amounts in Items 6 and 7 will be adjusted October 1, 1986, and each October 1 thereafter.

Interested persons may submit written comments at the following address: Majorie T. Stewart, Assistant Secretary, Office of Family Security, Box 94065, Baton Rouge, LA 70804. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of this proposed rule and its fiscal and economic impact statement is available for review in each parish in the local Office of Family Security.

A public hearing on the proposed rule will be held June 4, 1986, in the Louisiana State Library Auditorium, 760 Riverside North, Baton Rouge, LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views, and arguments, orally or in writing, at said hearing.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Increased earned income deduction

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

The cost is \$1000 in FY 86/87 (\$500 State and \$500 Federal.)

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There is no effect on revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

This action increases the number of potentially eligible

food stamp recipients and the food purchasing power of potential and current program participants.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There is no effect on competition and employment.

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Office of Human Development Office of Family Security

The Department of Health and Human Resources, Office of Human Development, Division of Children, Youth, and Family Services, proposes to adopt the following rule in the Adoption Subsidy Program. DHHR, Office of Family Security proposes to adopt the following rule in the Medical Assistance Program.

SUMMARY

Louisiana became signatory to the Interstate Compact on Adoption and Medical Assistance, January 31, 1986. Louisiana had the authority to officially enter this compact pursuant to Act 810 of the 1985 legislature. The compact provides that a IV-E eligible child covered by an adoption subsidy agreement of a state party to the compact, who is living in another party state, shall be issued a medical identification document of the residence state. Reimbursement for any medical services and benefits specified under the terms of the adoption subsidy agreement which are not available to the child under the Title XIX program of the residence state shall be made by the adoption subsidy state as required by its law. Additionally, states party to the compact agree to provide social service information and referral to beneficiaries of adoption assistance agreements.

Pursuant to Act 810 and to the Interstate Compact on Adoption and Medical Assistance, the Office of Human Development, Division of Children, Youth, and Family Services, will issue a medical card to any IV-E eligible child who moves to Louisiana when that child is covered by an adoption subsidy agreement with a party state. Conversely, IV-E eligible children covered by adoption subsidy agreements with Louisiana, who move to party states will be issued medical identification cards by their residence states. Because more providers will be enrolled in their own states of residence, it is anticipated that there will be less expense incurred by Louisiana in reimbursement for medical services not available by Title XIX providers.

PROPOSED RULE

The Office of Human Development proposes to develop Adoption Subsidy Policy to implement the provisions of the Interstate Compact on Adoption and Medical Assistance. The Office of Family Security proposes to implement the provisions of the compact in the Medical Assistance Program.

The 10 states that are signatory to the compact are Arkansas, Colorado, Delaware, Kansas, Louisiana, Maine, Missouri, Nebraska, New Hampshire, and Utah.

The compact is printed here in its entirety.

INTERSTATE COMPACT ON ADOPTION AND MEDICAL ASSISTANCE

ARTICLE I. FINDINGS

The states which are parties to this Compact find that:

(a) In order to obtain adoptive families for children with special needs, states must assure prospective adoptive parents of substantial assistance (usually on a continuing basis) in meeting the

high costs of supporting and providing for the special needs and the services required by such children.

(b) The states have a fundamental interest in promoting adoption for children with special needs because the care, emotional stability, and general support and encouragement required by such children can be best, and often only, obtained in family homes with a normal parent-child relationship.

(c) The states obtain fiscal advantages from providing adoption assistance because the alternative is for the states to bear the higher cost of meeting all the needs of children while in foster care.

(d) The necessary assurances of adoption assistance for children with special needs, in those instances where children and adoptive parents live in states other than the one undertaking to provide the assistance, include the establishment and maintenance of suitable substantive guarantees and workable procedures for interstate cooperation and payments to assist with the necessary costs of child maintenance, the procurement of services, and the provision of medical assistance.

ARTICLE II. PURPOSES

The purposes of this Compact are to:

(a) Strengthen protections for the interests of children with special needs on behalf of whom adoption assistance is committed to be paid, when such children are in or move to states other than the one committed to provide adoption assistance.

(b) Provide substantive assurances and operating procedures which will promote the delivery of medical and other services to children on an interstate basis through programs of adoption assistance established by the laws of the states which are parties to this Compact.

ARTICLE III. DEFINITIONS

As used in this Compact, unless the context clearly requires a different construction:

(a) *Child with special needs* means a minor who has not yet attained the age at which the state normally discontinues children's services, or a child who has not yet reached the age of 21 where the state determines that the child's mental or physical handicaps warrant the continuation of the assistance beyond the age of majority, for whom the state has determined the following:

(1) That the child cannot or should not be returned to the home of his or her parents;

(2) That there exists with respect to the child a specific factor or condition (such as his ethnic background, age, or membership in a minority or sibling group, or the presence of factors such as medical condition or physical, mental, or emotional handicaps) because of which it is reasonable to conclude that such child cannot be placed with adoptive parents without providing adoption assistance;

(3) That, except where it would be against the best interests of the child because of such factors as the existence of significant emotional ties with prospective adoptive parents while in their care as a foster child, a reasonable but unsuccessful effort has been made to place the child with appropriate adoptive parents without providing adoption assistance.

(b) *Adoption assistance* means the payment of payments for the maintenance of a child which are made or committed to be made pursuant to the adoption assistance program established by the laws of a party state.

(c) *State* means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, or a Territory or Possession of the United States.

(d) *Adoption assistance state* means the state that is signatory to an adoption assistance agreement in a particular case.

(e) *Residence state* means the state in which the child is a resident by virtue of the residence of the adoptive parents.

(f) *Parents* means either the singular or plural of the word "parent".

ARTICLE IV. ADOPTION ASSISTANCE

(a) Each state shall determine the amounts of adoption assistance and other aid which it will give to children with special needs and their adoptive parents in accordance with its own laws and programs. The adoption assistance and other aid may be made subject to periodic reevaluation of eligibility by the adoption assistance state in accordance with its laws.

(b) The adoption assistance, medical assistance, and other services and benefits to which this Compact applies are those provided to children with special needs and their adoptive parents from the effective date of the adoption assistance agreement.

(c) Every case of adoption assistance shall include a written adoption assistance agreement between the adoptive parents and the appropriate agency of the state undertaking to provide the adoption assistance. Every such agreement shall contain provisions for the fixing of actual or potential interstate aspects of the assistance so provided as follows:

(1) An express commitment that the assistance so provided shall be payable without regard for the state of residence of the adoptive parents, both at the outset of the agreement period and at all times during its continuance;

(2) A provision setting forth with particularity the types of care and services toward which the adoption assistance state will make payments;

(3) A commitment to make medical assistance available to the child in accordance with Article V of this Compact;

(4) An express declaration that the agreement is for the benefit of the child, the adoptive parents and the state and that it is enforceable by any or all of them; and

(5) The date or dates upon which each payment or other benefit provided thereunder is to commence, but in no event prior to the effective date of the adoption assistance agreement.

(d) Any services or benefits provided for a child by the residence state and the adoption assistance state may be facilitated by the party states on each other's behalf. To this end, the personnel of the child welfare agencies of the party states will assist each other, as well as the beneficiaries of adoption assistance agreements, in assuring prompt and full access to all benefits expressly included in such agreements. It is further recognized and agreed that, in general, all children to whom adoption assistance agreements apply will be eligible for benefits under the child welfare, education, rehabilitation, mental health, and other programs of their state of residence on the same basis as other resident children.

(e) Adoption assistance payments on behalf of a child in another state shall be made on the same basis and in the same amounts as they would be made if the child were living in the state making the payments, except that the laws of the adoption assistance state may provide for the payment of higher amounts.

ARTICLE V. MEDICAL ASSISTANCE

(a) Children for whom a party state is committed, in accordance with the terms of an adoption assistance agreement to provide federally aided medical assistance under Title XIX of the Social Security Act, are eligible for such medical assistance during the entire period for which the agreement is in effect. Upon application therefor, the adoptive parents of a child who is the subject of such an adoption assistance agreement shall receive a medical assistance identification document made out in the child's name. The identification shall be issued by the medical assistance program of the residence state and shall entitle the child to the same benefits, pursuant to the same procedures, as any other child who

is covered by the medical assistance program in that state, whether or not the adoptive parents are themselves eligible for medical assistance.

(b) The identification document shall bear no indication that an adoption assistance agreement with another state is the basis for its issuance. However, if the identification is issued pursuant to such an adoption assistance agreement, the records of the issuing state and the adoption assistance state shall show the fact, and shall contain a copy of the adoption assistance agreement and any amendment or replacement thereof, as well as all other pertinent information. The adoption assistance and medical assistance programs of the adoption assistance state shall be notified of the issuance of such identification.

(c) A state which has issued a medical assistance identification document pursuant to this Compact, which identification is valid and currently in force, shall accept, process and pay medical assistance claims thereon as it would with any other medical assistance claims by eligible residents.

(d) The federally aided medical assistance provided by a party state pursuant to this Compact shall be in accordance with paragraphs (a) through (c) of this Article. In addition, when a child who is covered by an adoption assistance agreement is living in another party state, payment or reimbursement for any medical services and benefits specified under the terms of the adoption assistance agreement, which are not available to the child under the Title XIX medical assistance program of the residence state, shall be made by the adoption assistance state as required by its law. Any payments so provided shall be of the same kind and at the same rates as provided for children who are living in the adoption assistance state. However, where the payment rate authorized for a covered service under the medical assistance program of the adoption assistance state exceeds the rate authorized by the residence state for that service, the adoption assistance state shall not be required to pay the additional amounts for the services or benefits covered by the residence state.

(e) A child referred to in paragraph (a) of this Article, whose residence is changed from one party state to another party state shall be eligible for federally aided medical assistance under the medical assistance program of the new state of residence.

ARTICLE VI. COMPACT ADMINISTRATION

(a) In accordance with its own laws and procedures, each state which is a party to this Compact shall designate a Compact Administrator and such Deputy Compact Administrators as it deems necessary. The Compact Administrator shall coordinate all activities under this Compact within his or her state. The Compact Administrator shall also be the principal contact for officials and agencies within and without the state for the facilitation of interstate relations involving this Compact and the protection of benefits and services provided pursuant thereto. In this capacity, the Compact Administrator will be responsible for assisting child welfare agency personnel from other party states and adoptive families receiving adoption and medical assistance on an interstate basis.

(b) Acting jointly, the Compact Administrators shall develop uniform forms and administrative procedures for the interstate monitoring and delivery of adoption and medical assistance benefits and services pursuant to this Compact. The forms and procedures so developed may deal with such matters as:

(1) Documentation of continuing adoption assistance eligibility;

(2) Interstate payments and reimbursements; and

(3) Any and all other matters arising pursuant to this Compact.

(c)(1) Some or all of the parties to this Compact may enter into supplementary agreements for the provisions of or payment

for additional medical benefits and services, as provided in Article V(d); for interstate service delivery, pursuant to Article IV(d); or for matters related thereto. Such agreements shall not be inconsistent with this Compact, nor shall they relieve the party states of any obligation to provide adoption and medical assistance in accordance with applicable state and federal law and the terms of this Compact.

(2) Administrative procedures or forms implementing the supplementary agreements referred to in paragraph (c)(1) of this Article may be developed by joint action of the Compact Administrators of those states which are party to such supplementary agreements.

(d) It shall be the responsibility of the Compact Administrator to ascertain whether and to what extent additional legislation may be necessary in his or her own state to carry out the provisions of this Article or Article IV or any supplementary agreements pursuant to this Compact.

ARTICLE VII. JOINDER AND WITHDRAWAL

(a) This Compact shall be open to joinder by any state. It shall enter into force as to a state when its duly constituted and empowered authority has executed it.

(b) In order that the provisions of this Compact may be accessible to and known by the general public, and so that they may be implemented as law in each of the party states, the authority which has executed the Compact in each party state shall cause the full text of the Compact and a notice of its execution to be published in his or her state. The executing authority in any party state shall also provide copies of the Compact upon request.

(c) Withdrawal from this Compact shall be by written notice, sent by the authority which executed it, to the appropriate officials of all other party states, but no such notice shall take effect until one year after it is given in accordance with the requirements of this paragraph.

(d) All adoption assistance agreements outstanding and to which a party state is a signatory at the time when its withdrawal from this Compact takes effect shall continue to have the effects given to them pursuant to this Compact until they expire or are terminated in accordance with their provisions. Until such expiration or termination, all beneficiaries of the agreements involved shall continue to have all rights and obligations conferred or imposed by this Compact, and the withdrawing state shall continue to administer the Compact to the extent necessary to accord and implement fully the rights and protections preserved hereby.

ARTICLE VIII. CONSTRUCTION AND SEVERABILITY

The provisions of this Compact shall be liberally construed to effectuate the purposes thereof. The provisions of this Compact shall be severable, and if any phrase, clause, sentence, or provision of this Compact is declared to be contrary to the Constitution of the United States or of any party state, or where the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this Compact shall be held contrary to the Constitution of any state party thereto, the Compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

Interested persons may submit written comments to the following addresses: Wayne C. Heap, Sr., Assistant Secretary, Box 44367, Baton Rouge, LA 70804 or Marjorie T. Stewart, Assistant Secretary, Box 94065, Baton Rouge, LA 70804. They are the persons responsible for responding to inquiries regarding this proposed rule.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Implementation of Interstate Compact on Adoption and Medical Assistance

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

The estimated savings in 1985-86 will be \$31,300, including \$11,277 in state funds, by providing Title XIX funding for medical services for six adopted children residing in other states. Funding is currently provided with 100% state funds. Estimates for 1986-87 are \$33,239 (\$11,667 state) and for 1987-88 are \$33,206 (\$12,017 state).

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

This measure will result in additional collections of federal Title XIX funds estimated as \$20,023 in 1985-86, \$20,572 in 1986-87 and \$21,189 in 1987-88.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There is no estimated effect on competition and employment.

Wayne C. Heap, Sr.
Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, proposes to adopt the following rule in the Medical Assistance Program.

SUMMARY

The revised standards for payment for Intermediate Care Facility I and II services and Skilled Nursing Facility services published in the *Louisiana Register*, Volume 11, Number 9, Page 865, Dated September 20, 1985, and in the *Louisiana Administrative Code*, Title 50, Part III, Subpart C, are being amended as follows:

A. General instructions for cost reports are being amended to include a formula for allocating nursing service expense at the various levels of care. This formula may be used by providers in cases where nursing service expense at the various levels of care is not kept separate.

B. The overall plan of care content requirements are being amended to delete duplicate requirements for medical information.

C. Nursing care service requirements are being amended to clarify treatment of chair-bound clients to prevent pedal edema and decubitus.

D. SNF, ICF, and ICF-MR Policy on temporary absences is being amended to clarify that payment cannot be made to reserve a bed in a facility while the recipient is a patient in a Swing Bed or Distinct Part Nursing Home being paid by Medicare.

This proposed rule is authorized under 42 CFR 447.252, and 447.340-342 which sets the standards for care of clients and requires the state agency to establish reasonable and adequate

rates, based on the costs that must be incurred by providers to provide services in conformity with applicable state and federal laws, regulations, and quality and safety standards.

PROPOSED RULE

TITLE 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
PART III: MEDICAL ASSISTANCE

§2307.A. 8. Payment cannot be made to reserve a bed in the facility while the recipient is a patient in a Swing Bed or Distinct Part Nursing Home being paid by Medicare.

§2329.A. 2. h. Payment cannot be made to reserve a bed in the facility while the recipient is a patient in a Swing Bed or Distinct Part Nursing Home being paid by Medicare.

§3107. General Instructions for Completing Cost Reports

* * * *

H. In cases where nursing service expense at the various levels of care is not kept separate, the formula shown below may be used for allocating these costs.

1. Allocation of Nursing Services Expense

LEVEL OF CARE	NUMBER OF PATIENT DAYS	WEIGHT BY REQUIRED NURSING HOURS	WEIGHTED DAYS	WEIGHTED EXPENSE
SNF	100 ×	2.25	= 225	5.4%
ICF I	1,000 ×	2.00	= 2,000	47.6%
ICF II	400 ×	1.00	= 400	9.5%
OTHER	700 ×	2.25*	= <u>1,575</u>	<u>37.5%</u>
			4,200	100%

*OTHER - Weight by required nursing hours should be the highest level of care for that particular facility.

TOTAL NURSING SERVICE EXPENSE				\$100,000.00
SNF	ICF I	ICF II	OTHER	
5.4%	47.6%	9.5%	37.5%	= 100%
Expense Allocation				
<u>\$5,400</u>	<u>\$47,600</u>	<u>\$9,500</u>	<u>\$37,500</u>	= \$100,000.00

GENERAL INSTRUCTIONS:

STEP 1. Multiply the number of patient days at each level of care by the weighting factor. (NOTE: The factor represents the number of nursing hours required per patient per day at each level of care.)

STEP 2. Compute the weighted percentage of patient days for each level of care.

STEP 3. Apply the percentage computed in Step 2 to the Total Nursing Service Expense for the period.

STEP 4. The result obtained in Step 3 is carried in line 4 of Schedule E of the Cost Report.

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Chapter 37. Standards for Intermediate Care Facilities (Other Than Facilities for the Mentally Retarded)

§3735. Overall Plan of Care

* * * *

C. 7. Diet (Sub-items a - g are deleted)

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§3743. Nursing Care Services

* * * *

F. 1. Turn and position clients in proper body alignment at least every two hours. Appropriate precautions shall be taken to prevent edema. Accepted nursing procedures and safety measures shall be used when turning clients in beds or changing their positions in a chair. Attention shall be paid to chair-bound individuals who are unable to stand in order to prevent pedal edema and decubiti.

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Chapter 39. Standards for Participation for Skilled Nursing Facilities

§3935. Overall Plan of Care

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C. 7. Diet (Sub-items a - g deleted)

* * * *

§3943. Nursing Care Services

* * * *

F. 1. Turn and position clients in proper body alignment at least every two hours. Appropriate precautions shall be taken to prevent edema. Accepted nursing procedures and safety measures shall be used when turning clients in beds or changing their positions in a chair. Attention shall be paid to chair-bound individuals who are unable to stand in order to prevent pedal edema and decubiti.

* * * *

Interested persons may submit written comments through June 4, 1986, to the following address: Marjorie T. Stewart, Assistant Secretary, Box 94065, Baton Rouge, LA 70804. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of the proposed rule and its fiscal and economic impact statement is available for review in each local Office of Family Security.

A public hearing on this proposed rule will be held on June 4, 1986, in the Louisiana State Library Auditorium, 760 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.

REGULATORY EXCEPTION

Implementation of this rule is dependent on the approval of the Health Care Financing Administration (HCFA). Disapproval of the change by HCFA will automatically cancel the provisions of this rule and current policy will remain in effect.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: MAP Standards for Payment**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

Total state expenditures under this proposed rule will be unaffected. The amendments to the standards for payment will not result in either an increase or decrease in the current rate.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There is no effect on state revenue resulting from this proposed rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

While nursing homes will receive no additional pay-

ments as a result of this proposed rule, these amendments will clarify requirements and reduce record keeping and paperwork currently required of providers.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There is no effect on competition and employment resulting from this proposed rule.

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Office of Human Development

Council on Purchases of Products and
Services of Severely Disabled Persons

The Department of Health and Human Resources, Council on Purchases of Products and Services of Severely Disabled Persons, proposes to adopt the following rules in accordance with Act 109 of 1984:

I. GENERAL

A. The purpose of this program for the purchase of products and services is to further the State of Louisiana/D.H.H.R. policy of encouraging and assisting handicapped citizens to achieve maximum personal independence by engaging in useful and productive activities, to furnish products and services to the state, and to reduce the need for institutionalization. This program will provide job opportunities needed by severely disabled persons.

B. The program for the purchase of products and services of severely disabled persons is designed to facilitate the Amendment of Title 38 Section 2261 and Title 39 Section 1595.3 of the Revised Statutes of 1950 which provides for:

a preference in state agency purchasing practices for goods manufactured, or services performed, by severely handicapped individuals in state operated or state supported sheltered workshops.

C. The Council on Purchase of Products and Services of Severely Disabled Persons, established by the secretary of the Department of Health and Human Resources (D.H.H.R.), shall be responsible for the implementation, policies, supervision, and monitoring of the program.

D. All suitable products or services approved by the council in accordance with applicable specifications by or for any state agency shall be procured from such nonprofit workshops where such products or services are available within the period specified at the fair market price determined by the council unless otherwise excluded.

II. DEFINITIONS

A. *State purchasing agency* when used in these rules shall refer to the Office of State Purchasing, Division of Administration.

B. *Council* when used in these rules shall refer to the D.H.H.R. Council on the Purchase of Products and Services of Severely Disabled Persons.

C. *Fair market price* when used in these rules shall refer to that price determined by the council to be applicable to all suitable products and services provided by workshops and offered for sale to the various agencies and departments of the government of the State of Louisiana and political subdivisions.

D. *Sheltered workshop* means a facility designed to provide gainful employment for severely disabled individuals who cannot be absorbed into the competitive labor market or to provide interim employment for such individuals when employment

opportunities for them in the competitive labor market do not exist.

E. *Suitable products and services* when used in these rules shall refer to products or services selected by the council for sale to governmental agencies and capable of being timely produced and delivered by a workshop.

III. ORGANIZATION OF THE COUNCIL

A. The council will be composed of eleven members to be known as the Council on the Purchase of Products and Services of Severely Disabled Persons, composed of five state agency members and seven appointed members. The state agency members shall be the Director of the Purchasing Office of the Division of Administration; and the assistant secretaries of the Office of Mental Health, the Office of Mental Retardation and Development Disabilities, the Office of Human Development, Division of Rehabilitation Services and the Undersecretary of the Office of Management and Finance, or their designees. The seven appointed members shall be recommended by the Assistant Secretaries of the Office of Mental Health, Office of Human Development, Office of Mental Retardation and Developmental Disabilities and approved by the Secretary of the Department of Health and Human Resources. The appointed members shall be the representative of nonprofit organizations for the severely handicapped, or representatives of private business and industry. The appointive members shall serve as follows: two members shall serve for a term of four years and three members shall serve for a term of three years and two members to serve a term of two years, thereafter, all appointive members shall serve for terms of four years each. The secretary shall select one council member to serve as chairman. The chairman shall serve until the end of the term for which appointed.

B. Reimbursement for necessary expenses actually incurred in the performance of services in connection with the work of the council will be made as authorized by the secretary of Department of Health and Human Resources. Appointed members who are not representatives of state agencies shall be reimbursed from funds provided in equal amounts by the Office of Human Development, Division of Rehabilitation Services, Office of Mental Retardation/Developmental Disabilities and Office of Mental Health. The Office of Secretary/D.H.H.R. is the paying agency for these reimbursements. State agency members of the Council who are representatives of state agencies shall be reimbursed by the agencies they represent.

C. Regular meetings of the council shall be held at least quarterly at the call of the chairman unless, in the opinion of the chairman, the amount of business to be conducted is insufficient to call a regular meeting during a particular quarter.

D. Special meetings may be set at the call of the chairman for any purpose.

E. Six members of the council shall constitute a quorum for the transaction of business. The act of a majority of the members present at a meeting at which a quorum is present shall be the act of the council.

IV. DUTIES AND RESPONSIBILITIES OF THE COUNCIL

The duties and responsibilities of the council are:

1. certification of eligibility of participating programs;
2. determination of a fair market price;
3. selection of suitable products and services;
4. appointment of a central nonprofit agency;
5. suspension and reinstatement of a workshop;
6. preparation and distribution of a catalog or procurement list of suitable products and services.

V. CERTIFICATION OF ELIGIBILITY OF PARTICIPATING WORKSHOPS

The council shall certify each workshop making application

for participating in the program for the purchase of products and services of the severely disabled based on the following criteria:

1. The applicant meets the necessary definition of a sheltered workshop as specified in Act 109 LA. R.S., 1984.

2. The applicant meets the necessary definition of a qualified nonprofit agency for the severely handicapped as specified in Act 109 LA. R.S., 1984, only if qualified nonprofit status is a requirement that the program must have obtained to function legally as a sheltered workshop under federal and/or state statutory requirements.

3. The applicant conforms to the requirement for "goods manufactured and services performed by severely handicapped individuals" Section 1. Act 109 LA. R.S., 1984.

4. The applicant has demonstrated to the council's satisfaction that it is capable of providing goods and services for sale to the state that conform to the criteria for same, as established by the rules pursuant to Act 109 LA. R.S., 1984.

VI. DETERMINATION OF A FAIR MARKET PRICE

A. The council shall determine a fair market price for all suitable products and services provided by workshops hereunder and offered for sale to the various agencies and departments of state government and political subdivisions.

B. The workshop offering the product or service shall submit all labor costs, overhead costs, and all other relevant data requested by the council.

C. In determining the fair market price of products and services offered for sale, the council shall give due consideration to the following factors:

1. to the extent applicable, the amounts being paid for similar articles in similar quantities by federal or state agencies purchasing the products or services under an authorized program of like effect;

2. to the extent applicable, the amounts which private business would pay for similar products or services in similar quantities if purchasing from a reputable corporation engaged in the business of selling similar products or services;

3. to the extent applicable, the amount paid by the state in any recent purchases of similar products or services in similar quantities, making due allowance for general inflationary or deflationary trends;

4. the actual cost of manufacturing the product or services at a sheltered workshop offering employment services to severely handicapped individuals, with adequate weight to be given to legal imperative to pay severely handicapped workers equitable wages; and

5. the usual, customary, and reasonable costs of manufacturing, research and development, marketing, and distribution, in addition to general administrative and selling expenses.

D. The fair market price for a product or service, determined after consideration of relevant factors, may not be excessive or unreasonable; however, the fair market price may include a reasonable charge for overhead and a charge to provide an acceptable economic rate of return on investment to provide for continuity of operations.

E. The council is authorized to enter into cooperative agreements with Department of Corrections, Prison Enterprises Program or the Division of Blind Services, in order to coordinate its selection of products or services so as to be consistent with requirements and/or performances contained in state purchasing statutes.

VII. SELECTION OF SUITABLE PRODUCTS AND SERVICES

A. The council or designee, from time-to-time shall conduct feasibility studies to determine what products and services can be included within the program. These studies shall include inquiries into the need of the state and into the manufacturing and

delivery capabilities of the various workshops included within the program. It shall be the duty of the state purchasing agency to determine and develop all necessary specifications for proposed products and services for sale to the state.

B. The council shall review all applications for selection received from a workshop. In conducting this review, the council shall:

1. Satisfy itself that the proposed product or service offered for sale to any office, department, institution, or agency of the state shall be manufactured or produced according to specifications developed by the state purchasing agency.

If the state purchasing agency has not adopted specifications for a particular product, the production shall be based on commercial or federal specifications in current use by industry for the manufacture of the product for sale to the state.

2. Be advised by the state purchasing agency whether the proposed product or service meets or exceeds the specifications. All products or services selected for sale to the state must have the prior approval of the state purchasing agency as meeting or exceeding specifications.

3. Determine the applicant's capability of supplying and delivering the product or service in the quantity and quality normally purchased.

4. Decide whether the product or service to be selected is needed by the state. In making this determination, the council shall consult the state purchasing agency as to what the state's need has been for the particular product or services.

5. Determine alternate sources of supply for the product or service in question from among other workshops. The council shall select a product or service as suitable for purchase by the state only after carrying out this review.

C. The council shall set a fair market price for any product or service selected by a majority vote of the council.

D. All applicants shall be advised that no purchase order may be issued to a workshop nor payment made to them for any delivered product or service that does not meet specifications.

E. No product or service shall be selected by the council under this act for sale to the state which is already being supplied to state agencies by the Division of Blind Services under the authority R.S. 46:334 and R.S. 46:335. In this regard, the council shall coordinate its selection responsibilities with the Division of Blind Services.

VIII. CENTRAL NONPROFIT AGENCY

A. The council may designate a central nonprofit agency to assist workshops in submitting applications for eligibility, suspension, and reinstatement in the state use program, for the selection of suitable products and services, in facilitating the distribution of orders among qualified workshops in quality control, and in assisting the council in carrying out certain specified responsibilities. The CNA may also assist workshops in training, contract negotiations and procurement, costing, cash advancements against billing, no interest loans, credit checks and collections, public relations, consultations, product development, market research, networking, industry referrals, production, management, contract administration, and liaison with government.

B. Payment, if any, for such assistance shall be by agreement with the individual workshop. The council shall establish rates for marketing services to be charged the workshop by the central nonprofit agency.

C. Purchase orders shall be issued by the state purchasing agency for suitable products and services directly to a workshop with copies to a central nonprofit agency, but no vouchers from that agency will be approved for payment by the state purchasing agency. The state purchasing agency will consult with the central nonprofit agency on questions of allocation before issuing a purchase order to any workshop. Provision may also be made to issue

purchase orders directly to the central nonprofit agency which will in turn make payment to the workshop.

D. If such assistance is authorized in the designation, the council may instruct the central nonprofit agency to assist it in carrying out certain specified council responsibilities.

E. The central nonprofit agency will submit annually a detailed written report of its program and budget to the council. This report shall include:

1. the number of disabled persons according to their type of disability who are employed in workshops participating in the program for the purchase of products and services covered by these rules;

2. the amount of annual wages paid to a person participating in the program;

3. a summary of the sale of products offered by a workshop;

4. a list of products and services offered by a workshop;

5. the geographic distribution of the workshop; and

6. other information specified by the council for its determination of rates for marketing services to be charged the workshops by the central nonprofit agency.

IX. PREPARATION AND DISTRIBUTION OF THE CATALOG PROCUREMENT LIST

The council or designee shall establish and publish a procurement list to be distributed to all purchasing offices of the state and become part of the state contract list within the Division of Administration.

The list shall contain:

1. the delivery schedule for each suitable product determined by the council for shipping requirements on all products, and include,

2. minimum order quantities, below which using agencies will be charged for direct freight,

3. requirements and price adjustment for special packaging, and

4. price list.

X. SUSPENSION AND REINSTATEMENT OF A WORKSHOP

A. The council, after notice and hearing in accordance may suspend a workshop from its right to receive purchase orders from the state purchasing agency for suitable products and services under any or all of the following circumstances:

1. failure of delivered products and services to meet or exceed specification;

2. failure to deliver ordered products and services as required in the specifications.

B. The council may reinstate a workshop after a suspension only if the council makes an affirmative finding on each of the following:

1. that the workshop has reimbursed the state for damages suffered by reason of any of the failures giving rise to suspension;

2. that the workshop has made the necessary corrections to avoid these failures in the future.

XI. ALTERNATE SOURCE OF SUPPLY

In the event a workshop fails to deliver ordered products and services meeting specifications, the state purchasing agency may:

- A. issue a new purchase order to another workshop capable of meeting specifications and delivery requirements; or

- B. if no other workshop is available, purchase the needed products and services under the normal state agency purchasing procedures.

XII. ISSUANCE OF PURCHASE ORDERS

State agencies will submit a request to the state purchasing agency which will issue a purchase order to a central nonprofit

agency as capable of performing to the required specifications. The CNA will invoice the using agency in accordance with applicable state procedures established by law for the payment of merchandise received. The using agency will prepare appropriate vouchers and submit them with the attached invoices to the state purchasing agency for approval. Prompt payment will be made to the central nonprofit agency.

XIII. VALUE ADDED

It is the intent of the council that the workshops providing services or products to a state agency should purchase raw materials or components through competitive bidding whenever possible. A workshop may not act merely as a receiving and shipping facility.

XIV. INSPECTIONS

The state purchasing agency, at its option, may monitor workshop manufacturing activities for compliance with specifications under existing contracts.

XV. RECORDS

A. The records of the council and of any nonprofit agency participating in this program which pertain to state purchases of the products and services of severely disabled persons, shall be made available upon request to the inspection of representative of the State Auditor, the Governor's Budget Office, or the Legislative Budget Board on the assurance that the information will be safeguarded, used only for the purpose for which provided, and not released to unauthorized persons.

B. A request for information from other records of the council which identifies severely disabled persons as a client or former client of the Division of Rehabilitation Services, OMR/DD and OMH will be forwarded to the appropriate agency for release.

C. The Office of the Secretary/DHHR is the depository for all records concerning the council's operations.

XVI. EXCEPTIONS

A. Exceptions from the operation of the mandatory provisions of these rules may be made in any case where under the rules of the state purchasing agency, the product or service so produced or provided does not meet the reasonable requirements of the office, department, institution, or agency.

B. No office, department, institution, or agency may evade the intent of these rules by slight variations from standards adopted by the state purchasing agency, when the products or service produced or provided by the severely disabled person, in accordance with established standards, are reasonably adapted to the actual needs of the office, department, institution, or agency.

Interested persons may submit written comments on the proposed rules to: Wayne C. Heap, Sr., Assistant Secretary, Office of Human Development, Box 44367, Baton Rouge, LA 70804.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Council on the Purchase of Products and Services of Severely Disabled Persons

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

No figures are available for cost savings but there are no funds necessary for implementation. The rule will allow the council to indirectly increase the number of jobs available to the severely disabled thereby increasing their ability to pay taxes, decrease their need for government assistance, and increase their ability to obtain jobs in the public sector. State supported sheltered workshops should become more self-supportive and purchasing procedures should be simplified.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There will be no effect on revenue collections except that with more severely disabled persons working they will be paying income taxes.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

No figures are available; however, this rule can be adopted without cost and will give work to a number of severely disabled citizens of Louisiana.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

No figures are available; however, it should allow more severely disabled citizens of Louisiana to obtain work.

Wayne C. Heap, Sr.
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Health and Human Resources
Office of Human Development**

Effective July 20, 1986, the Department of Health and Human Resources, Office of Human Development, Division of Vocational Rehabilitation Services, proposes to change the basis of individual eligibility for interpreter services to include economic need.

The Manual of Operations, Part I, Section 404.5 VII, (f), will incorporate the following policy:

When a hearing impaired individual attending a training facility or institution not required to provide interpreter services under Public Law 94-142 or Title V of the Rehabilitation Act of 1973, requests interpreter services, the Division of Vocational Rehabilitation Services will consider such request in accordance with existing economic need criteria.

Net Monthly Income Limits

Family Size	Income Limit
1	\$ 413
2	541
3	668
4	795
5	922
6	1,049

For each person over six, add \$24.

Interested persons may submit written comments on the proposed change prior to July 1, 1986 at the following address: Wayne C. Heap, Sr., Assistant Secretary, Office of Human Development, Box 44367, Baton Rouge, LA 70804.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Interpreter Services**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

No effect is anticipated because the Division of Rehabilitation Services expects to serve the same number of clients as present.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

No effect is anticipated because the Division of Reha-

ilitation Services expects to serve the same number of clients as present.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

No effect is anticipated.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

No effect is anticipated.

Wayne C. Heap
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Health and Human Resources
Office of Mental Retardation/Developmental Disabilities**

TITLE 48

**Part IX, Mental Retardation/Development Disabilities
Services**

Chapter 1. Adult Day Services

§109. Unit of Service Payment System

Effective July 20, 1986, the Department of Health and Human Resources, Office of Mental Retardation/Developmental Disabilities, proposes to adopt a change in the method of payment to OMR/DD-funded providers of adult day programs. The change will be from a cost reimbursement system to a system which establishes and pays rates for units of service. A unit of service is defined as six hours of habilitation programming for a client.

Interested persons may submit written comments on the proposed changes within 15 days of the date of publication at the following address: Cecil N. Colwell, Assistant Secretary, Office of Mental Retardation/Developmental Disabilities, 721 Government Street, Baton Rouge, LA 70802

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Unit of Service Payment System

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

It is not anticipated that these changes will result in a demonstrable savings to the state in terms of dollars. However, manpower hours needed to process payments for adult day services will be decreased for the OMR/DD regional offices.

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)

It is not anticipated that these changes will result in a demonstrable savings to non-governmental units in terms of dollars. However, manpower hours needed to process billings will be decreased for the private providers with which the OMR/DD contracts for adult day services. The length of time needed for the OMR/DD to process payment for services should be decreased causing additional benefits.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There will be no effect on competition or employment.

Cecil Colwell
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT
Department of Labor
Office of Labor

The Department of Labor, Office of Labor, advertises its intent to repeal all previous rules adopted by it regulating apprenticeship, including but not limited to those rules adopted January 20, 1981, and to substitute a complete new set of rules relating to the administration and enforcement of the State Apprenticeship Law.

Copies of the proposed rules may be obtained at the Office of Labor, 5360 Florida Boulevard, Baton Rouge, LA.

A public hearing on the proposed Apprenticeship Rules will be held on May 28, 1986, commencing at 10 a.m. in Room 33B, 5360 Florida Boulevard, Baton Rouge, LA 70806.

Interested persons may comment on the proposed rules either by attendance at the public hearing or by writing to Johnny Hodges, Assistant Secretary of Labor, 5360 Florida Boulevard, Baton Rouge, LA 70806, through June 9, 1986.

Dudley J. Patin, Jr.
Secretary of Labor

Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Apprenticeship Rules

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There will be no additional implementation costs or savings to the Louisiana Department of Labor (LDOL) or local governmental units as a result of the adoption of these rules because existing staff can handle the work necessary to implement and enforce the rules. However, as a result of implementing these rules, on state and some local government construction projects, costs could be more to the governmental units due to the potential increase in wages of apprentices. (See Section V in its entirety). It is difficult to determine the fiscal impact due to several unknown variables.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

The adoption of the new rules will not generate revenues for the state or local governmental units because no fees are assessed or collected for the benefit of governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

As a result of adopting these rules, the employer may experience an increase in the cost of entry-level wage rates of his labor force, such increase in wage rates resulting in a direct benefit to employees in the form of higher wages. The following sections of the proposed rules relate to estimated costs and/or economic benefits of the employer and/or employee. See Sections VI:A, VI:C5 in its entirety, VI:C6, VI:C7, and VII:F14.

Due to the lack of readily available data, it is impossible to determine or estimate the fiscal and economic impact.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

The effect on competition and employment as a result of adopting these rules cannot be measured (as related to the number and type of program sponsors who apply for an Apprenticeship Program.)

John L. Hodges
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT
Department of Labor
Office of Labor

The Department of Labor, Office of Labor, intends to amend certain rules and regulations under the Administrative Procedure Act (R.S. 49:950, et seq.), for the implementation and administration of the Job Training Partnership Act (JTPA) (Public Law 97-300).

It will hold a public hearing thereon on June 3, 1986 at 9:30 a.m. in the Office of Labor Conference Room, Room 33, 5360 Florida Boulevard, Baton Rouge, LA 70806, at which time all interested parties will be given an opportunity to be heard.

All interested persons may make comments to or obtain copies of the proposed rules from Robert S. Fore, Federal Training Programs Assistant Director, Office of Labor, Room 7, 5360 Florida Boulevard, Baton Rouge, LA 70806, telephone (504) 925-4230, on or before said hearing date.

Johnny L. Hodges
Assistant Secretary

Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Job Training Partnership Act Program

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

The Department of Labor (LDOL) anticipates receipt of approximately \$66,000,000 dollars in federal funds to operate the Job Training Partnership Act Program. Of this amount approximately 15 percent will be used by state and local governments for administration of the program. There are no anticipated implementation costs associated with these proposed changes. The proposed change to Rule 16, "Bonding," is expected to effect a small savings in the cost of bonding persons who handle program funds.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There will be no effect on revenue collections as a result of these changes to the JTPA state rules and regulations.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

The successful implementation of the JTPA program will result in job training and employment for unemployed and economically disadvantaged individuals. The proposed rule changes will allow certain family members of the armed forces and some individuals drawing social security benefits who were heretofore determined ineligible to now participate in JTPA programs.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There will be no effect on competition and/or employment if these policies are adopted. The intent of the JTPA pro-

gram is to provide job training for certain individuals. The training provided will be for future job vacancies in occupations determined by labor market survey to be in demand in local areas. Trainees will not replace those persons who are presently working.

Johnny L. Hodges
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Natural Resources Division of State Lands

The Department of Natural Resources, Division of State Lands, announces its intention to amend its rules and regulations Implementing Act 645 of 1978 (adopted January 20, 1979, amended July 20, 1981). The amendment, proposed pursuant to the authority of R.S. 41:1701 et seq., provides that permit fees for encroachments on state owned waterbottoms be based on a percentage of appraised value rather than the present square footage basis. Also, the amendment would effectuate non-substantive changes in the format of the rules and regulations. The complete text of the proposed rule appears in the March, 1986, edition of the *Louisiana Register* as a notice of intent.

All persons interested in this proposal are invited to submit written comments no later than May 30, 1986, to Karl Morgan, Department of Natural Resources, Box 44124, Baton Rouge, LA 70804. A copy of the proposed amendment can be obtained from the Division of State Lands, Lands and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA 70804.

B. Jim Porter
Secretary

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Permits for Reclamation and Encroachments

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There will be no cost or savings to governmental units because the program will still be handled by Division of State Lands personnel and it does not affect local governments.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
Revenues should increase \$5,000 the first year and increment upwards as more leases are issued; estimated \$20,000 - \$30,000 increase within five years to the State General fund.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
Cost should increase in relation to the value of the property to those holding leases on properties constructed on state owned waterbodies.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There will be no estimated effect on competition and employment as a result of adopting these rule changes.

Michael Bourgeois
Deputy Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Public Safety and Correction Corrections Services

The Louisiana Department of Public Safety and Corrections, Corrections Services advertises its intent to adopt regulations pertaining to searches of visitors and employees at facilities within the Corrections Services division of the Department of Public Safety and Corrections.

Interested persons may submit written comments on the proposed regulations to Joe Kopsa, Legal Services, Department of Public Safety and Corrections, Box 94304, Baton Rouge, LA 70804.

C. Paul Phelps
Secretary

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Searches of Visitors

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There will be no implementation costs or savings to state or local government units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There will be no effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
There will be no costs and/or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There will be no effect on competition and employment.

Griffin Rivers
Deputy Secretary

Mark C. Drennen
Legislative Fiscal Officer

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 the Plan Document to allow retirees, as defined in Article I, Section I, Item G, page 9 of the July 1, 1985 Plan Document, to enroll for group life insurance benefits as overdue applicants subject to evidence of insurability.

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 Tuesday, July 9, 1986, at the following address: James D. McElveen, Executive Director, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA 70804.

James D. McElveen
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Insurance Benefits for Eligible Retirees

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There would be some initial costs such as personnel and travel involved, in the enrolling and recording in the eligibility files those eligible retirees who opt to enroll for group life insurance coverage. These initial costs are not determinable, however, it is assumed that they will be minimal.

Once the enrollment and recording are complete, there will be costs in the form of death benefits and revenues in the form of life insurance premiums. The agencies for which the retirees formerly worked will experience increased costs to the extent of matching the employee contribution for the life insurance coverage. The average annual life insurance premium cost for an enrolled retiree is \$141.76 of which \$70.88, one-half the annual amount, would be the cost to the former employer. A survey of the various retirement system indicates that there are approximately 13,000 retirees who are not now receiving a state match for their life insurance premiums. (Assuming 25 percent of the 13,000 or 3,250 qualify for life coverage, averaging \$17,000 per insured, the annual impact on the state general funds would be $3,250 \times \$70.88$ or \$230,036). According to our actuary, Martin E. Segal Company, the exact fiscal impact of this rule change to the State Employees Group Benefits Program is impossible to determine. The actuary does acknowledge that "There will no doubt be some adverse impact because of the higher ages of the potential enrollees, but we suspect that it will be long-range, rather than immediate in nature".

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

Implementation of this rule change will have no impact on the 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 directly affected persons, the eligible retirees who choose to enroll for this life insurance coverage, will receive benefits in the form of life insurance coverage. If there is an adverse impact on the life insurance program to the extent that benefits paid exceed the premium revenues, employer agencies and plan members could experience an increase in the life insurance rates charged by the life insurer.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

This rule change will have no effect on competition and employment.

James D. McElveen
Executive Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of the Treasury
Interim Emergency Board**

In accordance with the provisions of R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Interim Emergency Board intends to amend its Policies and Procedures to implement Article VII, Section 7 of the Louisiana State

Constitution of 1974 and R.S. 39:461 et seq. relative to emergency appropriations and deficit spending, to read as follows:

1. For purposes of a definition, an emergency is an event or occurrence not reasonably anticipated by the legislature, that is one not considered and rejected, in the same relative form or content, by a vote of the legislature or a committee thereof.

2. Requests for programs or projects which may require future continuing state appropriations shall not be acted upon by the board except by request for deficit spending. Should such deficit spending be found impractical or impossible, the board may fund such projects with a favorable vote of six members.

3. Requests for emergency appropriations will be accepted only for funding of state agencies or state sponsored programs. The only exception to this rule shall be those requests from political subdivisions generated as a result of disaster situations (i.e., hurricane, flood, severe freezing, tornado, etc.).

4. Requests for emergency appropriations or deficit spending shall be submitted by the head of a state department or educational management board or by an area state legislator for a disaster situation application in behalf of a political subdivision on the board's official application form. The request shall be made to the board at least ten working days prior to a scheduled meeting.

5. All educational institutions under the jurisdiction of a management board must submit the approval of that management board with the application.

6. Requests for any priority change in the capital outlay bill or for any certificate of impracticality or impossibility must be accompanied by a recommendation of the commissioner of administration at the time of submission.

7. The agenda of requested items shall be forwarded to each member of the board no later than five days prior to a scheduled meeting. The board, with a majority approval, may add to the published agenda only those items pertaining to a priority change, a certificate of impracticality or impossibility, a fiscal agent approval or any board administrative item. Because of statutory prohibitions, the board shall not suspend its rules to add an appropriation item to its published agenda.

8. The appropriation of funds by the board shall become effective upon receipt by the board, within 60 days after notice to the applicant of legislative approval, of satisfactory evidence of an obligation to expend such funds.

9. A resolution of the board shall be required for a bank to be designated as a fiscal agent for the State of Louisiana.

10. A budget for the operational expenses of the board shall be prepared for review by the board and submitted to the legislature through the normal budgetary process for inclusion in the general appropriations bill.

11. The board may impose such other qualifications, conditions, limitations, or restrictions on any appropriation it deems necessary and proper.

12. A letter shall be transmitted to the state treasurer stating that an appropriation has been made or a deficit has been authorized for a state agency in accordance with the law.

13. Warrants will be drawn only through the Division of Administration.

14. Any item which was favorably recommended by the board and received legislative approval from one house but failed to receive approval from the other house shall not be eligible for reconsideration for reballoting at any future meeting of the board.

Interested persons may comment on the proposed amendments to the rules by submitting written comments to The Honorable Robert L. Freeman, Chairman, Interim Emergency Board, Box 44500, Baton Rouge, LA 70804.

Robert L. Freeman
Chairman

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Addition and Changes in Rules of Operation

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There will be no estimated implementation costs as a result of this action. There may be cost savings to the State General Fund through more end of year revisions from the Interim Emergency Board as a result of less applications being acted upon.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
This action will result in no estimated effect on revenue collections of state or other governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
There will be less economic benefits available to non-governmental groups as a result of clarification of what types of applications will be accepted by the Interim Emergency Board.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There will be no estimated effect on competition or employment.

Robert L. Freeman
Chairman

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Louisiana Wildlife and Fisheries Commission hereby expresses intent to prohibit the use of fish nets (gill nets, trammel nets, hoop nets, fish seines) in Cross Lake, Shreveport, LA. Such action by the Commission has been requested by the City of Shreveport who owns and manages Cross Lake which serves as the city's water reservoir. The City of Shreveport presently has an ordinance in effect which prohibits the use of webbing in Cross Lake.

Interested persons may submit written comments on the proposed rule until 4:30 p.m., June 3, 1986 at the following address: J. Burton Angelle, Secretary, Louisiana Department of Wildlife and Fisheries, Box 15570, Baton Rouge, LA 70895.

J. Burton Angelle
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Cross Lake Netting Prohibition

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
No effect. Department Enforcement Agents already employed in Caddo Parish will assist in this request as part of their routine duties.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
Not applicable.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
No effect. Cross Lake has always been closed to com-

mercial netting by the City of Shreveport, and whose primary fisheries function is to serve as an urban recreational fishing lake.

- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
No effect.

Mary Mitchell
Chief Fiscal Officer

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

Proposed reduction in the amount of shrimp harvested by use of cast nets on certain refuges and wildlife management areas.

1. Shrimp may be taken by the use of cast nets only. During the inside open shrimp season 25 pounds per boat per day (heads on) shall be permitted. Size count to conform with open season requirements. During the inside closed season 10 pounds per boat per day (heads on) may be taken for bait.

2. Wildlife management areas and refuges where effective: Rockefeller Wildlife Refuge, State Wildlife Refuge, Marsh Island Wildlife Refuge, Pointe au Chien Wildlife Management Area and Salvador Wildlife Management Area.

Written comments may be submitted to Johnnie W. Tarver, Chief, Fur and Refuge Division, Department of Wildlife and Fisheries, Box 15570, Baton Rouge, LA 70895.

J. Burton Angelle
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Reduce the pounds of shrimp that may be caught on certain Refuge and Wildlife Management Areas

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
None.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
None.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
None. Commercial fishermen have not been allowed to take large quantities of shrimp from these waters during the past shrimp season. Hence, there will be no impact on this group through a further tightening of the weight limit.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
None.

Mary Mitchell
Chief Fiscal Officer

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

Proposed reduction in the amount of shrimp harvested by use of cast nets on Rockefeller Wildlife Refuge from 100 pounds to 25 pounds per boat per day (heads on).

1. Trawling on the refuge is prohibited. Trotlines, jug lines, trammel and gill nets and traps are prohibited. All commercial fishing is prohibited. Twenty-five pounds of shrimp (heads on) per boat per day is allowed during the inside open shrimp season as established by the Louisiana Wildlife and Fisheries Commission. Ten pounds of shrimp (heads on) for bait purposes may be caught during the closed season. Shrimp can be harvested only by cast net or dip net on the refuge and only for sport fishing or home consumption.

Written comments may be submitted to Johnnie W. Tarver, Chief, Fur and Refuge Division, Department of Wildlife and Fisheries, Box 15570, Baton Rouge, LA 70895.

J. Burton Angelle
Secretary

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Reduce the pounds of shrimp that may be caught on Rockefeller Refuge

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
None
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
None
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
None. Commercial fishermen have not been allowed to take large quantities of shrimp from these waters during the past shrimp season. Hence, there will be no impact on this group through a further tightening of the weight limit.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
None

Mary Mitchell
Chief Fiscal Officer

Mark C. Drennen
Legislative Fiscal Officer

Committee Reports

COMMITTEE REPORT House of Representatives House Natural Resources Committee Oversight Review

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Committee met on April 25, 1986 and reviewed certain changes in state regulations proposed by the Louisiana Department of Environmental Quality for which notice of intent was published in the March 20 *Louisiana Register* with the following results:

1) A proposal by the Office of Air Quality Division to amend the fee schedule of the air quality program to support the Alternative Technologies Research and Development Fund.

Approved by a vote of 8-0.

Clyde W. Kimball
Chairman

COMMITTEE REPORT

House of Representatives House Natural Resources Committee Oversight Review

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Committee met on April 25, 1986 and reviewed certain changes in state regulations proposed by the Louisiana Department of Environmental Quality for which notice of intent was published in the March 20 *Louisiana Register* with the following results:

1) A proposal by the Office of Air Quality Division to revise Section 17.14 of the Louisiana Air Quality Regulations by limiting stack height credits and other dispersion techniques in determining an emission limitation.

Approved by a vote of 8-0.

Clyde W. Kimball
Chairman

COMMITTEE REPORT

House of Representatives House Natural Resources Committee Oversight Review

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Committee met on April 25, 1986 and reviewed certain changes in state regulations proposed by the Louisiana Department of Environmental Quality for which notice of intent was published in the March 20 *Louisiana Register* with the following results:

1) A proposal by the Solid and Hazardous Waste Division to amend the Louisiana Hazardous Waste Regulations by raising the annual maintenance fees charged to generators and facilities that treat, store or dispose of hazardous waste. This increase is imposed to support the Alternative Technologies Research and Development Trust Fund.

Approved by a vote of 8-0.

Clyde W. Kimball
Chairman

COMMITTEE REPORT

House of Representatives House Natural Resources Committee Oversight Review

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Committee met on April 25, 1986 and reviewed certain changes in state regulations proposed by the Louisiana Department of Environmental Quality for which notice of intent was published in the March 20 *Louisiana Register* with the following results:

1) A proposal by the Solid and Hazardous Waste Division to amend the Louisiana Hazardous Waste Regulations by sequentially numbering the hazardous waste manifests and requiring that manifests or the number be obtained from the Hazardous Waste Division; by proposing signatory requirements for permit applications, requiring that hazardous waste annual fees be paid within 30 days of receipt of due notice; and by correcting typographical errors and clarifying existing regulations.

Approved by a vote of 8-0.

Clyde W. Kimball
Chairman

COMMITTEE REPORT
House of Representatives
House Natural Resources Committee
Oversight Review

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Committee met on April 25, 1986 and reviewed certain changes in state regulations proposed by the Louisiana Department of Environmental Quality for which notice of intent was published in the March 20 *Louisiana Register* with the following results:

1) A proposal by the Office of Water Resources to revise the Louisiana Water Pollution Control Fee System Regulations by increasing annually assessed fees by five percent to support the Alternative Technologies Research and Development Trust Fund. The fee revisions also include several minor additions to the text of instructions for completing the rating worksheet and to the list of SIC codes.

Approved by a vote of 8-0.

Clyde W. Kimball
Chairman

COMMITTEE REPORT
House of Representatives
House Natural Resources Committee
Oversight Review

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Committee met on April 25, 1986 and reviewed certain changes in state regulations proposed by the Louisiana Department of Public Safety and Corrections for which notice of intent was published in the May 20 *Louisiana Register* with the following results:

1) A Proposal by the Office of State Police to adopt rules and regulations pursuant to the authority granted by Act 435 of the 1985 Regular Session to establish the format and procedure mandated for the "Hazardous Materials Survey Form." These rules also provide for emergency notification procedures and a list of hazardous materials to be regulated by Act 435. A technical amendment was offered in committee by the Department of Public Safety which would make the definition of "small business" consistent with the definition of "small business" provided for in Act 435.

Approved by a vote of 6-2.

Clyde W. Kimball
Chairman

Potpourri

POTPOURRI
Department of Health and Human Resources
Office of Preventive and Public Health Services

A public hearing will be held in Room 511, State Office Building, 325 Loyola Avenue, New Orleans, LA, on Wednesday, May 28, 1986 at 10 a.m. until 12 noon.

The purpose of the hearing is to hear views on the Louisiana WIC Program State Plan. Written comments will be accepted until May 29, when sent to Pamela P. McCandless, Nutrition Section, Box 60630, New Orleans, LA 70160. State WIC Plan Re-

view copies are available weekdays, 8:15 a.m. to 4:15 p.m., in Room 405, State Office Building, New Orleans, LA.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

POTPOURRI
Department of Natural Resources
Fishermen's Gear Compensation Fund

In accordance with the provisions of the Fishermen's Gear Compensation Fund, R.S. 56:700.1 through 56:700.5, and regulations adopted for the fund as published in the *Louisiana Register* on August 20, 1980, notice is given that 28 claims amounting to \$49,104.33 were received during the month of April, 1986. During the same month 80 claims amounting to \$96,718.84 were paid.

No hearings are scheduled for the month of June, 1986.

B. Jim Porter
Secretary

POTPOURRI
Department of Natural Resources
Office of Conservation
Injection and Mining Division

DOCKET NUMBER UIC 86-24

In accordance with the laws of the state of Louisiana, and with particular reference to the provisions of LRS 30:4, notice is hereby given that the Commissioner of Conservation will conduct a public hearing at 11 a.m., Tuesday, June 24, 1986, in the Police Jury Meeting Room on the second floor of the courthouse in Jennings, Louisiana.

At such hearing the Commissioner of Conservation or his designated representative will hear testimony relative to the application of Miller Oilfield Services, Inc., Box 32, Lacassine, LA 70650. The applicant intends to operate a commercial nonhazardous oilfield waste storage and disposal facility (injection well) in Section 7, Township 9 South, Range 5 West, Jefferson Davis Parish, Louisiana.

Prior to authorizing the use of this facility for disposal of liquid nonhazardous oilfield waste, the commissioner of conservation must find that the applicant has met all the requirements of Statewide Order Number 29-B (August 1, 1943, as amended).

The application is available for inspection by notifying Carroll D. Wascom, Office of Conservation, Injection and Mining Division, Room 253 of the Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA. Verbal information may be received by calling Mr. Wascom at 504/342-5515.

All interested persons will be afforded an opportunity to present data, views, or arguments, orally or in writing, at said public hearing. Written comments which will not be presented at the hearing must be received no later than 4:45 p.m., July 1, 1986, at the Baton Rouge Office. Comments should be directed to: Commissioner of Conservation, Box 94275, Baton Rouge, LA 70804, Re: Docket No. UIC 86-24, Commercial Disposal Facility, Jefferson Davis Parish.

Herbert W. Thompson
Commissioner of Conservation

POTPOURRI

**Department of Revenue and Taxation
Tax Commission**

Pursuant to R.S. 47:1837 the following is the result of the Tax Commission's measurement of the level of appraisals and/or assessment and the degree of uniformity of the assessment for Residential Properties (Improvements only) in each parish throughout the State for the tax year 1985 (Orleans 1986). This data shall constitute prima facie evidence of the uniformity or lack of uniformity with constitutional and/or statutory requirements for each parish in the state.

PARISH	Mean (%)	Median (%)	Coefficient of Dispersion (%)
Acadia	9.3	9.4	15.4
Allen	9.1	9.1	8.2
Ascension	9.7	9.8	3.3
Assumption	10.5	10.8	9.8
Avoyelles	10.0	9.8	7.0
Beauregard	10.3	10.3	4.0
Bienville	10.0	10.0	1.7
Bossier	9.5	9.5	3.6
Caddo	9.9	10.0	1.2
Calcasieu	10.5	9.7	19.8
Caldwell	10.0	10.0	3.0
Cameron	8.9	9.0	15.5
Catahoula	10.1	10.1	1.7
Claiborne	10.0	10.0	1.0
Concordia	10.0	10.1	1.8
DeSoto	9.7	9.9	4.6
East Baton Rouge	10.7	10.6	17.0
East Carroll	10.4	10.5	8.1
East Feliciana	9.6	9.7	10.1
Evangeline	8.9	9.1	8.9
Franklin	10.1	10.2	2.1
Grant	9.2	9.2	14.4
Iberia	9.6	9.8	13.1
Iberville	9.3	9.0	11.0
Jackson	9.9	9.9	1.4
Jefferson	9.5	9.4	14.6
Jefferson Davis	9.7	9.7	7.6
Lafayette	10.3	10.1	7.8
Lafourche	9.3	9.0	17.1
LaSalle	9.0	9.4	9.9
Lincoln	9.7	9.5	6.4

PARISH	Mean (%)	Median (%)	Coefficient of Dispersion (%)
Livingston	9.2	9.0	6.4
Madison	9.8	9.9	3.6
Morehouse	10.0	10.0	1.2
Natchitoches	9.5	9.6	1.7
Orleans - 1st M.D.	9.0	9.0	17.5
2nd M.D.	9.5	9.9	8.1
3rd M.D.	9.2	9.9	6.5
4th M.D.	9.6	9.5	16.2
5th M.D.	10.2	10.3	8.3
6th M.D.	9.0	9.8	12.6
7th M.D.	10.0	10.0	7.1
Ouachita	10.1	10.0	4.6
Plaquemines	10.7	10.5	7.3
Pointe Coupee	10.6	10.6	7.3
Rapides	9.5	9.6	6.4
Red River	10.0	10.0	1.5
Richland	9.6	9.5	7.4
Sabine	9.5	9.5	3.3
St. Bernard	9.2	9.4	7.6
St. Charles	9.1	9.0	8.1
St. Helena	9.0	9.1	13.4
St. James	9.1	9.0	5.6
St. John the Baptist	10.5	10.5	8.6
St. Landry	9.7	9.7	10.0
St. Martin	9.0	9.0	9.0
St. Mary	10.3	10.0	12.5
St. Tammany	9.0	9.0	9.8
Tangipahoa	9.1	9.3	12.7
Tensas	9.6	9.6	8.9
Terrebonne	10.1	10.0	8.1
Union	9.9	9.8	3.2
Vermilion	9.9	9.8	9.8
Vernon	9.3	9.4	8.9
Washington	9.1	9.0	11.4
Webster	9.8	9.8	4.9
West Baton Rouge	10.0	10.0	4.9
West Carroll	9.4	9.6	4.5
West Feliciana	9.6	9.0	18.0
Winn	9.9	9.9	0.7

Jamar W. Adcock
Chairman

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