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# Executive Orders

## EXECUTIVE ORDER EWE-79-3

WHEREAS, due to natural and incidental man-made catastrophes and disaster which have resulted and will continue to result from the torrential rains, high water levels, and flooding of certain areas of the State of Louisiana, causing, or threatening to cause widespread and severe damage and injury, including loss of life or property; and

WHEREAS, persons and property in and near False River in Pointe Coupee Parish may be victimized or threatened by such catastrophes and disaster; and

WHEREAS, the seriousness of the current emergency has been publicly announced by the Police Jury of Pointe Coupee Parish, Louisiana, with the request that specific emergency action be taken; and

WHEREAS, when such conditions exist and valid requests are made to him, it is necessary and appropriate, under the Constitution and laws of this state, for the Governor to take such action as he considers necessary and appropriate to protect lives and property to the end that existing hazards and dangers will be decreased and hopefully eliminated; and

WHEREAS, power boat navigation on False River during this time of crisis can only serve to cause damage and injury and to maintain the level of or to increase existing hazards and danger to life and property; and

WHEREAS, the Chief Executive of Louisiana is required to act in the public interest in times of emergency, catastrophe, and disaster.

NOW, THEREFORE, by virtue of the powers vested in me to preserve law and order and to curtail and reduce the injury and damage to persons and property resulting from catastrophe and disaster, I, EDWIN EDWARDS, acting under the authority granted to me and the duties imposed upon me by Article 4, Sections 5(A) and (J) of the Louisiana Constitution of 1974, Act 636 of 1974 as amended by Section 1 of Act 645 of 1975 (The Louisiana Disaster Act of 1974), do hereby, and for an indefinite period not to exceed thirty days from this date, order and proclaim that power boat navigation on False River be, and the same is, hereby prohibited.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to have affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 25th day of April, A.D. 1979.

Edwin Edwards  
Governor of Louisiana

## EXECUTIVE ORDER EWE-79-4

WHEREAS, due to natural and incidental man-made catastrophes and disasters which have resulted and will continue to result from the torrential rains, high water levels, and flooding of certain areas of the State of Louisiana, causing, or threatening to cause widespread and severe damage and injury, including loss of life or property; and

WHEREAS, citizens of these areas have been or will be driven from their homes; and

WHEREAS, the State and Federal governments have declared these areas a major disaster; and

WHEREAS, when such conditions exist, it is necessary and appropriate, under the Constitution and laws of this state, for the Governor to take such action as he considers necessary and appropriate to protect lives and property to the end that existing hazards, danger, and delays will be decreased and hopefully eliminated; and

WHEREAS, the Chief Executive of Louisiana is required to act in the public interest in times of emergency, catastrophe, and disaster.

NOW, THEREFORE, by virtue of the powers vested in me to preserve law and order, to curtail and reduce injury and damage to persons and property resulting from catastrophe and disaster, and to expedite relief, I, EDWIN EDWARDS, acting under the authority granted to me and the duties imposed upon me by Article 4, Sections 5(A) and (J) of the Louisiana Constitution of 1974, Act 636 of 1974 as amended by Section 1 of Act 645 of 1975 (The Louisiana Disaster Act of 1974) do hereby, and for an indefinite period not to exceed thirty days from this date, for the purposes of administering the Temporary Housing Program, suspend all provisions of any regulatory statutes prescribing the procedures for purchases of services, supplies, and equipment.

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 3rd day of May, A.D. 1979.

Edwin Edwards  
Governor of Louisiana

## Policy and Procedure Memoranda

Office of the Governor  
Division of Administration  
Policy and Procedure Memorandum No. 49 (Addendum)

Subject: State General Travel Regulations  
Effective Date: May 1, 1979

This addendum is to amend the following subsections of Section VI of the General Travel Regulations (PPM 49):

Section VI, A.1. - to change authorized mileage reimbursement from 16 cents per mile to 19 cents per mile.

Section VI, B.1. - to change the amount allowable for meals while on in-state travel status from \$11.00 per day to \$13.50 per day allocated as follows:

|           |         |
|-----------|---------|
| Breakfast | \$ 3.00 |
| Lunch     | 3.50    |
| Dinner    | 7.00    |
|           | <hr/>   |
|           | \$13.50 |

Section VI, B.3 - to change the allowable reimbursement for in-state lodging from an amount not to exceed \$20.00 (plus tax) per day to an amount not to exceed \$25.00 (plus tax) per day. An exception will be made for lodging in the New Orleans Metropolitan Area (Orleans and Jefferson Parishes), where allowable reimbursement will be increased from an amount not to exceed \$25.00 (plus tax) per day, to an amount not to exceed \$35.00 (plus tax) per day.

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Section VI, C.1. - to change the amount allowable for meals while on out-of-state travel status from \$11.00 per day to \$15.00 per day allocated as follows:

|           |         |
|-----------|---------|
| Breakfast | \$ 3.00 |
| Lunch     | 4.00    |
| Dinner    | 8.00    |
|           | \$15.00 |

Section VI, C.3. - to change the allowable reimbursement for out-of-state lodging from an amount not to exceed \$25.00 (plus tax) per day to an amount not to exceed \$35.00 (plus tax) per day.

These increases are to be implemented only if adequate funds are available in the state agency's current operating budget.

Note: The Division of Administration is in the final stages of a complete review of the current travel regulations. A new Fiscal Policy and Procedure Memorandum covering travel regulations will be issued by June of 1979 to become effective July 1, 1979.

Charles E. Roemer, II  
 Commissioner of Administration and  
 Executive Assistant to the Governor

# Emergency Rules

## DECLARATION OF EMERGENCY

### Board of Elementary and Secondary Education

Effective April 26, 1979, the State Board of Elementary and Secondary Education has exercised those powers conferred by the emergency provisions of the Administrative Procedures Act, R.S. 49:953B, to adopt Standards for Elementary Summer Schools. This action has been taken because standards which presently exist do not sufficiently address elementary summer schools and are inflicting undue hardship on local systems, and because, in terms of timing, the Board must issue these standards prior to the planning for summer schools in order to protect the welfare of the children of Louisiana.

#### **Rule 4.01.60 Standards for State Approved Elementary Summer Schools**

The following regulations govern the operation of approved summer programs in elementary schools.

**Purpose.**

1. To enable students who have failed in subjects to remove deficiencies and be considered for promotion to the next grade.
2. To enable students to become stronger in subjects where a need has been recognized.
3. To enable students to participate in offerings that are not provided in the regular curriculum during the school year.

**Administration.**

1. A summer school shall be organized and operated under the administrative and supervisory control of the chief administrative officer of the school system.
2. Summer school shall be conducted in an approved school building.
3. The Local Education Agency (LEA) will set up policies that will control requirements for satisfying successful completion of subjects offered.
4. Summer schools shall be operated under the direct supervision and administration of the LEA. However, summer

schools having seven or more teachers shall have a certified principal.

**Application.**

1. The LEA shall apply to the State Department of Education for approval of each summer school program.
2. An application for approval of each summer school's offering shall be filed no later than the end of the first week after the summer session begins.

3. The application forms, provided by the State Department of Education, shall be submitted to the director of the Bureau of Elementary Education.

4. The application shall carry the approval of the chief administrative officer of the school system, and the principal of the summer school, if applicable.

5. In order for summer schools to be accepted, an on-site evaluation shall be made by personnel from the State Department of Education to verify information submitted on the report and to evaluate the quality of the instructional program.

**Faculty.**

1. Certification of the faculty shall be equal to that required during the regular session for subjects offered for removal of deficiencies.

2. The teaching load shall not exceed twenty students per class.

3. A teacher shall not teach for more than four clock hours daily.

**Instruction.**

1. A teacher will be allowed to teach only one subject for removal of deficiencies or remediation during a single time period.

2. A student attending summer school for promotional purposes cannot enroll for more than two subjects.

3. The library or library books as well as all regular teaching aids and equipment shall be available for summer school use.

4. Textbooks, supplementary materials and supplies adequate for effective instruction shall be provided.

a. Textbooks used during the summer school shall be chosen from the state approved list.

b. No fee shall be charged for textbooks used during summer school.

**Attendance.**

1. The minimum attendance for an elementary student to receive credit or pass a subject shall be sixty hours for one subject.

2. Students attending summer school for promotional purposes must have written consent by the principal of the last school he attended.

3. The LEA may impose a more strict minimum attendance policy.

**Time Requirements.**

1. A summer school term shall be operated for a minimum period of thirty-five days (five days per week for seven weeks).

2. Daily time requirements as follows:

| <b>Program</b>          | <b>35 Days</b>       | <b>Total Hours</b> |
|-------------------------|----------------------|--------------------|
| Removal of Deficiencies | 120 min. per subject | 70                 |
| Remedial/Enrichment     | 90 min. per subject  | 52                 |

Deviations. Deviations from the above time allotments and/or policies must be approved by the State Department of Education.

James V. Soileau, Executive Director  
 Board of Elementary and Secondary Education

# Rules

## RULES

### Department of Agriculture Office of Agricultural and Environmental Sciences Seed Commission

#### Tagging of all Classes of Certified Seed

In accordance with the provisions of the Revised Statutes of 1950, Title 3, Part I, Chapter 11, as amended by Act 439 of 1954, the following regulation is prescribed concerning the sampling and tagging of certified seed of all classes, Breeder, Foundation, Registered, and Certified, of all crops from which such certified seed is produced in Louisiana. This regulation is supplemental and does not supersede or cancel paragraphs covering sampling and tagging contained in the individual regulations governing the different crops.

The purpose of this proposed regulation is to increase the effectiveness of the certified seed tag by providing an inspection system to eliminate abuse of the tagging privilege and to be sure that the tags issued are applied to the seed from which the certified samples are drawn.

#### I. Definition of terms.

A. "Certified Laboratory Sample" shall mean the sample drawn by inspectors of the Louisiana Seed Commission after a lot of seed has been cleaned and bagged, to determine if it meets the laboratory certification standards of the particular class of seed and crop in question.

B. "Marking" shall mean the identification of the sacks by lot number either by stenciling the sacks or by sewing into the sacks a tag with the lot number printed on it.

C. "Lot" shall mean the permanent identity given to a certain quantity of seed entered for certification, which is uniform in its quality, and was produced in its entirety from one field or unit of land.

II. Size of lot entered for certification. A lot of clean bagged seed from which a laboratory sample is to be drawn shall consist of no more than 108,000 pounds or 1,500 bags, whichever is smaller.

III. Marking of lots. Any individual, firm, or corporation applying for certification of seed must, at the time of cleaning, processing, and bagging of a lot of certified seed, immediately assign a lot number to each lot and mark the bags with the lot number. This must be done before the Seed Commission Inspector will take a laboratory sample of the lot of seed. The lot must be stacked so as to permit the inspector to make an accurate count of the bags in the lot.

#### IV. Tagging requirements.

A. Before any seed sold as certified seed leaves the premises of the certified grower or processor of certified seed, each bag must be tagged and sealed with the official seal, and the lot numbers on the certified tags must conform to the lot numbers already marked on the bags.

B. All unused certified tags must be returned to the certifying agency or destroyed in the presence of an inspector of the certifying agency.

#### V. Tagging records and inspection privileges.

A. Every certified grower or processor of certified seed must maintain for every lot of certified seed for which tags are received, an inventory record and record of disposition. These records must be kept for a period of at least one year. This record shall show every shipment of each lot of certified seed to which tags are affixed, and the name of the party to whom each delivery was made.

B. The above records shall be made available to certification inspectors at all times. Evidence to support these records must also be made available in the form of permitting the inspector to see the actual seed, if the inventory record shows it to be still on hand, to see the actual tags if the record shows them not to have been affixed to bags, and to see invoices or delivery records attesting to the shipments or disbursements claimed on the inventory records.

VI. Penalties. Breeders, Foundation, Registered, or Certified seed which has been mistagged in violation of this regulation and/or the individual crop regulation with reference to tagging, shall be placed on stop sale until all certified tags or other identification as certified seed has been removed and the tags destroyed. Any person, firm, or corporation found guilty of violating the provisions of this regulation shall be subject to the penalties provided for by the Revised Statutes of 1950, Title 3, Part I, Chapter 11, Section 1447.

VII. The above regulation may be revised or amended at any time that conditions warrant.

VIII. The above regulation shall be effective on and after May 20, 1979.

\* \* \* \*

#### Bulk Sampling of Certified Small Grain, Soybean, and Rice Seed

In accordance with the provisions of the Revised Statutes of 1950, Title 3, Part I, Chapter 11, as amended by Act 439 of 1954, the following regulation is prescribed governing all classes of certified seed. This regulation is supplemental and does not supersede or cancel paragraphs covering sampling and tagging contained in the individual regulations governing the different crops.

The purpose of this regulation is to retain the effectiveness of the certified seed tag while providing the seedsmen with a means of having his certified seed sampled in bulk.

I. Type of storage facility. Any storage facility suitable for storing and maintaining germination and varietal purity will be acceptable provided it is so constructed that a representative sample can be drawn.

#### II. Sampling procedure.

A. Sampling cleaned seed. Sampling from top of grain only.

In facilities that lend themselves to drawing a sample from the top of the grain only, the grain depth should be no greater than can be sampled with sampling equipment being used. All of the samples shall be taken at each four foot depth. All of the samples from a bin will be submitted to the State Seed Laboratory at the same time, labeled so as to identify the bin from which they were drawn and serially numbered. If any one of these samples fails germination by more than the established tolerance (three percent), the entire bin fails for certification in bulk. If any one sample fails by three percent or less and all samples average eighty percent or better, the bin can be certified in bulk.

The same requirements for certification in bulk will apply for other mechanical or quality standards.

After the seed has passed laboratory tests, appropriate tags can be issued based on the estimated quantity of seed in the lot as determined by the inspector at the time of sampling. The inspector's report should show the size bags the seed will be put in, i.e., fifty pounds, one hundred pounds, etc. After the seed has been bagged and tagged, the number of bags must be counted by the inspector. The inspector should pick up any surplus tags issued based on estimated quantity and destroy them.

B. Sampling uncleaned seed. If a producer so desires, he can have uncleaned seed officially sampled by following this procedure:

1. A certified sample of uncleaned seed can be drawn for purposes of determining moisture content and germination percentage only.

2. After the seed has been cleaned, a second certified sample must be drawn on the same lot for purity testing.

3. If a lot of seed is favorable for certification (based on these two samples), seed tags can be issued.

The time between the drawing of the first certified sample and the second certified sample must not be over sixty days. If it is, the germination percentage found on the first sample will not be valid.

III. Moisture content. No lot of seed that has been sampled in bulk will be eligible for certification if the moisture content as determined by the State Seed Laboratory is over 12.5 percent or 13.5 percent for rice. Moisture content should be determined as soon as the sample is received in the laboratory. When two samples are submitted under the uncleaned seed provision, moisture content must be determined on the first sample. Samples drawn from bulk seed should be sent to the State Seed Laboratory in moisture-proof containers. Satisfactory moisture-proof containers must be furnished by the person desiring to have his seed sampled in bulk.

IV. Penalties. Any person, firm or corporation found guilty of violating the provisions of this regulation shall be subject to the penalties provided for by the Revised Statutes of 1950, Title 3, Parts I, II, and III, Chapter 11.

V. The above regulation may be revised or amended at any time that conditions warrant.

VI. The above regulation shall be effective on and after May 20, 1979.

\* \* \* \*

**Amendment to Louisiana Seed Law Regulations**

**Section VI. List and Limitations of Noxious Weed Seed (Section 1433)**

| <b>Name</b>   | <b>Limitations</b>               |
|---|----------------------------------|
| 1. Field Bindweed ( <i>Convolvulus arvensis</i> )                         | Prohibited                       |
| 2. Hedge Bindweed ( <i>Convolvulus sepium</i> )                           | Prohibited                       |
| 3. Nutgrass ( <i>Cyperus esculentus</i> , <i>C. rotundus</i> )            | Prohibited                       |
| 4. Wild Onion and/or Wild Garlic ( <i>Allium sp.</i> )                    | 9 per lb.                        |
| 5. Johnson Grass ( <i>Sorghum halepense</i> )                             | 100 per lb.                      |
| 6. Blueweed, Texas ( <i>Helianthus ciliaris</i> )                         | 200 per lb.                      |
| 7. Dodders ( <i>Cuscuta sp.</i> )   | 100 per lb.                      |
| 8. Canada Thistle ( <i>Cirsium arvense</i> )                              | 100 per lb.                      |
| 9. Quack Grass ( <i>Agropyron repens</i> )                                | 100 per lb.                      |
| 10. Russian Knapweed ( <i>Centaurea repens</i> )                          | 100 per lb.                      |
| 11. Bermuda Grass ( <i>Cynodon dactylon</i> )                             | 300 per lb.                      |
| 12. Cheat or Chess ( <i>Bromus secalinus</i> , <i>B. commutatus</i> )     | 300 per lb.                      |
| 13. Darnel ( <i>Lolium temulentum</i> )                                   | 300 per lb.                      |
| 14. Corncockle ( <i>Agrostemma githago</i> )                              | 300 per lb.                      |
| 15. Horsenettle ( <i>Solanum carolinense</i> )                            | 300 per lb.                      |
| 16. Purple Nightshade ( <i>Solanum elaeagnifolium</i> )                   | 300 per lb.                      |
| 17. Buckhorn Plantain ( <i>Plantago lanceolata</i> )                      | 300 per lb.                      |
| 18. Bracted Plantain ( <i>Plantago aristata</i> )                         | 300 per lb.                      |
| 19. Dock ( <i>Rumex sp.</i> )   | 300 per lb.                      |
| 20. Sheep Sorrel ( <i>Rumex acetosella</i> )                              | 300 per lb.                      |
| 21. Red Rice ( <i>Oryza sativa var.</i> )                                 | 9 per lb.                        |
| 22. Cocklebur ( <i>Zanthium sp.</i> )                                     | 5 per lb.                        |
| 23. Purple Moon Flower ( <i>Ipomoea turbinata</i> )                       | 9 per lb.                        |
| 24. Spearhead ( <i>Rhynchospora sp.</i> )                                 | 5 per lb.                        |
| 25. Balloon Vine ( <i>Cardiospermum halicacabum</i> )                     | 18 per lb.                       |
| 26. Morning Glory ( <i>Ipomoea spp.</i> )                                 | Name and number per lb. on label |
| 27. Wild Poinsettia ( <i>Euphorbia heterophylla</i> , <i>E. dentata</i> ) | Name and number per lb. on label |
| Sum total noxious weed (Subject to above limitations)                     | 500 per lb.                      |

Limitations on noxious and prohibited weeds are listed on individual certified crop seed regulations. Noxious weed seed tolerance of one for regulatory action on certified seed being offered for sale in Louisiana for those noxious weed seed which are prohibited by the Louisiana Certified Seed Regulations for the specific seed kind in question.

Richard Carlton, Secretary  
Seed Commission

**RULE**

**Department of Commerce  
Racing Commission**

§ 30.9 The State Steward shall lock all pari-mutuel ticket issuing machines and sound the "off" bell when the horses leave the starting gate. The horses shall be at the starting gate at post time, which shall not be changed after the horses leave the paddock. The starter shall immediately load the horses in the starting gate and start the horses as soon as possible thereafter in order to avoid delay. The State Steward, or the acting State Steward, may delay compliance with this rule in unusual circumstances. At the discretion of the State Steward, the ticket issuing machines may be unlocked prior to the declaration that the result of the race is official. However, in no case shall the mutuel cashiers' windows be opened until after the declaration that the result of the race is official.

Albert M. Stall, Chairman  
Racing Commission

**RULE**

**Board of Trustees for State Colleges and Universities**

Section 2.10B of the General Operating Procedures is amended to read as follows:

B. Faculty Advisory Council (FAC). A college and university faculty advisory council shall be created and shall consist of one faculty representative from each of the colleges and universities. The representative and one alternate shall be selected by the faculty senate of each institution.

Bylaws:

The FAC will elect a chairman, vice-chairman and a secretary in the fall of each year. Other officers may be selected or appointed by the chairman as deemed necessary by the FAC.

The institution from which the FAC chairman is elected will provide sufficient funds to defray travel expenses of the chairman, who will represent the faculties at Board meetings.

Each institution will pay expenses of the faculty representative or the alternate to the FAC meetings and to meetings of the Board of Trustees at which their presence is requested by the Board

Bill Junkin, Executive Director  
Board of Trustees for State Colleges and Universities

**RULE**

**Board of Elementary and Secondary Education**

**Rule 3.03.10.c**

The Board adopted a policy whereby all evening extension programs conducted by vocational-technical schools must be approved by the Department of Education before the program can be started in the vocational-technical school.

James V. Soileau, Executive Director  
Board of Elementary and Secondary Education

## RULES

### Office of the Governor Commission on Law Enforcement and Administration of Criminal Justice

#### Policies

1. State and local criminal justice agencies, local governmental units and private, nonprofit organizations are eligible to apply for Law Enforcement Assistance Administration (LEAA) funding in Louisiana. However, private, nonprofit organizations must apply through units of local government and/or state, or local criminal justice agencies, or such organizations must furnish security in the form of a surety bond in the amount of the grant. This bond must be approved by the Commission General Counsel. Applications of private, nonprofit organizations must be accompanied by written agreements between the organization and the appropriate criminal justice system referral sources. Ongoing Juvenile Justice and Delinquency Prevention (JJDP) projects are exempted from this policy until Fiscal Year (FY) 1980. Any project receiving FY 1980 funds is subject to this policy.

2. Eligible agencies (this includes state and local law enforcement, prosecutory, judicial, correctional, and juvenile criminal justice agencies) who fail to respond to the State Planning Agency's (SPA) annual surveys or fail to report criminal statistical data when required by state and federal statute or by Louisiana Commission on Law Enforcement (LCLE) request, will be ineligible for any LEAA funding. Any agency failing to report nine or more months of computer acceptable reports of the Uniform Crime Reporting (UCR) Program is ineligible. Such ineligibility will apply to the fiscal year following such failure to report.

3. In order to prevent duplication and to promote cooperative efforts and coordination, LCLE will not fund like projects to eligible agencies serving the same geographical jurisdiction during the same project period.

4. No construction projects will be funded with Part C and Part E funds. JJDP funds may be utilized in construction provided that any project totaling more than five thousand dollars must be matched fifty-fifty.

5. All Part C, Part E and JJDP action grants may be canceled if not commenced by the subgrantee within ninety days of the date of Commission award. Commenced shall be understood to mean that the project has begun to meet its grant timetable and objectives as adjudged by the Evaluation Committee.

6. Diminished support for all continuing projects will be determined by the following schedule:

First Year Awards--These projects will be funded with ninety percent federal funds and a minimum ten percent cash match.

Second Year Awards--These projects will be eligible for a maximum of seventy-five percent of their first year's federal fund award. This amount must be matched with a minimum of ten percent cash match.

Third Year Awards--These projects will only be eligible for a maximum of sixty percent of their first year's federal fund award. This amount must then be matched with a minimum of ten percent cash match.

Multi-year projects in general will be eligible for a maximum of three years or thirty-six months of federal fund support. However, a project may be extended for a period of no more than six months. Extensions may be granted during any funding period provided the aggregate extension amounts to no more than six months.

Noncontinuation, one-time grants may be extended for no more than six months.

Certain project categories are exempt from the above restrictions as to the length of time they may receive funding support and the amount of yearly support:

a. State agency and regional block training grants. (Specialized inter-agency training projects remain subject to the three-year support limitation.)

b. Information systems which require extensive hardware acquisition and/or lengthy implementation periods.

c. Planning support for Criminal Justice Coordinating Councils. SPA jail monitoring personnel and evaluations.

7. "Indirect Costs" are allowed on projects not to exceed ten percent of direct labor costs including fringe benefits, or five percent of total direct costs. However, in any event, the application must provide a definite indication that indirect expenses exist and that the allowance approximates what indirect expenses will be for the project.

8. The Commission, in the course of funding projects, will fund only one retirement and one health and hospitalization insurance program, notwithstanding the fact that another program or retirement system may be funded by some other source; but in no event should the additional funds provided for insurance or retirement be used as match for a project. In any event, "fringe" benefits shall be limited to no more than twenty-five percent of salary costs. An exception to this is when employees are covered by workmen's compensation. This policy would take effect July 1, 1979, and be applicable to all funding years.

9. No training funds shall be spent for activities other than structured meetings or conferences for which agendas may be provided. In addition, training funds specifically shall not be used to reimburse personnel for visits to other jurisdictions for nonspecific training purposes or on-site visits. It is the intent of the Commission to utilize its training funds to best advantage as well as to be able to evaluate the programs and monitor the training.

10. Members or participants attending meetings of boards, committees, councils, commissions, etc., may not be paid per diem, travel, subsistence, or other related expenses from LEAA federal block funds or funds used as minimum match for a grant.

11. The Commission shall determine an appropriate length for a project prior to funding any portion of the project. Any project may be terminated if:

a. The level of federal funding to the state under the JJDP Act or Crime Control Act is decreased materially.

b. The applicant fails to comply with the terms and conditions of the award.

c. The applicant fails to receive a satisfactory evaluation/monitoring or auditing report.

12. Any publications promulgated as a result, in whole or in part, through the use of LEAA funds, excluding reports generated through the use of Part B funds, must bear a prominent statement to the effect: "This publication was made possible through the use of LEAA funds allocated by the Louisiana Commission on Law Enforcement and Administration of Criminal Justice." Twenty-five copies must be supplied to the Commission upon request.

13. Any attorney employed under a grant from the Louisiana Commission on Law Enforcement may engage in the practice of law in civil cases and matters. The grant application and progress reports must demonstrate that their primary responsibility shall be to the position that they hold under the grant.

14. To be eligible, project applications must certify and provide such documentation as to clearly indicate LEAA federal funds will not be used to supplant any activity, or portion thereof, for which other state or local appropriations have been made or may be reasonably assured of being received. Where such appropriations are received unexpectedly during the life of a project, immediate notification must be submitted to LCLE with a revised project application for approval demonstrating the manner in which federal monies will be used to supplement (rather than supplant) the activities for which state or local appropriations have been received.

15. Applications received at the SPA on or before the fifteenth of the month will be presented at the Commission meeting of the following month. This allows a sufficient period of time for the SPA staff to review the applications and compile the information for packet mailout.

16. Appeals Procedure: When an application for funding is rejected by the Commission, or when an approved subgrant is discontinued, the applicant or subgrantee may appeal the decision of the Commission by filing a notice of appeal with the SPA at the recognized business address (1885 Wooddale Boulevard, Room 615, Baton Rouge, Louisiana 70806). The notice of appeal must be by certified mail and must be filed no later than fifteen business days after receipt of the notice of denial by the applicant or subgrantee.

Upon receipt of the notice of appeal by the SPA, the Executive Director will notify the appropriate Commission Committee that an appeal hearing will be held on the date of the next regularly scheduled Commission meeting. The appropriate committee will be that committee whose substantive area of criminal justice activity most closely relates to the application or subgrant. The Executive Director shall designate the time and place of the meeting, and a copy of the notice shall be sent to the applicant or subgrantee.

On the date of the next regularly scheduled Commission meeting, the appropriate committee shall meet and hear evidence by the applicant or subgrantee relative to reasons the appeal should be granted. The applicant or subgrantee may present as many witnesses as may be necessary to support his appeal, except that the committee chairman may limit the number or time allotted to the witnesses where necessary. The secretary to the Commission shall take minutes of the appeal hearing and the entire hearing shall be recorded. The committee may also request other evidence relating to the application or project.

At the conclusion of the hearing the committee shall present its findings and make recommendations to the Commission.

A vote shall then be taken on the appeal.

In the event the appeal is denied, the applicant or subgrantee may, within fifteen days of the date of denial, file with the Office of the Governor and the SPA a notice of appeal to the Governor. The notice of appeal must be by certified mail.

Upon receipt of the notice of appeal to the Governor, the SPA shall have fifteen days to provide the applicant or subgrantee and the Governor with minutes of the appeal hearing and a copy of the vote of the Commission. The recorded tapes shall also be made available to the Governor at his request.

The results of the appeal to the Governor shall be communicated to the SPA within twenty days.

Nothing herein shall preclude the resubmission of an application through use of regular SPA procedures.

17. All waiver requests must be in writing and must be reviewed by the Priorities Committee. The Committee's recommendation will be forwarded to the full Commission. All waiver requests would require a two-thirds vote for approval.

18. Part C, E and JJDP action grants shall be limited to no more than four months of pre-award costs. The Louisiana Commission on Law Enforcement requires adherence to its monitoring and evaluation requirements. All subgrantees who request pre-award costs will be held accountable for the period to be covered by the pre-award costs.

19. The acquisition of equipment will not be allowed in a grant unless such equipment is "part of a program" or an agency can demonstrate that the acquisition of such equipment provides for agency expansion of services.

20. Requests for auxiliary police will not be considered for funding.

21. No LEAA block monies (including JJDP, Parts B, C and E) may be utilized for travel outside the continental United States (forty-eight contiguous states).

22. The following agencies are ineligible to receive grants from LEAA block funds: (a) university campus police, (b) airport security, (c) hospital security, (d) capitol police, (e) wildlife and fisheries enforcement unit, (f) harbor, river and levee board police, (g) justices of the peace, and (h) park rangers.

23. "Legal advisors" hired under a grant must have at least one year of experience as assistant prosecutors or defense attorneys. The employing agency must have a minimum of seventy-five full-time employees.

24. To be eligible for funding consideration, projects which involve multi-agency agreements and/or operations must include with their applications signed copies of the written agreement between the participating agencies outlined in nature and extent of the cooperative effort. The agreement must also outline what provisions have been made by the participant agencies to assume operating costs of the project upon expiration of federal funding.

25. All JJDP and Part C juvenile applications must be reviewed first by the JJDP Advisory Board prior to review by the full Commission.

26. To be eligible for funding, the Louisiana Department of Corrections must continue to provide "recidivism rates" on a yearly basis.

27. No project supported with Part C or E funds will be eligible to transfer project support to JJDP Act funds or vice versa.

28. All "pure courts" project applications, as defined by the Judicial Planning Committee (JPC), must be reviewed by the JPC prior to submission to the full Commission for review.

29. The Regional Planning Units can serve as subgrantees only when receiving planning grants, block training grants, and research/evaluation grants.

30. No equipment can be purchased with evaluation funds.

31. Prospective noninstitutional based treatment centers should attempt to secure a facility and/or site prior to the awarding of any LEAA funds due to past adverse public opinion of these projects being located in relative proximity of residential areas. If this is not feasible, then the subgrantee should only hire one person on the grant for the purpose of securing a facility and/or site, and establish a definite operational start-up date before any other personnel are hired or before any other funds can be drawn down.

Wingate M. White, Executive Director  
Commission on Law Enforcement  
and Administration of Criminal Justice

## **RULES**

### **Office of the Governor Tax Commission**

#### **Tax Commission Guideline Manual (Page 2A)**

Each individual well must be listed separately by field, lease name, well serial number, lease well number, single or multiple completion, type well (oil or gas—as designated by the Louisiana Department of Conservation), and production depth. The assessment, per foot, shall apply to each producing zone without allowance as to well performance. All permanently abandoned wells shall be reported only the first year after abandonment, however, no assessment shall apply. The Louisiana Department of Conservation's serial number must be provided. A work permit is not acceptable. Production depth explanation is the depth from the surface to the upper perforation in each producing zone in which the well is completed. As an example, a well completed in three zones is a triple completion and will have three different production depths as determined by the depth of the upper perforation of each completion. A per foot assessment shall apply, according to depth, to the upper perforation of each zone.



All surface equipment used in the production, storage, transmission, or sale of the production from all leases must be listed by field and ward, in accordance with the assessor's requirements. Equipment on the lease which is not the reporting responsibility of the reporting agency shall be listed, described and the name and address of the owner of such equipment shall be reported. A well(s) reported with no equipment, or less equipment than usually required, shall be fully explained. Otherwise, equipment will be added and assessed.

LAT 13, Drilling Rig and Related Equipment form, shall be sent in addition to the Form LAT 5 to any company, business, or individual having such property in the parish or taxing district on the assessment date.

LAT 14, Pipelines form, should be furnished to all companies owning and/or operating pipelines other than pipelines which are assessed as public service properties by the Louisiana Tax Commission. This form is considered to be a supplement to LAT 5 and LAT 12.

LAT 15, Aircraft form should be furnished to individuals, partnerships, corporations, associations, etc., owning and/or operating an aircraft in Louisiana as of assessment date. This form is considered to be a supplement to LAT 5.

**(Page 3)**  
**Real Property Rules and Regulations**

Each assessor shall be responsible for obtaining and keeping an updated *Residential Cost Handbook* and *Marshall Valuation Service*, published by Marshall and Swift. In making the appraisal of residential, commercial, and industrial buildings for 1978, the assessors shall use the building cost index and local multipliers as of October 1, 1976.

The following procedure shall be used for assessing, listing, and placing transferred property and property upon which improvements have been made after the date of the reappraisal as set by the Louisiana Tax Commission.

Improvements shall be added to the rolls January 1 following the year the improvements are completed, Orleans excepted, which shall be August 1, following the year the improvements are completed. Value of the improvements will be indexed to the date of the last reappraisal.

The assessor shall use property transfers to evaluate trends within the assessing district. These trends will be applied by the assessor in reappraising property on the basis of at least every four years or as directed by the Commission. The assessor may reappraise property based on property transfers more often than every four years, if the trends established by the transfers indicate that property value fluctuations are creating inequities within the assessing district by property classifications; however, the reappraisal shall not be applied on a parcel-by-parcel basis, but rather across the board in a given geographical area. Values would be updated and then indexed to the date of the last reappraisal.

The annual report of the Louisiana Tax Commission will be indexed to the date of the last appraisal.

The Louisiana Tax Commission hereby orders that all property be reappraised in all parishes, Orleans excepted, for the 1982 tax year. Property is to be valued as of October 1, 1980. The Louisiana Tax Commission hereby orders all property in the Parish of Orleans be reappraised for the 1983 tax year. Property in Orleans is to be valued as of June 1, 1982.

Russell R. Gaspard, Executive Secretary  
Tax Commission

## RULES

### Department of Health and Human Resources Air Control Commission

#### Definitions

4.59 Smoke. Any small gas-borne particles resulting from incomplete combustion, consisting predominantly of carbon, ash, and other combustible material, and present in sufficient quantity to be observable.

4.65 Submerged Fill Pipe. Any fill pipe the discharge opening of which is entirely submerged when the liquid level is six inches (fifteen centimeters) above the bottom of the tank or when applied to a tank which is loaded from the side, means any fill pipe the discharge opening of which is entirely submerged when the liquid level is eighteen inches (forty-five centimeters) above the bottom of the tank. Any nozzle in full contact with the bottom of the tank being filled shall be considered to meet these requirements. In addition, a nozzle which remains below the surface of the liquid in the tank during all normal operations (nozzle shall not be uncovered more than twice per year) shall be considered to meet these requirements.

4.80 Petroleum Refinery. Any facility engaged in producing gasoline, kerosene, distillate fuels oils, residual fuel oils, lubricants, or other products through distillation of crude oils, or through redistillation, cracking extraction, or reforming of unfinished petroleum derivatives.

4.81 Asphalt. A dark brown to black cementitious material (solid, semisolid, or liquid in consistency) in which the predominating constituents are bitumens which occur in nature as such or which are obtained as residue in refining petroleum.

4.82 Cutback Paving Asphalt. Asphalt cement which has been liquefied by blending with petroleum solvents (diluent). Upon exposure to atmospheric conditions the diluents evaporate, leaving the asphalt cement to perform its function. Products made for this use are designated SC (Slow Cure), MC (Medium Cure) and RC (Rapid Cure) liquid asphalt and are manufactured to meet ASTM specifications D-2026-72, D-2027-72 and D-2028-72 or similar paving asphalt specifications.

4.83 Emulsified Asphalt. An emulsion of asphalt cement and water which contains a small amount of an emulsifying agent; a heterogeneous system containing two normally immiscible phases (asphalt and water) in which the water forms the continuous phase of the emulsion, and minute globules of asphalt form the discontinuous phase.

4.84 Penetrating Prime Coat. An application of low-viscosity liquid asphalt to an absorbent surface. It is used to prepare an untreated base for an asphalt surface. The prime penetrates the base and plugs the voids, hardens the top, and helps bend it to the overlying asphalt course. It also reduces the necessity of maintaining an untreated base course prior to placing the asphalt pavement.

4.85 Automobile. A passenger car or passenger car derivative capable of seating not more than twelve passengers.

4.86 Automobile and Light-Duty Truck Assembly Plant. A facility where automobile and/or light-duty truck bodies, frames and parts are assembled for eventual inclusion into a finished product ready for sale to vehicle dealers excluding the following operations: (1) wheel coatings, (2) anti-rust coatings, (3) trunk coatings, (4) interior coatings, (5) flexible coatings, (6) sealers, (7) plastic parts coatings. Excluded from this definition are customizers, body shops, and other repainters.

4.87 Final Repair. The surface coatings applied to correct top coat imperfections.

4.88 Light-Duty Truck. A motor vehicle rated at 8,500 pounds gross weight or less which is designed primarily for the purpose of transportation of property or is a derivative of such vehicle.

- 4.89 Primer. The first surface coating applied to the surface.
- 4.90 Primer-Surfacer. The surface coating applied over the primer and beneath the top coat.
- 4.91 Top Coat. The surface coating applied for the purpose of establishing the color and/or protective surface, including groundcoat and paint sealer materials.
- 4.92 Bulk Plant. A facility having a daily throughput of 20,000 gallons (76,000 liters) or less of gasoline.
- 4.93 Bulk Terminal. A facility having a daily throughput of more than 20,000 gallons (76,000 liters) of gasoline.
- 4.94 Gasoline. A petroleum distillate having a Reid vapor pressure of 27.6 kPa (four pounds) or greater.

\* \* \* \*

6.1 ...Said report shall be prepared in accordance with the general rules, which follow, for submission of industrial waste reports, and no construction or modification or operation of a facility which ultimately may result in emission of air contaminants as defined in Section 4.4 shall be started until the report has been approved, an appropriate permit fee paid (for applications made after July 1, 1979), and a certificate of approval (permit) for the work has been received from the Louisiana Air Control Commission....

\* \* \* \*

6.11 Interstate Pollution. Each major proposed new or modified source: (1) subject to significant deterioration of air quality review or, (2) which may significantly contribute to levels of air pollution in excess of the national ambient air quality standards in a control region outside Louisiana shall provide written notice to all nearby states, the air pollution levels of which may be affected by such source, at least sixty days prior to the date on which commencement of construction is to be permitted by the Commission.

\* \* \* \*

6.6 Public Comment. No permit for new sources or modifications shall be acted upon by the Commission unless:

- (1) The information submitted by the owner or operator and the analysis made by the Commission staff of the effect on air quality is available for public inspection in at least one location in the Air Quality Control Region (AQCR) affected.
- (2) A thirty-day period exists for submittal of public comment.
- (3) A notice by prominent advertisement in the AQCR affected indicating the location of the information described in (1) above is published.

\* \* \* \*

17.12 Emission Inventory. Emission Inventory Questionnaire shall be submitted to the Department within ninety days of initial request. An updated report must be submitted semiannually, if there has been any significant change in reported annual emission rates. A significant change is one in which the annual emission rate of any individual emission point changes more than ten percent from reported annual values.

\* \* \* \*

17.14 Stack Heights. The degree of emission limitation required in these regulations for control of any air pollutant shall not be affected in any manner by (1) so much of the stack height of any sources as exceeds good engineering practice or (2) any other dispersion technique.

This section shall not apply with respect to stack heights in existence before the date of enactment of the Clean Air Amendments of 1970 or dispersion techniques implemented before such date.

17.14.1 In establishing an emission limitation for coal-fired steam electric generating units which are subject to the provisions of Section 118 of the Federal Clean Air Act and which commenced operation before July 1, 1957, the effect of the entire stack height of stacks for which a construction contract was awarded before February 8, 1974, may be taken into account.

17.14.2 For the purpose of this section:

- (a) The term "dispersion technique" includes any intermittent or supplemental control of air pollutants varying with atmospheric conditions.
- (b) The term "good engineering practice" means with respect to stack heights, the height necessary to insure that emissions from the stack do not result in excessive concentrations of any air pollutant in the immediate vicinity of the source as a result of atmospheric downwash, eddies and wakes which may be created by the source itself, nearby structures or nearby terrain obstacles. Such height shall not exceed two and a half times the height of such source unless the owner or operator of the source demonstrates, after notice and opportunity for public hearing to the satisfaction of the Louisiana Air Control Commission, that a greater height is necessary as provided under the preceding sentence. In no event may the Louisiana Air Control Commission prohibit any increase in any stack height or restrict in any manner the stack height of any source.

\* \* \* \*

17.15 Maintenance of Pay. In the case of any source which uses a supplemental, or intermittent control for the purpose of meeting the requirements of an order under Section 119 (d) or Section 119 (relating to primary nonferrous smelter orders) of the Federal Clean Air Act, the owner or operator of such source may not temporarily reduce the pay of any employee by reason of the use of such supplemental or intermittent or other dispersion dependent control system.

17.16 A facility may propose to the Commission a control plan for any pollutant that sets a mass emission rate equal to the sum of all sources within the facility or any combination of sources within the facility. The facility may control the emissions contained in the proposal any way it deems appropriate as long as the proposed mass emission rate is not violated. The facility will set emission rates for each proposed source within the facility that when accumulated will demonstrate compliance with the mass emission rate.

The Commission shall approve the use of the alternative emission reduction proposal if the facility can demonstrate that the proposal will not interfere with the attainment or maintenance of the ambient air quality standard for the pollutant which the control plan is proposed.

\* \* \* \*

18.2 Control of Smoke. The emission of smoke from any combustion unit (other than a flare, as described in Section 18.3 below) or from any type of burning in a combustion unit (other than a flare), including the incineration of industrial, commercial, institutional and municipal wastes, shall be controlled so that the shade or appearance of the emission is not darker than twenty percent opacity as to obscure vision to a degree equivalent to the above except that emitted during the cleaning of a fire box or the building of a new fire, soot blowing or lancing, charging of an incinerator, equipment changes, ash removal and rapping of precipitators may be darker than twenty percent opacity for a period of not more than four consecutive minutes in any one-hour period, (any sixty-minute period commencing on the hour).

\* \* \* \*

19.5.1 Control of Particulate Matter and/or Suspended Particulate Matter. The emission of particulate matter and/or suspended particulate matter from any source other than new or existing fluid catalytic cracking unit incinerator-waste heat boilers shall be controlled so that the shade or appearance of the emission is not denser than twenty percent opacity; except that emitted may be denser than twenty percent opacity for a period of not more than four consecutive minutes in any one-hour period, (any sixty-minute period commencing on the hour.)

For new or existing fluid catalytic cracking unit incinerator-waste heat boilers emissions shall not exceed thirty percent opacity ex-

cept that emitted may be denser than thirty percent opacity for one six-minute average per hour without violating this standard.

Emissions already less than that allowed by the process weight rate limitation (Table 3) will be considered by the Technical Secretary for exemption from the provisions of this subsection.

When the presence of uncombined water is the only reason for failure of an emission to meet the requirements of this subsection, this subsection will not apply.

\* \* \* \* \*

18.6.3 Where the presence of uncombined water or matter other than smoke, as defined in 4.59, is the only reason for failure of an emission to meet the requirements of Section 18.2 of this regulation, Section 18.2 will not apply. In addition, emissions already less than that allowed by Sections 21.3 and 23.4.1 of these regulations shall be considered by the Technical Secretary for exemption from the provisions of this subsection.

\* \* \* \* \*

In Section 22.3 revise the first sentence to read as follows: No person shall place, store or hold in any new stationary tank, reservoir, or other container of more than 40,000 gallons (151,400 liters) capacity any volatile organic compounds unless such tank, reservoir or other container is a pressure tank capable of maintaining working pressures sufficient at all times under normal operating conditions to prevent vapor or gas loss to the atmosphere or is designed and equipped with a submerged fill pipe and one of the following vapor loss control devices:

\* \* \* \* \*

In Section 22.3 (b) revise the sentence as follows:

(b) A vapor loss control system, consisting of a vapor gathering system capable of collecting the organic compound vapors and gases and a vapor disposal system capable of processing such organic vapors and gases so as to limit their emission to the atmosphere and with all tank gauging and sampling devices gas-tight except when gauging or sampling is taking place.

\* \* \* \* \*

22.5 Volatile Organic Compounds. Any loading facility for volatile organic compounds servicing tanks, trucks or trailers having a capacity in excess of two hundred gallons (seven hundred sixty liters) and having 20,000 gallons (75,700 liters) or more throughput per day, 40,000 gallons (151,400 liters) or more for existing facilities, averaged over any thirty-day period, must be equipped with a vapor collection and disposal system or equivalent means thereof, properly installed, in good working order. Provisions must be made to prevent spills during the attachment and disconnection of filling lines or arms. This section does not apply to crude or condensate loading facilities.

\* \* \* \* \*

Change the last paragraph of Section 22.3 to read as follows:

This section does not apply to existing storage tanks having a nominal storage capacity of less than 420,000 gallons (1,589,900 liters) of crude or condensate or to new crude or condensate storage capacity of less than 420,000 gallons (1,589,900 liters) unless such new tanks are subject to 40 CFR Part 60 Subpart K. Activities prior to lease custody transfer are exempt from this section.

22.3.1 Any crude or condensate storage tank in an oxidant non-attainment area emitting one hundred tons per year (TPY) or more of volatile organic compounds shall control the emissions as specified in Section 22.3.

\* \* \* \* \*

22.9(a) Incineration, provided ninety percent of the carbon in the organic compounds being incinerated is oxidized to carbon dioxide (except as provided in 22.9.3(a)).

\* \* \* \* \*

Revise the first paragraph of Section 22.9.1 to read as follows:

22.9.1 Soldering operations, painting and coating operations, not listed in 22.9.2, and Dry Cleaning Operations Using Organic

Solvents. Soldering operations, painting and coating operations, not listed in 22.9.2 and dry cleaning operations using organic solvents which are not considered photochemically reactive shall be considered for exemption from the requirements of Section 22.9 of the Air Control Commission regulations.

\* \* \* \* \*

22.9.2 Surface Coating Industries. No person may cause, suffer, allow, or permit volatile organic compound (VOC) emissions from the surface coating of any materials affected by Regulation 22.9.2(a) through (h) to exceed the emission limits as specified in the regulation.

| Affected Facility  | VOC Emission Limitation                |  |
|--|--|--|
|  | Lbs. Per Gal. Of Coating (Minus Water) | KG Per Liter Of Coating (Minus Water)  |
| (a) Large Appliance Coating Industry. The following emission limits shall apply:                                   |  |  |
| Prime, single or topcoat application area, flash-off area and oven   | 4.3 <sup>1</sup><br>2.8 <sup>2</sup>   | 0.52 <sup>1</sup><br>0.34 <sup>2</sup> |
| <sup>1</sup> Until Dec. 31, 1981. <sup>2</sup> After Dec. 31, 1981.  |  |  |
| (b) Surface Coating of Cans. The following emission limits shall apply:  |  |  |
| Sheet Basecoat (exterior and interior) and over-varnish: Two-piece can exterior (basecoat and over-varnish)        | 2.8                                    | 0.34                                   |
| Two and three-piece can interior body spray, two-piece can exterior end (spray or roll coat)                       | 4.2                                    | 0.51                                   |
| Three-piece can side-seam spray  | 5.5                                    | 0.66                                   |
| End sealing compound   | 3.7                                    | 0.44                                   |
| (c) Surface Coating of Coils. The following emission limits shall apply:   |  |  |
| Prime and topcoat or single coat operation   | 2.6                                    | 0.31                                   |
| (d) Surface Coating of Paper. The following emission limits shall apply:   |  |  |
| Coating Line   | 2.9                                    | 0.35                                   |
| (e) Surface Coating of Fabrics. The following emission limits shall apply:   |  |  |
| Fabric Facility  | 2.9                                    | 0.35                                   |
| Vinyl Coating Line   | 3.8                                    | 0.45                                   |
| (f) Surface Coating of Assembly Line Automobiles and Light Duty Trucks. The following emission limits shall apply: |  |  |
| Prime application, flash-off area and oven   | 1.2                                    | 0.14                                   |
| Primer surfacer application flashoff area and oven   | 2.8                                    | 0.34                                   |
| Topcoat application, flashoff area and oven  | 2.8                                    | 0.34                                   |
| Final repair application, flashoff area and oven   | 6.5 <sup>1</sup><br>4.8 <sup>2</sup>   | 0.79 <sup>1</sup><br>0.58 <sup>2</sup> |
| <sup>1</sup> Until Dec. 31, 1981. <sup>2</sup> After Dec. 31, 1981.  |  |  |
| (g) Surface coating-magnetic wire coating.   |  |  |
| Coating Line   | 1.7                                    | 0.20                                   |

(h) Surface Coating of Metal Furniture. Volatile organic compound emissions from metal furniture coating lines shall not exceed three pounds per gallon (0.36 kg/liter) of coating (minus water).

#### 22.9.3 Control Techniques.

(a) If add-on controls such as incinerators or vapor recovery systems are used to comply with the emission limitation requirements, the volatile organic compound capture and abatement system shall be at least eighty percent efficient overall, (sixty-five percent with energy recovery). All surface coating facilities shall submit to the Technical Secretary for his approval design data for each capture system and emission control device which is proposed for use. (Example: A line using an eighty percent effective control device with a coating containing 8.5 pounds per gallon of VOC shall be considered to meet a 1.7 pound gallon emission limitation).

(b) If a person wishes to use low solvent technology to meet any of the emission limits specified in Regulation 22.9.2(a) through (h) and if the technology to be used for any particular application is not now proven but is expected to be proven in a reasonable length of time, he may request a compliance date extension from the Technical Secretary. After consultation with appropriate local governmental agencies, the Technical Secretary may extend the compliance date to no later than December 31, 1982. Compliance date extensions will require progress reports every ninety days, or as directed, to show reasonable progress, as determined by the Technical Secretary, toward technology to meet the specified emission limitation.

Compliance with the emission limitation for any specified surface coating application shall be eighteen months after any progress report indicates the extended compliance date cannot be met with low solvent technology. Final compliance date for any control plan shall be no later than December 31, 1982.

(c) A plant-wide emission reduction plan may be approved by the Technical Secretary if it can be demonstrated by the surface coating facility that any emissions in excess of those allowed for a given coating line will be compensated or by reducing emissions from regulated sources within the surface coating facility.

(d) Surface coating facilities on any property in affected parishes which have a potential to emit a combined weight of volatile organic compounds less than one hundred pounds (forty-five kilograms) in any consecutive twenty-four-hour period are exempt from the provisions of Regulation 22.9.2(a) through (h).

(e) Soldering and surface coating facilities or portions thereof, may request exemption from the requirements of Regulation 22.9.2 if all of the following conditions are met:

- (1) The affected portion of the facility will not emit more than fifty tons per year of VOC.
- (2) That the only practical means of VOC control is thermal oxidization.
- (3) That the substance to be emitted is not toxic.
- (4) That the moles of fuel used would exceed the moles of VOC destroyed.
- (5) That the reasonable control of the VOC would result in a net increase of emissions from the facility.

The exemption will be described in detail in the Compliance Orders, under Section 110(a)(3) of the Federal Clean Air Act, adopted by the Commission.

\* \* \* \*

*Revise the second sentence of 22.8(c) to read as follows:*

22.8(c) ...Where it can be demonstrated to the Department that the waste gas stream:

1. is not significant (i.e. is less than one hundred TPY),
2. will not support combustion without auxiliary fuel, or

3. disposal cannot be practically or safely accomplished by other means without causing economic hardship, the Technical Secretary may waive the requirement...

\* \* \* \*

22.10 Exemptions. The following compounds are considered exempt from the control requirements of Section 22.0 et al: methane, ethane, 1, 1, 1 trichloroethane (Methyl Chloroform), trichlorotrifluoroethane (Freon 113) and methylene chloride. Sources emitting other volatile organic compounds may be considered for exemption by the Commission if their control causes economic hardship. Any exemption granted will be described in detail in Compliance Orders adopted by the Commission.

\* \* \* \*

#### 22.12 Vapor Degreasers.

##### 22.12.1 Open Top Vapor Degreasers.

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

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

- (1) The cover shall be closed at all times except when processing work loads through the degreaser.
- (2) Parts shall be positioned so that maximum drainage is obtained.
- (3) Parts shall be moved in and out of the degreaser at less than eleven feet per minute (three and three-tenths meters per minute).
- (4) The work load shall be degreased in the vapor zone at least thirty seconds or until condensation ceases.
- (5) Any pools of solvent on the cleaned parts shall be removed by tipping the part before withdrawing the part.
- (6) Parts shall be allowed to dry within the degreaser for at least fifteen seconds or until visually dry.
- (7) Porous or absorbent materials such as cloth, leather, wood or rope shall not be degreased.
- (8) Work loads shall not occupy more than half of the degreaser open top area.
- (9) The vapor level shall not drop more than 4 inches.
- (10) Solvent shall not be sprayed above the vapor level.
- (11) Solvent leaks shall be repaired immediately or the degreaser shall be shut down.

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

(13) Exhaust ventilation shall not exceed sixty-five cubic-feet-per-minute (CFM) per cubic foot (ft<sup>3</sup>) (twenty cubic meters per minute per cubic meters) of degreaser open area, unless necessary to meet OSHA requirements. Ventilation fans shall not be used near the degreaser opening.

(14) Water shall not be visibly detectable in solvent exiting the water separator.

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

(a) Exhaust ventilation shall not exceed sixty-five CFM per Ft<sup>3</sup> (twenty M<sup>3</sup>/Min per M<sup>3</sup>) of degreaser opening, unless necessary to meet OSHA requirements. Ventilation fans shall not be used near the degreaser opening.

(b) Parts shall be positioned so that maximum drainage is obtained.

(c) Vertical conveyor speed shall be maintained at less than eleven Ft/Min (3.3 M/Min).

(d) Waste solvent shall not be disposed of or transferred to another party such that greater than twenty percent of the waste (by weight) can evaporate into the atmosphere. Waste solvent shall be stored only in covered containers.

(e) Leaks shall be repaired immediately or the degreaser shall be shut down.

(f) Water shall not be visibly detectable in the solvent exiting the water separator.

#### 22.12.3 Cold Cleaning Facilities.

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

(b) No person shall operate or maintain a system using a volatile organic compound for cold cleaning of objects without complying with the following operating procedures:

(1) The cover shall be closed at all times except when processing work loads through the degreaser.

(2) Parts shall be positioned so that maximum drainage is obtained.

(3) Any pools of solvent on the cleaned parts shall be removed by tipping the part before withdrawing the part.

(4) Parts shall be allowed to dry within the degreaser for at least fifteen seconds or until visually dry.

(5) Solvent shall not be sprayed above the vapor level.

(6) Porous or absorbent materials such as cloth, leather, wood, or rope shall not be degreased.

(7) Solvent leaks shall be repaired immediately or the degreaser shall be shut down.

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

(9) Exhaust ventilation shall not exceed sixty-five CFM per foot<sup>3</sup> (twenty M/Min per M<sup>3</sup>) of degreaser open area, unless necessary to meet OSHA requirements. Ventilation fans shall not be used near the degreaser opening.

(10) Water shall not be visibly detectable in a solvent exiting the water separator.

#### 22.12.4 Exemptions.

(a) Volatile organic solvent using processes affected by Section 22.12 et seq. which uncontrolled may emit up to a combined weight of volatile organic compounds less than one hundred pounds (forty-five kilograms) in any consecutive twenty-four hour period are exempt from the provisions of this section.

\* \* \* \*

22.13 Cutback Paving Asphalt. No person may cause, allow or permit the manufacture, mixing, storage, use or application of cutback paving asphalts without approval of the Technical Secretary as provided below. The Technical Secretary may approve the manufacture, mixing, storage, use or application of cutback asphalts where;

(a) Long-life stockpile storage is necessary.

(b) The use or application at ambient temperatures less than 10°C (50°F) is necessary.

(c) The cutback paving asphalt is to be used solely as a penetrating prime coat.

\* \* \* \*

#### 22.14 Filling of Gasoline Storage Vessels (Stage 1).

22.14.1 Control Requirements. No person shall transfer gasoline from any delivery vessel into any stationary storage container with a nominal capacity of two thousand gallons (7,570 liters) or greater unless such container is equipped with a submerged fill pipe and unless the displaced vapors from the storage container are processed by a vapor recovery system which reduces the emissions to a level not to exceed 1.2 pounds of volatile organic compounds per one thousand gallons (140 mg/liter) of gasoline transferred.

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

(a) A vapor-tight return line is connected before gasoline can be transferred into the storage container. No gasoline leaks exist anywhere in the liquid transfer system.

(b) The only atmospheric emission during gasoline transfer into the storage container is through the storage container pressure-vacuum valve.

(c) The delivery vessel is kept vapor-tight under normal conditions with vapor recovery equipment.

22.14.3 Alternate Vapor Balance Systems. Other vapor balance arrangements may be accepted if proof of the emission level required in subparagraph 22.14.1 is provided to the Louisiana Air Control Commission. Approval of any alternate vapor balance system shall not be valid unless it is received from the Technical Secretary in writing.

22.14.4 Exemptions. The following are exempt from the requirements of Section 22.14.1 above:

(a) Stationary containers having a capacity of five hundred fifty gallons (2,082 liters) or less used exclusively for the fueling of implements of agriculture.

(b) Transfers made to storage tanks equipped with external floating roofs, internal floating roofs, or their equivalent.

(c) Any stationary container having a nominal capacity of two thousand gallons (7,570 liters) or less installed before January 1, 1979. (Small tanks).

(d) Retail gasoline outlets whose throughput are less than 500,000 gallons (1,892,700 liters) per year. (Small outlet).

22.14.5 Areas Affected and Compliance Schedule. All affected facilities in the areas which have been specified by the U.S. Environmental Protection Agency as non-attainment areas for the oxidant standard shall be in compliance as soon as practicable but no later than December 31, 1982.

\* \* \* \*

#### 22.15 Gasoline Bulk Plants.

##### 22.15.1 Control Requirements.

(a) No person shall permit the transfer of gasoline from a transport vessel into a gasoline bulk plant storage tank unless a vapor return line is installed from the storage tank to the transport vessel. There shall be no leaks in the transfer system which includes liquid lines, vapor lines, hatch covers, pumps and transport vessel pressure-vacuum relief valves. The only atmospheric emission during gasoline transfer shall be through the storage tank's pressure-vacuum relief valves. Maximum allowable loss shall be 1.2 pounds of volatile organic compounds per one thousand gallons (140 mg/liter) of gasoline transferred. All gauging and sampling devices shall be vapor-tight except for necessary gauging and sampling.

(b) No person shall permit the transfer of gasoline from a gasoline bulk plant into a delivery truck unless the delivery truck or loading rack has a submerged fill pipe. There shall be no gasoline leaks between the storage tank connection and the delivery vessel.

(c) No person shall permit the transfer of gasoline from a gasoline bulk plant storage tank into a delivery truck unless a vapor return line is installed from the delivery truck to the storage tank. There shall be no leaks in the transfer system which includes liquid lines, vapor lines, hatch covers, pumps and delivery truck pressure-vacuum relief valves. The only atmospheric emission during gasoline transfer shall be through the storage tank pressure-vacuum relief valve. Maximum allowable loss shall be 1.2 pounds of volatile organic compounds per one thousand gallons (one hundred forty mg/liter) of gasoline transferred. All gauging and sampl-

ing devices shall be vapor-tight except for necessary gauging and sampling.

22.15.2 Exemptions. Gasoline bulk plants which have a gasoline throughput less than 20,000 gallons (78,710 liters) per day averaged over the work days in any consecutive 365-day period and which do not service facilities controlled by Section 22.14 are exempt from the above control requirements. Bulk plants servicing controlled and exempted facilities, are required to collect vapor from the controlled facilities.

\*\*\*\*\*

#### 22.16 Bulk Gasoline Terminals.

22.16.1 No person may load gasoline into any tank trucks or trailers from any bulk gasoline terminal unless:

(1) The bulk gasoline terminal is equipped with a vapor control system, capable of complying with Paragraph 22.16.2 of this section, properly installed, in good working order, in operation and consisting of one of the following:

(i) An adsorber or condensation system which processes and recovers at least ninety percent by weight of all vapors and gases from the equipment being controlled.

(ii) A vapor collection system which directs all vapors to a fuel gas system.

(iii) A control system, demonstrated to have control efficiency equivalent to or greater than the above, and approved by the Technical Secretary.

(2) All displaced vapors and gases are vented only to the vapor control system.

(3) A means is provided to prevent liquid drainage from the loading device when it is not in use or to accomplish complete drainage before the loading device is disconnected.

(4) All loading and vapor lines are equipped with fittings which make vapor-tight connections and which close automatically when disconnected.

22.16.2 Sources effected by this regulation may not allow mass emissions of volatile organic compounds from control equipment to exceed eighty milligrams per liter (4.7 grains per gallon) of gasoline loaded.

22.16.3 Sources effected by this regulation may not:

(1) Allow gasoline to be discarded in sewers or stored in open containers or handled in any manner that would result in evaporation.

(2) Allow the pressure in the vapor collection system to exceed the tank truck or trailer pressure relief settings.

22.16.4 Exemptions. Bulk terminals servicing exempted and controlled facilities are required to collect vapors from controlled facilities.

22.16.5 Areas Affected and Compliance Schedule. All affected facilities in the areas which have been specified by the U.S. Environmental Protection Agency as non-attainment areas for the oxidant standard shall be in compliance as soon as practicable but no later than December 31, 1982.

\*\*\*\*\*

Add the following to the end of Sections 22.3, 22.5, 22.8, 22.9.1, 22.9.2, 22.10, 22.12, 22.13, 22.14, 22.15, and 22.16: Sources affected by this section of the regulations shall achieve compliance promptly according to a compliance schedule approved by the Louisiana Air Control Commission, but in no event later than December 31, 1982.

\*\*\*\*\*

In Section 22.2 delete "(except methane)."

\*\*\*\*\*

24.6.1 The methods listed in Table 4 or such equivalent methods as may be approved by the Department shall be utilized to determine sulfur dioxide and sulfuric acid mist concentrations in stack.

#### Table 4

Emissions - Method of Contaminant Measurement. Add the following entry:

Sulfuric Acid Mist (1) Title 40, Code of Federal Regulations Part 60, Appendix A, Test Methods 1, 2, 3, 4, 6, and 8, or Part 60 8(b).

\*\*\*\*\*

18.4 Exemptions from the provisions of Section 18.3 may be granted by the Technical Secretary during startup and shutdown periods if the flaring was not the result of failure to maintain or repair equipment. In addition, the flaring must be minimized and no ambient air quality standard can be jeopardized.

\*\*\*\*\*

Add the following to the end of Sections 24.9.1 and 26.3.1:

...A report, in writing, explaining the conditions and duration of the startup, shall be submitted to the Technical Secretary within seven calendar days of the occurrence.

This provision is applicable to infrequent startups only. Before the exemption can be granted the Technical Secretary must determine the excess emissions were not the result of failure to maintain or repair equipment. In addition the duration of excess emission must be minimized and no ambient air quality standard can be jeopardized.

\*\*\*\*\*

In Sections 24.9.2 and 26.3.2 delete the last three sentences and add the following:

A report, in writing, explaining the conditions and duration of the upset shall be submitted to the Technical Secretary within seven calendar days of the occurrence.

This provision is applicable to infrequent online adjustments only. Before the exemption can be granted the Technical Secretary must determine the excess emissions were not the result of failure to maintain or repair equipment. In addition the duration of excess emission must be minimized and no ambient air quality standard can be jeopardized.

\*\*\*\*\*

In Section 24.7.4 delete the first sentence and revise the second sentence as follows:

No person shall discharge gases which contain concentrations of SO<sub>2</sub> which exceeds two thousand parts per million (ppm) by volume at standard conditions....

\*\*\*\*\*

In Section 22.8(b) revise the second sentence to read as follows:

The hydrocarbons shall be combusted and the halogenated products of combustion shall be reduced to an emission level acceptable to the Technical Secretary.

\*\*\*\*\*

Revise Table I and Table Ia of the Louisiana Air Control Commission Regulations by deleting the entries for total oxidants in both tables and adding:

Ozone 235 ug/M<sup>3</sup> (0.12 ppm). The standard is attained when the expected number of days per calendar year with maximum hourly average concentrations above 0.12 ppm (235 micrograms (ug)/M<sup>3</sup>) is equal to or less than one, as determined by 40 CFR 50 Appendix H.

\*\*\*\*\*

24.6.1 The methods listed in Table 4 or such equivalent methods as may be approved by the Department shall be utilized to determine sulfur dioxide and sulfuric acid mist concentrations in stack.

\*\*\*\*\*

#### Table 4

Emissions - Method of Contaminant Measurement. Add the following entry:

Sulfuric Acid Mist (1) Title 40, Code of Federal Regulations Part 60 Appendix A, Test Methods 1, 2, 3, 4, 6, and 8, or Part 60 8(b).

William A. Cherry, M.D., Chairman  
Air Control Commission

**RULE**

**Department of Health and Human Resources  
Office of Family Security**

Beginning June 1, 1979, the Department of Health and Human Resources, Office of Family Security, has adopted policy that will not allow the Medical Assistance Program to make payment for medical transportation for General Assistance recipients.

William A. Cherry, M.D., Secretary  
Department of Health and Human Resources

**RULES**

**Department of Health and Human Resources  
Office of Family Security**

Beginning June 1, 1979, the Department of Health and Human Resources, Office of Family Security, has adopted a policy to allow standard deductions from gross earnings for expenses incidental to employment for Long Term Care patients, except intermediate care facilities for the mentally retarded (ICF/MR) activity center earnings. The proposed policy is quoted below:

Long Term Care patients who have earned income (except public ICF/MR activity center earnings) shall be eligible for a standard deduction from their gross earned income to allow for incidental expenses related to their employment. The amounts allowed in the standard deductions include both personal and nonpersonal expenses which are incurred because of extra need and upkeep due to employment or self-employment, such as required deductions for withholding taxes and social security deductions, required union dues and retirement deductions, tools, supplies, uniforms, work gloves, goggles, and special shoes.

The amount of standard deduction is based on the amount of gross earnings as is specified by the following chart.

| <b>Gross earnings from employment or profit from self-employment</b> | <b>If employed, deduct</b> | <b>If self-employed, deduct</b> |
|--|----------------------------|---------------------------------|
| \$ 0 to \$ 29.99   | \$ 9.00                    | \$ 9.00                         |
| 30.00 to 44.99   | 11.00                      | 11.00                           |
| 45.00 to 69.99   | 12.00                      | 12.00                           |
| 70.00 to 119.99  | 15.00                      | 14.00                           |
| 120.00 to 199.99   | 28.00                      | 25.00                           |
| 200.00 and over  | 30.00                      | 30.00                           |

If the recipient claims expenses higher than the standard deduction and can document the claim, the actual documented expenses are to be used in arriving at net income.

The cost of transportation is not included in the above standard deduction amount. If free transportation to employment is not available the actual cost of transportation shall be deducted.

Long Term Care patients with earnings from sheltered workshops participation are eligible for a twenty dollar monthly protected income allowance. This twenty dollar disregard is deducted from gross earnings as the first step in determining earned income to be applied in computing Long Term Care applicable income. The appropriate standard deduction for the gross earnings is then deducted.

William A. Cherry, M.D., Secretary  
Department of Health and Human Resources

**RULES**

**Department of Health and Human Resources  
Office of Human Development  
Division of Youth Services**

**Regulations for the Implementation  
of Act 300 of the 1978 Session  
of the Legislature**

Introduction: The Parish Youth Services Act of 1978 (R.S. 46:1941.1 to 46:1941.13) requires that the Director of the Division of Youth Services of the Office of Human Development of the Department of Health and Human Resources promulgate rules for the implementation and operation of programs under the Act. The rules which follow are intended to fulfill that requirement.

Definitions: For the purpose of these rules:

A. "Comprehensive Plan" shall mean the working document of the governing authority resulting from systematic planning which establishes a coordinated youth service delivery system within a parish or multi-parish region.

B. "Coordination" means the process of bringing youth services into harmony, without reducing the authority of component agencies, to the end that policies and practices of such agencies are supportive and directed toward the goals of the Act. Such services may include diversion, alternatives to incarceration, and services to troubled youths and families. To achieve such coordination the following activities may be involved:

1. Establishment of a centralized referral system.
2. Linkage of service agencies.
3. Promotion of communication among youth serving programs.
4. Identification of gaps and overlaps in service delivery.
5. Conducting research relating to youth needs and concerns.
6. Identification of resources for youth serving programs.
7. Developing public awareness of youth needs.

C. "Director" shall mean the Director of the Division of Youth Services, Office of Human Development, Department of Health and Human Resources or his designee.

D. "Fiscal Year" shall mean the period of twelve calendar months beginning on July 1 of one year and ending on June 30 of the following year.

E. "Governing Authority" shall mean either the parish governing authority, the parish governing authorities of multi-parish participants, or the governing authority of an authorized private, nonprofit corporation, as applicable.

F. "Service Unit" shall mean any constituent part of an agency's collective program which has a distinct function, i.e., a community crisis unit within a probation department or a youth employment program within a private community agency. Such units are commonly referred to as sub-programs.

G. "Youth" means a person eighteen years or younger.

H. "Youth at Risk" shall mean children, who are in environments which may contribute to neglect, abuse, dependency, and/or exploitation or those children whose pre-delinquent or pre-status behavior patterns may result in contact with the Juvenile Justice system.

I. "Youth Population" shall mean the total number of youths in a parish or multi-parish area from zero to eighteen years of age as specified by the United States Bureau of Census through official decennial censuses, middecade censuses, and population projections issued between censuses.

J. "Youth Serving Agency" shall mean an instrumentality, public or private, which has component(s) which provide a major portion of its services to delinquents, status offenders and/or "youth at risk."

Goals: The goals of the Parish Youth Services Act (hereafter called the Act) are to:

- A. Encourage positive youth development.
- B. Divert youths from juvenile and criminal justice systems.
- C. Reduce commitments to state correctional institutions.
- D. Promote efficiency and economy by coordinating the local youth services delivery system.
- E. Develop programs of diversion and alternatives to incarceration.
- F. Provide services to troubled youth and families.
- G. Provide a mechanism for community action to deal with delinquency and youth crime.

Application for Participation:

A. Application for participation by a parish or group of parishes shall consist of a resolution by the governing body of the parish or parishes expressing its intent to participate in the programs established by the Act. Further, said resolution shall contain an agreement to provide the necessary local matching funds and shall create a youth services advisory board that shall provide for the preparation of a comprehensive plan for the coordination, development, implementation and operation of youth services programs within the parish or parishes. The governing body shall provide the Director with a copy of such resolutions within thirty days after their enactment.

B. Multi-parish participation of contiguous parishes is permissible when the governing body of each parish has adopted a resolution expressing its intent to participate in the program as a member of a contiguous multi-parish district. Additionally, the governing body shall, through a resolution, agree to provide its portion of the required local matching funds and shall express its intent to work with other parishes in the multi-parish district toward the establishment of a youth services advisory board.

C. The governing body of a parish may authorize a private, nonprofit corporation to participate when the parish does not choose to participate in the program. In such cases, the governing body of the parish shall, by resolution, authorize the nonprofit agency to administer the youth services program as provided by this Act within the parish. The nonprofit corporation shall provide a notarized resolution from its governing body establishing a youth services advisory board and agreeing to provide the necessary local matching funds. In cases of multi-parish participation through a single nonprofit corporation, each governing body of the multi-parish region shall authorize the participation of the nonprofit corporation as the official parish agency to administer the provisions of the Act within that parish.

D. Approval of the application by the Director shall designate the parish, parishes, or nonprofit corporation as an authorized participant to receive funds pursuant to the provisions of the Act. The Parish Youth Services Advisory Board:

A. The parish governing body or bodies shall create, by resolution, a youth services advisory board (hereafter referred to as the Board).

B. The Board shall consist of at least eighteen but not more than twenty members who shall, if available and willing, be representatives of law enforcement, prosecutors, the judiciary, public education, juvenile probation, corrections, ethnic minorities, social services and lay citizenry with at least three members being eighteen years of age or less. Said Board members whose term of office shall be for a period of two years, shall serve without remuneration.

C. In cases where participation is by the parish governing body, said body shall make all appointments to the Board. In cases of multi-parish participation by the governing bodies of the respective parishes, the parish governing bodies shall formulate an equitable plan to insure that each parish is represented on the Board according to the youth population of each parish. An additional representative may be appointed from each par-

ticipating parish; however, as a minimum, each parish must have at least one representative on the Board.

D. Pursuant to R.S. 46:1941.5(c), parish governing bodies may authorize a private nonprofit corporation as the agent of the parish or parishes to administer the Act within the parish or parishes. In such cases, the nonprofit corporation shall appoint a Board whose establishment, functions, operations, and authority meet the requirements herein specified.

E. The Board is legally responsible to the parish governing body or the parent nonprofit corporation.

F. All proceedings of the Board and any committee or subgroup appointed by the Board shall be subject to the provisions of the Open Meetings Law as contained in R.S. 42:4.1 through R.S. 42:10. All votes taken of members shall be recorded and shall become matters of public record.

G. The Board shall make formal recommendations to the parish governing authority or joint parish governing authorities at least annually concerning the comprehensive plan and its implementation during the ensuing year.

H. The Board shall promulgate and implement rules concerning the attendance of members at Board meetings.

I. The members may elect their own officers.

J. The Board may develop working committees composed of board members as well as nonboard members to concentrate on specific areas of the youth services delivery system. Nonmembers serving in such capacities shall have authority only in matters pertaining to the official work activities of the specific committees to which they are assigned.

K. The Board shall abide by the parliamentary procedures as specified in *Robert's Rules of Order* (Revised), 75th Edition. Development of the Comprehensive Plan:

A. The comprehensive plan (hereafter referred to as the plan) must be developed by the governing authority with the assistance of the Board, must be formally accepted and approved by the governing authority by resolution, and must be submitted to the Director within one hundred twenty days after the governing body has officially given notice to the Director that the parish intends to participate in the provisions of the Act. When necessary and in the best interest of the parish and state, the Director may extend the deadline an additional one hundred twenty days upon request of the governing authority or the Board.

B. The plan shall be supportive of the specified objectives of the Act and shall contain an assurance that current expenditures for youth services programs under the jurisdiction of the governing authority will not be reduced.

C. The plan, when feasible, should provide for contractual arrangements with existing nonprofit corporations when establishing new or expanded service units.

D. The plan shall list private and public youth serving agencies within the jurisdiction of the governing authority. Statements of support and intent to cooperate in the governing authority's coordinating efforts shall be obtained from youth serving agencies and attached to the plan. While such support should exist with each agency, the abstention of an agency or agencies will not necessarily affect the acceptance of the plan by the Director; however, each plan should contain a statement of support and intent to cooperate from the court of juvenile jurisdiction and the chief law enforcement officials of the jurisdictions governed by the governing authority. If such statements of support from the court of juvenile jurisdiction and the chief law enforcement officials are not included, an explanation should accompany the plan.

E. The plan shall be prepared in consultation with the appropriate parish and city school boards.

F. The Division of Youth Services shall provide consultation and technical assistance in the development and implementa-



tion of the plan when requested to do so by the governing authority or the Board.

G. The content and format for the plan shall be as follows:

1. **Problem:** Based on a needs assessment that must have been performed, specify the service delivery problems or unmet needs of the youth population.

2. **Goals:** Generalized goals including those defined in these regulations shall be specified.

3. **Objectives:** The proposed objectives and the method of accomplishing such shall be sufficiently described with the anticipated results of each activity clearly delineated. Objectives shall be specified in such a manner that they are measurable within a specified time frame.

4. **Coordination:** The plan shall specify in sufficient detail the manner and method by which the coordination of the youth services system will be accomplished.

5. **Funding:** A budget must be submitted for each service unit specifying line item expenditures as well as sources of financing.

6. **Training:** Each plan should contain a provision for training after an assessment of training needs has been established. Training needs should be prioritized to insure that personnel needing the greater amount of training receive it first.

7. **Internal Reporting and Auditing:** The plan should include the procedures which the governing authority will employ to review and inspect all aspects of the service units created or expanded under the provisions of this Act.

8. **Evaluation:** The plan should include provisions for the evaluation of the effectiveness of the Board as well as the service units created or expanded. Such evaluation shall include the accomplishment of objectives referred to in G3 and an annual audit by an independent certified public accountant. The terms and conditions of the audit must be approved by the Legislative Auditor as established in Title 24 of the Revised Statutes of 1950.

H. Upon approval of the plan, the Director shall execute a contract between the Division of Youth Services and the governing authority. Such contracts shall be made on a fiscal year basis according to the funds appropriated by the Legislature for the implementation of the provisions of this Act.

Changes in the Comprehensive Plan:

A. When the governing authority wishes to change the comprehensive plan during the fiscal year for which funds were appropriated, it may do so by an amendment which requires the prior approval of the Director.

B. Amendments are required when:

1. Service units are added, modified, or deleted from the comprehensive plan.

2. Funds are reallocated within or between service units identified in the comprehensive plan.

Withdrawal from Program:

A. Any governing body which wishes to withdraw from the program shall, at the beginning of a calendar quarter, notify the Director by resolution of its intention to withdraw from the program. This withdrawal shall be effective on the last day of the last month of the quarter in which the notice was given.

B. All unencumbered and unexpended funds from the state grant on hand on the final day of withdrawal shall be returned to the Division of Youth Services within fifteen days thereafter.

State Funding Procedures:

A. State funds shall be equal to the actual cash amount made available at the local level except that state funding cannot exceed the annual rate of \$1.22 for each youth (zero to eighteen years of age) within the jurisdiction of the governing authority for any one fiscal year.

B. State funding is contingent upon (1) approval of the plan by the Director, and (2) a determination by the Director of the effective date of the availability of state funds.

C. State funds shall be forwarded to the fiscal agent specified by the governing authority to receive such funds. The governing authority shall designate the fiscal agent responsible for the supervision of all fiscal matters relating to funds provided under the Act. Said agent shall comply with all applicable laws and promulgated regulations governing the management of state, federal, and/or parish funds.

D. Parishes and nonprofit corporations participating in the Act may accept gifts, grants and subsidies from any lawful source, and apply for and accept federal funds. Federal funds may be used for local matching provided that:

1. Federal funds do not exceed fifty percent of the total required local match.

2. Federal funds used for match purposes are unencumbered and will be used exclusively for the programs created under the provisions of this Act.

E. Twenty-five percent of the total grant will be awarded upon the basis of B(2) above. The Director may increase the amount of the initial payment if requested to do so by the governing authority. The remainder of the grant shall be paid on equal installments of twenty-five percent of the total grant less the unexpended funds from the previous quarter. The Director may increase the amount of a particular installment upon request of the governing authority. The fact that funds are unexpended by the governing authority during a quarter, shall not diminish the amount of the grant as specified in the contract.

F. The Director shall certify whether state grants are from state and/or federal sources.

G. All unencumbered and unexpended funds on hand on the final day of the fiscal year that are derived from the state grant shall be returned to the Division of Youth Services within fifteen days of the close of the grant.

Selection of Programs for State Funding:

A. When adequate appropriated funding is available, the Director shall fund all parishes or nonprofit corporations qualified and approved under the provisions of this Act and the regulations herein.

B. Whenever there are limited appropriations, the Director shall select a limited number of programs to fund. Selection will be based on the following considerations:

1. The extent to which youth serving agencies within the jurisdiction of the governing authority have filed written statements of how they are to assist in the coordinative programs of the governing authority.

2. The extent to which the mechanism for bringing about coordination of services is developed and specified.

3. The comprehensiveness of the plan and the extent to which documentation is used in specifying needs.

4. The extent to which existing agencies shall be utilized for the provision of additional services specified in the plan.

5. The extent to which more than one parish participates in the program.

C. In the selection of projects for funding, the Director shall establish a presumption in favor of existing programs funded with state grants pursuant to the provisions of this Act if such programs continue to meet the requirements as specified in these regulations.

D. In Fiscal Year 1978-79 efforts shall be made to select model projects including at least one nonprofit corporation and one governmental unit that meet the requirements as specified in these regulations.

Fiscal Management by the Governing Authority:

A. The governing authority shall designate one individual as a fiscal agent responsible for the supervision of all fiscal matters

relating to funds provided under this Act. Said agent shall comply with all applicable laws governing the management of state, parish, and/or federal funds.

B. The governing authority shall adopt written procedures regulating how funds are to be handled. Such regulations shall be consistent with applicable parish, state, and/or federal regulations.

C. Funds advanced shall be expended in a manner consistent with the budget contained in the approved plan. Expenditures shall represent reasonable and actual costs necessary and essential in carrying out the specified programs contained in the plan.

D. The fiscal agent shall prepare for the governing authority, to be submitted to the Director, a monthly report of the financial status of the program and shall maintain such books, records, documents, and other evidence in accordance with generally accepted accounting procedures and practices sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred.

E. All transactions and events must be recorded, classified, and summarized in appropriate journals, providing chronological records of transactions having a common origin and ledgers of accounts to receive and consolidate transaction amounts related to a given classification.

F. Records will establish independent account of all receipts and disbursements of monies.

G. All records, including those of a fiscal nature, shall be subject at all reasonable times to inspection and audit by agencies of the Department of Health and Human Resources, the Legislative Auditor, and other individuals that may be authorized by the parish governing bodies to perform such inspection and audit.

H. The governing authority shall employ an independent certified public accountant approved by the Legislative Auditor to render a final audit which shall be completed for the governing authority and submitted to the Director within ninety days of the close of the fiscal year in accordance with Title 24 of the Revised Statutes of 1950.

I. All books, records, and other documents relevant to the programs provided in this Act and the funds expended hereunder, shall be retained for at least six years after each grant year has ended.

#### Administrative Structure of Programs:

A. The governing authority, with the assistance of the Board, shall determine and establish the administrative structure for the coordination of services, as well as new and expanded service units, that are best suited to the efficient administration and delivery of services to the youth population. Such structure may involve contracting with existing public or private agencies to provide necessary services or may involve the establishment of a new agency or unit of service under the general administration of the governing authority. The governing body may, if desired, require the Board to perform specified administrative duties.

B. Each governing authority should utilize, whenever possible, agencies and organizations established in the community to deliver services to the youth population. The governing authority shall, in planning its total range of youth services, establish a presumption in favor of resources already existing in the community.

C. If the governing authority proposes to initiate services which duplicate existing services, clear evidence must be presented in the plan to demonstrate that existing services are either inappropriate or not of sufficient quantity to meet identified needs and objectives.

#### Acquisition and Control of Property:

A. Parishes or nonprofit corporations participating in the provisions of this Act may acquire by any lawful means, includ-

ing purchase, lease, or transfer of custodial control, the lands, buildings, and equipment necessary for the accomplishment of the goals and objectives specified in the plan. The lease of all property shall be in accordance with R.S. 39:194-195.

B. The governing authority shall designate an agent to maintain current inventory of all property and to insure that all property is appropriately marked and identified in accordance with state property control regulations as promulgated by the Division of Administration. Acquisition, inventory maintenance, and disposition of all moveable property and capital assets shall be in accordance with state property control regulations as promulgated by the Division of Administration.

Affirmative Action: No person shall be denied participation in the programs created through this Act, appointment to the Board, or employment in programs created therein on the basis of race, color, sex, national origin, or political affiliation.

Prohibition Against Political Activities: The activities of the Board and the programs created or assisted with funds under this Act shall not be carried on in a manner involving the use of funds, the provision of services, or the employment or assignment of personnel in a manner supporting or resulting in the identification of such activities and programs with (1) any partisan or nonpartisan activity associated with a candidate, or contending faction or group, in an election for public or party office, (2) any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election, or (3) any voter registration activities.

#### Suspension of Grant by the Director:

A. When the Director determines that reasonable grounds exist to believe that a parish, multi-parish entity, or a nonprofit corporation is not in substantial compliance with the promulgated minimum standards or the promulgated regulations governing programs under this Act, he shall serve notice of the noncompliance listing specifically the areas of noncompliance.

B. Thirty days after such notice has been given, the Director shall hold a public hearing to ascertain whether there is substantial compliance or satisfactory progress being made toward compliance.

C. In cases of documented failure to meet the required standards and in absence of a plan to accomplish such, the Director shall suspend all or a portion of the grant until such time as the standard of operation has been met.

William A. Cherry, M.D., Secretary  
Department of Health and Human Resources

## RULES

### Department of Health and Human Resources Office of Licensing and Regulation Division of Narcotics and Dangerous Drugs

The Department of Health and Human Resources, Office of Licensing and Regulation has adopted the following regulations providing for record keeping and order forms under R.S. 40:972 (Uniform Controlled Dangerous Substances Act).

Part 1, Section 7, (a) (1) This file shall be kept separate from the licensee's other business or professional records. All purchasing records or procurement records for Phentermine and Phendimetrazine shall be kept with this file.

\* \* \* \*

Part 1, Section 11, Order Forms. Controlled Dangerous Substances in Schedules I and II shall be distributed only by a licensee, pursuant to an order form. Phentermine and Phendimetrazine are exempt from the requirement of distribution by a licensee pursuant to an order form. Compliance with the provisions of federal laws

regulating such substances respecting order forms shall be deemed compliance with this section.

\*\*\*\*\*

Part 1, Section 19. Added Controlled Dangerous Substances—Delete in its entirety.

\*\*\*\*\*

The Department of Health and Human Resources has adopted the following amendments to the Uniform Controlled Dangerous Substances Act under R.S. 40:962A. Amend 40:964, Schedule IV, by adding thereto the following drug: (26) Pentazocine. Amend 40:964, Schedule I, C. by adding thereto the following drug: (23) 1-Piperidinocyclohexanecarbonitrile.

William A. Cherry, M.D., Secretary  
Department of Health and Human Resources

**RULES**

**Department of Health and Human Resources  
Office of the Secretary**

**Amendments to the Facility Manual Where  
Department of Health and Human Resources  
Funds Are Used to Care for  
Handicapped Persons**

1. Under the section entitled "Cost Related Reimbursement," add a paragraph between paragraph five and paragraph six (paragraph six will then become paragraph seven); this paragraph will read, "The required information must be submitted on cost report forms provided by the Department for this purpose. The cost report shall be completed in its entirety and in accordance with the Department's instructions for completing such forms.

2. Under the section entitled "General Instructions for Cost Reporting," add the following paragraph and number it paragraph b: "If a facility has changed its reporting period, a cost report covering the short period must be filed along with IRS Form 1128 if required or other proof of intent to change. The intent of change must be made prospectively. Short period shall mean the period from the end of the facility's regular year to the beginning of the facility's new reporting period. (Example: regular report period January 1, (1978) to December 31, (1978) and changing report period to July 1, (1979) to June 30, (1980). The short period report would cover January 1, 1979 to June 30, 1979.)" The current paragraph b will then become c.

3. Also under the section entitled "General Instructions for Cost Reporting," change the P. O. Box number for the Office of Management and Finance to P. O. Box 2944.

4. Under the section entitled "Allowable Cost for Services Provided," add under paragraph two of a:

To be allowable the depreciation must:

1. Be identifiable and recorded in the provider's records.
2. Give historical cost and accumulated depreciation.
3. Indicate useful life and depreciation method.

Note: If provider has previously used an accelerated depreciation method, the required record keeping information may be kept in a subsidiary ledger to be used for program purposes only.

The estimates listed below are average ranges for asset depreciation. For all depreciable assets, even those not included in the guidelines, any estimate is acceptable if it is proven reasonable.

| <b>Land Improvements</b>   | <b>Years</b> |
|--|--------------|
| Fencing  | 15-25        |
| Paving   | 15-20        |
| Landscaping  | 10-12        |
| Underground sewer and water  | 25-30        |
| Outdoor Lighting   | 10-15        |
| <b>Buildings</b>   |              |
| Wood Frame   | 25-30        |
| Masonry  | 30-50        |
| <b>Fixed Equipment</b>   |              |
| Electrical Wiring, AC Systems, Heating Systems, Sprinkler and Fire Alarm Systems, Telephone, Plumbing, Sewerage, Roofing, Lighting, etc. | 20-25        |
| <b>Major Movable Equipment</b>   |              |
| Kitchen Equipment, Therapy Equipment, Laundry Equipment, Cleaning Equipment, etc.  | 08-20        |
| <b>Other Items</b>   |              |
| Automobiles  | 03-05        |
| Furniture and Furnishings  | 05-10        |
| Office Machines  | 05-10        |

5. Under the section entitled "Allowable Cost For Services Provided," subsection five of this section entitled "Education Cost" shall be completely rewritten as follows:

DHHR is not responsible for the provision of or reimbursement for educational services for clients between the ages of three and twenty-one years (both inclusive), as these services are the responsibility of the Department of Education. However, DHHR will reimburse for those educational expenses attributable to clients under three or over twenty-one years of age when educational services for those clients are not provided by the Department of Education.

Educational cost items which must be reported are listed on the cost reporting forms provided by DHHR. The entire cost of educational services must be recorded and reported separately.

6. Under the section entitled "Administrative Cost," add these two paragraphs:

K. Bad Debts, Charity and Courtesy Allowances. Bad debts, charity and courtesy allowances are deductions from revenue and are not includable as allowable costs.

L. Grants, Gifts and Income from Endowments. Those grants, gifts, and income from endowments which are not restricted as to use should not be deducted in computing allowable costs; restricted grants, gifts and endowment income should be deducted in computing allowable costs.

William A. Cherry, M.D., Secretary  
Department of Health and Human Resources

**RULES**

**Department of Revenue and Taxation**

**First Use Tax Credit**

Pursuant to the authority vested in me by law, the following regulations concerning the severance tax credit granted in R.S. 47:647 to persons liable for or bearing the payment of the First Use Tax levied in R.S. 47:1301 through R.S. 47:1307 are hereby promulgated.

### **Article 647-1**

Subsequent to the passage of the First Use Tax levied in R.S. 47:1301-1307, the Congress of the United States passed the Natural Gas Policy Act of 1978, Public Law 95-621, which apparently prohibits the recovery of the First Use Tax in addition to the maximum lawful price applicable to the first sale of gas in this state, even though there may be an otherwise enforceable right to the reimbursement of such taxes within the contemplation of R.S. 47:647(B). Therefore, persons claiming the tax credit allowed in R.S. 47:647, in addition to other information required by the Secretary, shall also submit a declaration whether the gas in regard to which they are liable for the tax imposed under R.S. 47:1301-1307 is subject to the Natural Gas Policy Act, and the Secretary, in determining whether or not the taxpayer has the right of reimbursement, shall consider whether the Natural Gas Policy Act, as presently construed, prohibits reimbursement of the First Use Tax from the first purchaser. The Secretary reserves the right to make a redetermination, on a prospective basis only, should a different construction be placed on Public Law 95-621, or if Public Law 95-621 is amended or repealed.

### **Article 647-2**

Persons taking severance tax credits as a result of the First Use Tax levied in R.S. 47:1301-1307 shall submit a claim on or before the last day of the second month following the payment of the tax for the tax credit on forms provided by the Secretary, and at the Secretary's request, shall submit a true and correct copy of the contractual terms pertaining to the sale of gas first introduced into the state in regard to which First Use Tax is due. It is not necessary that the severance tax credit be taken at the time a claim is filed.

First Use taxpayers liable for and remitting taxes, interest and penalties levied and collected pursuant to R.S. 47:1301 through 1307 or each First Use taxpayer who bears such taxes as a direct result of contractual terms, or bears such tax as a result of limitations imposed by Public Law 95-621, shall be allowed a direct tax credit for First Use Taxes paid, but, not in excess of the amount which must be borne by such taxpayer for periods subsequent to March 31, 1979, against severance taxes owed by such taxpayer to the State, the amount of which credit shall not exceed the amount of severance taxes for which such taxpayer is liable to the State. Unused tax credits may be carried forward to subsequent tax periods. There can be no duplication of tax credits.

Tax credits authorized and granted by R.S. 47:647 shall be applied against severance taxes due in the following order: (1) oil severance, (2) condensate severance, (3) liquefied petroleum gas and natural or casinghead gasoline severance, (4) sulphur severance, (5) gas severance, (6) all other severance taxes. Therefore, tax credits shall be taken against oil severance taxes with remaining tax credits, if any, taken against the other natural resource severance taxes due in the order shown here.

In the event that the Secretary determines that a taxpayer has an enforceable right to reimbursement of the First Use Tax, the taxpayer has the right to appeal such ruling (within thirty days of receipt of the Secretary's ruling) to the Louisiana Board of Tax Appeals which Board shall determine in open meeting whether there is sufficient evidence to support the ruling of the Secretary. If the Board overrules the Secretary, the taxpayer shall not be required to take any other action in order to continue receiving the tax credit provided in R.S. 47:647. If the Board rules in favor of the Secretary, the taxpayer shall thereafter have a period of ninety days within which to institute any administrative or judicial proceedings necessary to assert such right to reimbursement. At all times subsequent to the filing of a claim for the tax credit and during the pendency of administrative or judicial proceedings, and during any appeals therefrom (including the appeal of an adverse ruling by the Secretary) the taxpayer shall be entitled to the credit provided in R.S. 47:647; provided that if no action is taken by the taxpayer to assert the right to reimbursement within ninety days no

further credit shall be granted and the State may exercise the right to recover from the taxpayer any credits granted prior to the expiration of such time.

If the administrative or judicial determination establishes that the taxpayer has an enforceable right to reimbursement of the taxes levied pursuant to R.S. 47:1301 through 1307 then the taxpayer becomes liable to the State for additional severance taxes equivalent to tax credits previously taken but only to the extent of any reimbursement which the taxpayer has received plus interest received by the taxpayer on the reimbursement, the interest amount not to exceed the rate prescribed in R.S. 47:1601.

A taxpayer who claims a tax credit as a result of bearing any portion of the tax levied pursuant to R.S. 47:1301 through 1307 because of contractual terms or agreements applied in disregard of R.S. 47:1303(C), shall be entitled to a credit provided by R.S. 47:647 only after there has been a determination by the Louisiana Supreme Court or the appropriate United States District Court that such taxpayer must bear the tax, provided that if the taxpayer or the State has sought and been denied a preliminary injunction enjoining the application of such contractual terms or agreements sought to be rendered inapplicable by R.S. 47:1303(C), then such taxpayer shall be entitled to a credit from the date of denial of the preliminary injunction.

### **Article 647-3**

Only persons or entities who are liable for and who pay or bear the First Use Tax without protest, are entitled to the Severance Tax credit. Severance Tax credits allowed under R.S. 47:647 may not be sold, traded, or otherwise transferred from one party to another.

### **Article 647-4**

Tax credits authorized by R.S. 47:647 shall not be granted until there has been a final decision upholding the validity of the First Use Tax levied in R.S. 47:1301 through 1307, except as permitted under Article 647-2 to the extent that First Use Taxes levied are collected without either protest or suit for recovery filed directly by the person claiming the credit. In the event that R.S. 47:647 is declared invalid as to tax credits authorized thereunder, such invalidity shall be prospective only.

First Use Taxes paid under protest pursuant to the provisions of R.S. 47:1576 shall be held in a segregated fund pending the outcome of litigation. If the Secretary is successful in upholding the right of the state to collect the First Use Tax, the tax shall be considered paid when withdrawn by the Secretary from the segregated fund.

Shirley McNamara, Secretary  
Department of Revenue and Taxation

## **RULES**

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

#### **LAC 19-3:1 Definitions**

§1.1 Within the context of these rules these terms shall be defined as follows:

Act--Act 73 of 1950, as amended (R.S. 37:681, et seq.), which mandated the registration of professional engineers and land surveyors who practice or offer to practice in Louisiana. The Act created the Board of Registration for Professional Engineers and Land Surveyors to carry out its provisions.

Engineering Practice--The practice of engineering is the rendering of a responsible professional service which may include consultation, investigation, evaluation, planning, observation, research, designing, or supervision of construction in connection

with any public or private utilities, structures, machines, equipment, processes, work, or projects wherein the public welfare or the safeguarding of life, health, and property is concerned or involved, when such professional service requires the application of engineering principles and the interpretation of engineering data. Teaching of engineering may constitute the practice of engineering. A person shall be construed to practice or offer to practice engineering who practices in any branch of the profession of engineering; or who, by verbal claim, sign, advertisement, letterhead, card, or in any way represents himself to be a professional engineer; or who represents himself as able to perform, or who does perform any engineering service or work or any other professional service designated by the practitioner or recognized by educational authorities as engineering. The practice of engineering shall not include the work ordinarily performed by a person who operates or maintains machinery or equipment.

**Fraud, Deceit, or Misrepresentation**--Intentional deception to secure gain, through attempts or deliberately conceal, mislead, or misrepresent the truth with the intent to have others take some action relying thereupon, or any act which provides incorrect, false, or misleading information, upon which others might reasonably rely. Examples of practice which the Board may consider to constitute fraud, deceit, or misrepresentation include, but are not limited to:

A. The acceptance of compensation or benefits of any substantial nature, financial or otherwise, from more than one party for services on the same project or assignment or for services pertaining to the same project or assignment, unless the circumstances are fully disclosed to all interested parties.

B. The solicitation or acceptance, directly or indirectly, of any financial or other valuable considerations, or benefits of any substantial nature, from any supplier of materials or equipment for any project on which the registrant is performing or has contracted to perform engineering or land surveying services.

C. The solicitation or acceptance of any significant gratuity, or benefits of any substantial nature, directly or indirectly, from contractors, their agents, servants or employees, or from any other party dealing with the registrant's client or employer in connection with any project on which the registrant is performing or has contracted to perform engineering or land surveying services.

D. The participation by the registrant in considerations or actions with respect to services provided by him or his organization in private practice to a governmental body or department which he is a member of, advisor to, or employee of.

E. The solicitation or acceptance of an engineering and/or surveying contract from a governmental body of which a principal, officer, or employee of the registrant's organization serves as a member.

F. The payment or offer of payment, either directly or indirectly, of any commission, political contribution, or a gift or other consideration in order to secure work, exclusive of securing salaried positions through employment agencies. Political contributions or gifts not given with the intent to secure work, and which meet legal requirements, will not be considered as fraud, deceit, or misrepresentation.

G. Permitting the falsification or misrepresentation of the registrant's or any associate's academic or professional qualifications; the misrepresentation or exaggeration of the registrant's degree of responsibility in or for the subject matter of prior assignments; or the misrepresentation of pertinent facts concerning employers, employees, associates, joint ventures of the registrant, or his organization's past accomplishments with the intent and purpose of enhancing his qualifications and his work.

H. The permitting of the registrant's seal, stamp, or name to be affixed to any document which was not prepared by him or under his responsible supervision and control.

I. Permitting the falsification, misrepresentation or publication of technical reports, plans or documents which bear the registrant's name, seal, or stamp, when the issuance of such reports, plans or documents will mislead or misrepresent the truth.

**Gross Incompetency**--The practice of engineering or land surveying by a registrant who is either incapable of exercising ordinary care and diligence or who lacks the ability and skill necessary to properly perform the duties he undertakes. (The practice of engineering in an area other than that in which the registrant has been issued a certificate will not be considered as evidence of gross incompetency provided the registrant is otherwise qualified by education or experience.) Examples of practice which the Board may consider to constitute gross incompetency include but are not limited to:

A. The undertaking of assignments other than those for which the registrant is qualified by education or experience in the specific technical fields involved.

B. The affixing of registrant's signature and/or seal to any engineering or land surveying plan or document dealing with subject matter in which the registrant lacks competence by virtue of education or experience.

**Gross Negligence**--The practice of engineering or land surveying by a registrant characterized by his lack of reasonable care, precaution, or attention to the rights, safety, or welfare of others, which could result in injury or damage to life or property. Examples of practice which the Board may consider to constitute gross negligence include but are not limited to:

A. The preparation of an incomplete or inaccurate engineering or land surveying plan or document that is obviously below acceptable engineering standards, which is released for construction or other lawful purpose, and which could result in financial loss to a client or employer.

B. Failure of the registrant to exercise reasonable diligence and care in providing professional services, which could result in financial loss or damage to a client or employer.

**Land Surveying Practice**--The practice of land surveying includes the measuring of areas, land surfaces, streams, bodies of water, and swamps for their determination and description, for the establishment, reestablishment, ascertainment, or description of land boundaries, corner, divisions, distances, and directions; the plotting and monumenting of lands and subdivisions thereof; mapping and topographical work. Teaching of surveying may constitute the practice of land surveying.

**Land Surveyor**--A person who engages in the practice of land surveying as hereinbefore defined.

**Professional Engineer**--A person who, by reason of his special knowledge of the mathematical and physical sciences and the principles and methods of engineering analysis and design, acquired by professional education and practical experience, is qualified to practice engineering as hereinbefore defined, as attested by his legal registration as a professional engineer.

**Responsible Professional Service**--The control and direction of investigation, design, or technical supervision of construction or engineering works or research for which the individual has the sole responsibility to his client or employer. Teaching of engineering may constitute the rendering of responsible professional service.

**Significant Gratuity (Benefits of Any Substantial Nature)**--Any acts, articles, money, or other material possessions which are of such value or proportion that their acceptance could reasonably be expected to create an obligation on the part of the receiver, or otherwise influence his judgment.

**LAC 19-3:2 Applications and Fees**

§2.1 Applications for registration shall be typed on forms furnished by the Board. They shall be accompanied by the prescribed fee. They shall contain statements made under oath, showing the applicant's education and a complete and detailed summary of his technical experience and the names of references as specified under subsequent paragraphs herein.

§2.2 Applicants who have attended college must have certified transcripts of their college work forwarded to the office of the Board. The documents will be made a part of the application files.

§2.3 Each applicant will be required to submit a one or two-page typewritten resume of the experience record he has presented in Section 5 of the application. Forms will be provided by the Board. Copies of this resume will be sent to the personal references the applicant has listed in his application.

§2.4 The registration fee for professional engineers and for land surveyors is thirty-five dollars.

§2.5 A fee of fifteen dollars will be charged to applicants for the examination in fundamental engineering subjects or for the examination in the fundamentals of land surveying. Persons who pass the examination will be allowed credit for the examination fee toward the payment of the registration fees when applications are made for registration.

§2.6 If the applicant is approved for registration he will be presented with an official certificate and his name will be enrolled in the records of the Board.

§2.7 An applicant granted registration as a professional engineer in more than one branch of engineering on the basis of the submission of a single application will receive one certificate upon which all the branches in which he is registered will be shown. Registrants desiring to receive separate or additional certificates will be required to pay five dollars per certificate.

§2.8 Payment of only one fee will be required when registration is sought in more than one branch of engineering provided that the request for registration is submitted on one application form and that written examinations are not required. Each application for registration for an additional branch or branches filed subsequent to initial registration must be accompanied by an additional fee in the amount specified for initial registration.

§2.9 Applicants taking written examinations in more than one branch of professional engineering will be required to pay a registration fee in each branch.

§2.10 An application for registration will not be considered by the Board, nor will an applicant be admitted to a written examination, until the information submitted has been investigated and replies have been received from all references. Therefore, an application should be received by the Executive Secretary not less than sixty days prior to the Board meeting at which the applicant expects it to be considered.

§2.11 When an applicant who is given a written examination by the Board fails to qualify, his entire fee is retained by the Board. When an application for registration under any other provision of the Act is rejected, a processing fee of twenty dollars will be retained by the Board.

§2.12 An applicant who fails, for any reason, to take a scheduled examination may be required to pay an examination fee of fifteen dollars or may have his application withdrawn from further consideration with no refund of fees.

§2.13 All certificates expire on December 31 of each year and shall become invalid on that date unless renewed. The failure on the part of any registrant to renew his certificate annually as required above shall not deprive a person of the right of renewal, but the fee paid for late renewal shall be increased ten percent for each month or fraction of a month that payment of renewal is delayed. The maximum fee for delayed renewal shall not exceed twice the normal fee.

**Renewal Fees**

|  |         |
|--|---------|
| Professional Engineer .....                                    | \$10.00 |
| Land Surveyor .....  | \$5.00  |
| Civil Engineer and Land Surveyor<br>as a Public Employee ..... | \$2.00  |
| Engineer-in-Training .....                                     | \$4.00  |
| Land Surveyors-in-Training .....                               | \$4.00  |

**LAC 19-3:3 Experience Equivalents**

§3.1 No applicant will be allowed more than one year of experience for work of one calendar year.

§3.2 The Board will not recognize experience acquired by an applicant in violation of any law.

§3.3 An applicant for registration on the basis of graduation plus experience will not be given credit for experience obtained prior to graduation.

§3.4 The satisfactory completion of each year of a four-year curriculum in engineering approved by the Board shall be considered as equivalent to a year of experience for certification as an engineer-in-training and for registration as a professional engineer on the basis of experience plus examination and as a year of professional experience for registration as a professional engineer on the basis of long established practice, provided that no applicant shall receive credit for more than four years of experience for his undergraduate education (R.S. 37:692).

§3.5 The satisfactory completion of each year of a four-year curriculum in engineering that is not considered to be an approved curriculum may be allowed the equivalent of three-fourths of a year of experience for certification as an engineer-in-training and for registration as a professional engineer on the basis of experience plus examination and three-fourths of a year of professional experience for registration as a professional engineer on the basis of long established practice, provided that no applicant shall receive credit for more than three years of experience for his undergraduate education.

§3.6 Graduation in an approved four-year curriculum other than engineering from a college or university of recognized standing may be considered as equivalent to two years of experience for certification as an engineer-in-training and for registration as a professional engineer on the basis of experience plus examination and as equivalent to two years of professional experience for registration on the basis of long established practice (R.S. 37:692).

§3.7 The Board may allow experience credit for engineering education at the graduate level. Applicants holding a degree of Master of Science in engineering or in a branch of engineering or the equivalent thereof may be allowed a maximum credit of one year of experience for their graduate engineering education. Applicants holding a degree of Doctor of Philosophy in engineering or in a branch of engineering or the equivalent may be allowed a maximum of three years of experience, provided that no applicant shall receive credit for more than three years of experience for his graduate education in engineering.

§3.8 The satisfactory completion of each year of an undergraduate curriculum approved by the Board for the registration of land surveyors may be considered equivalent to a year of office experience, provided the applicant has completed at least six semester credit hours or equivalent in surveying courses approved by the Board. No applicant shall receive credit for more than four years of land surveying experience for his undergraduate education (R.S. 37:692).

§3.9 In considering the qualifications of applicants, years spent in engineering teaching may be construed as engineering experience.

§3.10 The Board may consider the execution, as a contractor, of work designed by a professional engineer or the supervision of the construction of such work as a foreman or superintendent toward qualification for registration of an applicant as a professional engineer (R.S. 37:692).

§3.11 The Board will not consider an applicant for registration as a professional engineer to have been in responsible charge of important engineering work unless the applicant shall have been legally authorized to practice professional engineering at the time the work was performed or shall have been in a field of employment exempt under the law from the requirement that professional engineers be registered to practice therein.

#### **LAC 19-3:4 Approved Curricula**

§4.1 The Board shall determine which curricula are to be recognized under the provisions of the Act as approved curricula for the registration of persons as professional engineers and land surveyors.

§4.2 In general, the Board will recognize as approved curricula all engineering curricula of four years or more accredited by the Engineers' Council for Professional Development (ECPD) in programs that lead to degrees in agricultural, chemical, civil, electrical, industrial, mechanical, metallurgical, mining, and petroleum engineering, and may recognize as an approved curriculum an engineering curriculum leading to the degrees specified above that was not accredited at the time of the applicant's graduation, but became accredited two years later.

§4.3 Based on an investigation by a committee of the Board, the Board may, by a majority vote at a regular meeting, recognize as an approved curriculum an engineering curriculum of four years or more from a school of satisfactory standing that does not meet the specifications of Section 4.2. The Secretary shall keep a record of the engineering curricula thus approved.

§4.4 The Board may recognize that an applicant for registration as a professional engineer has an education equivalent to that of a graduate of an approved curriculum provided the applicant has received a graduate degree from a department with an engineering curriculum approved by the Board. Such recognition shall be made on an individual basis as a result of the consideration of the applicant's entire record of education and the results of a personal interview and oral examination by the Board or by a committee of the Board.

§4.5 The Board may recognize as approved for the registration of land surveyors under Section 12A(2)(a) and (b) of the Act all approved engineering curricula that contain at least six semester credit hours, or equivalent, of satisfactory surveying courses.

§4.6 The Board, by a majority vote at a regular meeting, may recognize a curriculum of a college or university of recognized standing, leading to a Bachelor of Science degree as an approved curriculum for the registration of land surveyors under Section 12A(2)(a) and (b) of the Act provided the curriculum contains at least six semester credit hours or equivalent, of satisfactory surveying courses. The Secretary shall keep a record of the curricula thus approved.

§4.7 The Board may recognize that the formal education of an applicant for registration as a land surveyor meets the requirements of Section 12A(2)(b) of the Act if he has passed sixty semester hours, or the equivalent, of courses above the high school level, including at least six semester hours, or the equivalent, of satisfactory surveying courses. The Secretary shall keep a record of this action by the Board if the education was obtained in a two-year curriculum leading to a degree or a certificate.

#### **LAC 19-3:5 Examinations**

§5.1 The examination in fundamental engineering subjects covers the basic subjects included in engineering curricula such as engineering economy, thermodynamics, mechanics of materials, fluid mechanics, physics, mathematics, electrical theory, statics, chemistry, and dynamics. It is offered in the spring and fall of each year at places designated by the Board.

§5.2 Seniors and graduates of four-year engineering curricula (including engineering curricula of state and private universities and colleges not approved by the Board), engineering graduate students, and any applicants who meet the other requirements for

certification as engineers-in-training may be permitted to take the examination in fundamental engineering subjects provided they have filed applications with the Board or its representatives in accordance with the rules of the Board.

§5.3 The Board may waive the requirement of a written examination in fundamental engineering subjects for applicants who appear before the Board for an oral examination or interview and meet one of the following criteria:

§5.3.1 The applicant had previously passed the examination, or one similar to it, but the time limit during which the examination credit may be used has expired.

§5.3.2 The applicant was registered as a professional engineer by another board prior to July 1, 1967.

§5.3.3 The applicant, applying for registration on the basis of experience plus examination, has at least fifteen years of satisfactory experience.

§5.4 Each applicant who passes the examination in fundamental engineering subjects will be issued a letter stating that he has passed the examination and that the fact has been properly recorded. Passing the examination constitutes a credit toward registration for a period of ten years, pending fulfillment of the other requirements.

§5.5 Passing the examination in the principles and practice of engineering satisfies one of the requirements for registration as a professional engineer. The scope of this one-day written examination is limited to the branch in which registration is sought and includes problems which would be encountered in the normal practice of a professional engineer. This examination is given twice each year in New Orleans.

§5.6 An applicant who meets the other requirements for registration as a professional engineer may be permitted to take the examination in principles and practice of the branch of engineering in which he seeks registration.

§5.7 Examinations in more than one branch of professional engineering will not be given concurrently to the same applicant. Applicants taking written examinations in more than one branch of professional engineering will be required to pay a registration fee in each branch.

§5.8 The examination in fundamental surveying subjects is a written or oral and written examination which covers the basic surveying subjects included in the elementary and advanced surveying texts usually taught at the college level. The examination is designed to evaluate the applicant's ability to make route surveys, to determine true meridians, to tie surveys to the Louisiana Coordinate System, to compute areas of land, to use General Land Office survey data, to compute various corrections, to lay out and plot subdivisions, and to handle such mathematical tasks as are encountered in the normal practice of land surveying in this state. This examination will be given at least once a year in New Orleans.

§5.9 An applicant who meets the other requirements for certification as a land surveyor-in-training may be permitted to take the examination in the fundamentals of land surveying. If he passes this examination he will be certified as a land surveyor-in-training.

§5.10 The Board may waive the requirement of a written examination in the fundamentals of land surveying for a person who is registered as a land surveyor in another state whose requirements for registration are not less than those in Louisiana.

§5.11 Each applicant who passes the examination in fundamental surveying subjects will be issued a letter stating that he has passed the examination and that this fact has been properly recorded. Passing the examination will constitute a credit toward registration for a period of ten years, pending fulfillment of the other requirements.

§5.12 A person who has passed the examination in the fundamentals of land surveying and has met the other requirements for registration as a land surveyor may be permitted to take examinations in the principles and practice of land surveying and land

surveying laws and procedures. After he passes these examinations he will be registered as a land surveyor.

§5.13 When permitted, textbooks, reference books or other aids to which a practitioner would ordinarily have access may be used by the applicant while taking a written examination. However, applicants will not be permitted to use unbound references. Self-contained, battery powered, silent calculators may be used.

§5.14 Applicants will be informed at the earliest possible date as to whether they passed or failed an examination. No other information regarding the applicant's examination will be given.

§5.15 After each examination, the Board shall review the results and by a majority vote shall specify the raw score that is equivalent to a converted score of seventy percent. The Board has the sole authority to release examination scores.

§5.16 The passing grade for an applicant in a branch of engineering or in land surveying shall be seventy percent. This grade shall be based on a weighted combination of the score (0-100%) of the written examination and an experience score (0-100%) based on the character of the experience of the individual applicant as determined by the Board by its review of his application file and the results of his oral examination and interview. The experience and the written examination scores shall be assigned equal weight for those applicants with twenty years or more of satisfactory experience. The weighting factor for the experience score for those applicants with less than twenty years of satisfactory experience shall be calculated using the following equation:

$$y = 0.500 [1 - (1 - x/20)^2]$$

where y represents the experience weighting factor and x the number of years of satisfactory experience. For x equal to or greater than twenty this weighting factor, y, has a value of 0.500. The examination grade is the sum of the products of y times the experience score and (1-y) times the written examination score.

§5.17 A person who fails an examination for the first time is eligible to apply to retake the examination.

§5.18 A person who has failed an examination on two occasions, regardless of the elapsed time between exams, will not be eligible to apply to retake the examination until two years after his last failure. Upon application he is expected to present evidence that he has made a serious effort to increase his knowledge of the subject matter covered by the examination.

§5.19 A person who has failed an examination three times or more than three times will not be eligible to apply to retake the examination until four years after his last failure. Upon application he must present evidence that he has made a serious effort to increase his knowledge of the subject matter covered by the examination. Before the applicant is given approval to retake the examination he must appear before the Board or a committee of the Board for an interview and oral examination.

§5.20 The National Council of Engineering Examiners prepares examinations in the "Principles and Practice of Engineering." These examinations are made available to all of the state boards twice each year. The Board provides the opportunity for engineers who are registered in Louisiana to take the National Council's examination in the branch of their registration without affecting their registration status with this Board. These examinations are offered at times and places designated by the Board. Each applicant will be charged a fee of twenty-five dollars for this service. Application is made by letter.

### **LAC 19-3:6 Certification, Registration and Temporary Permits**

§6.1 Persons who meet the requirements of the Board for engineer-in-training, or land surveyor-in-training will be issued a certificate to that effect signed by the Chairman and Secretary of the Board.

§6.2 To be certified as an engineer-in-training or a land surveyor-in-training an applicant must present evidence that he is

of good character and meets the minimum requirements specified under one of the alternatives in Sections 6.4-6.8.

§6.3 An applicant for certification as a land surveyor-in-training is normally required to appear before the Board or a committee of the Board for an interview and oral examination.

§6.4 An applicant for certification as an engineer-in-training on the basis of graduation plus examination must:

§6.4.1 Graduate from an approved engineering curriculum of four years or more.

§6.4.2 Pass an eight-hour written examination in fundamental engineering subjects given by this Board or by a similar board of registration having equal requirements.

§6.5 An applicant for certification as an engineer-in-training on the basis of experience plus examination must:

§6.5.1 Graduate from an approved high school.

§6.5.2 Have a minimum of four years of experience in engineering work of a character satisfactory to the Board. The experience must be of such quality and extent that the Board believes the applicant has obtained engineering knowledge and skills at least equivalent to that obtained by education in an approved four-year engineering curriculum. Satisfactory completion of each year of an approved engineering curriculum may be considered equivalent to a year of experience.

§6.5.3 Pass an eight-hour written examination in fundamental engineering subjects given by this Board or another board of registration having equal requirements.

§6.6 An applicant for certification as a land surveyor-in-training on the basis of graduation plus examination must:

§6.6.1 Have at least a Bachelor of Science degree in an approved curriculum including the successful completion of at least six semester credit hours in surveying courses approved by the Board.

§6.6.2 Pass the written examination in the fundamentals of land surveying.

§6.6.3 Submit the names of three references not less than one of whom shall be a professional engineer or land surveyor who has personal knowledge of the applicant's character and abilities.

§6.7 An applicant for certification as land surveyor-in-training on the basis of education plus examination must:

§6.7.1 Have at least two years of formal education in an approved curriculum above high school level with at least sixty semester credit hours passed. Of these credits at least six semester hours must have been in surveying courses approved by the Board.

§6.7.2 Present evidence satisfactory to the Board that he has had at least two years of combined office and field experience in land surveying with a minimum of one year of experience in charge of land surveying projects under the supervision of a registered land surveyor.

§6.7.3 Pass the written examination in the fundamentals of land surveying.

§6.7.4 Submit three references, not less than one of whom shall be a registered land surveyor having personal knowledge of the applicant's land surveying experience.

§6.8 An applicant for certification as land surveyor-in-training on the basis of experience plus examination must:

§6.8.1 Graduate from an approved high school.

§6.8.2 Present evidence satisfactory to the Board that he has had at least four years of combined office and field experience in land surveying with a minimum of two years experience in charge of land surveying projects under the supervision of a registered land surveyor.

§6.8.3 Pass the written examination in the fundamentals of land surveying.



§6.8.4 Submit three references, not less than one of whom shall be a registered land surveyor having personal knowledge of the applicant's land surveying experience.

§6.9 An applicant for registration as a professional engineer must be of good moral character. Applicants qualifying under one of the alternatives in Sections 6.10-6.12 must include in their applications the names of five persons who are registered professional engineers having personal knowledge of their engineering experience, and who are not relatives or employers of the applicant.

§6.10 An applicant for registration as a professional engineer on the basis of graduation plus experience (R.S. 37:692(1)(a)) must:

§6.10.1 Graduate from an approved engineering curriculum of four years or more.

§6.10.2 Hold a certificate issued by this Board or by another similar Board in the United States to the effect that the applicant has passed a written examination in fundamental engineering subjects.

§6.10.3 Have a specific record of four years of experience, obtained subsequent to graduation, in engineering work of a character satisfactory to the Board.

§6.10.4 Pass an eight-hour written examination in the principles and practice of the branch of engineering in which he seeks registration. The Board may permit an applicant to take this examination after he has acquired three of the four years experience specified in Section 6.10.3.

§6.11 An applicant for registration as a professional engineer on the basis of experience plus examination (R.S. 37:692A(1)(b)) must:

§6.11.1 Graduate from an accredited high school.

§6.11.2 Hold a certificate issued by this Board or by another similar board in the United States stating that the applicant has passed a written examination in fundamental engineering subjects.

§6.11.3 Have at least eight years of experience in engineering work of a character satisfactory to the Board indicating that the applicant is competent to practice engineering.

During 1979, an applicant with less than twelve years of satisfactory experience must have acquired at least three years of satisfactory experience subsequent to being certified as an engineer-in-training.

After January 1, 1980, an applicant with less than twelve years of satisfactory experience must have acquired at least four years of satisfactory experience subsequent to being certified as an engineer-in-training.

§6.11.4 Appear before the Board or a committee of the Board for an interview and oral examination.

§6.11.5 Pass an eight-hour written examination in the principles and practice of engineering in the branch in which they seek registration.

§6.12 An applicant for registration as a professional engineer on the basis of long established practice (R.S. 37:692A(1)(c)) must:

§6.12.1 Have had a minimum of twenty years of engineering practice (Engineering practice in the Act is defined as professional service which requires the application of engineering principles and the interpretation of engineering data.) not less than twelve years of which must have been in responsible charge of important engineering work. In order to be recognized as professional practice, the work must have been in positions that would normally be filled by persons having a degree from a school of engineering of recognized standing.

§6.12.2 Have had preprofessional education and/or experience equivalent to that required for applicants on the basis of graduation plus experience before his experience can be considered of a professional stature.

§6.12.3 Have an employment record and qualifications to practice engineering completely validated by former employers or supervisors who are in a position to have intimate knowledge of the type and the degree of responsibility of work performed. It is not necessary that the applicant's total experience shall have been limited to one branch of engineering, but registration under this provision will be granted only in that branch in which the applicant seems to have obtained the greatest proficiency. The Board will not accept credit for professional experience claimed by the applicant after the effective date of an engineering registration act in that state in which the experience is claimed if the experience was acquired in violation of any of the provisions of the said act.

§6.12.4 Be registered to practice professional engineering in the state or territory in which he is domiciled if it is other than Louisiana.

§6.12.5 Pass an eight-hour written examination in the principles and practice of engineering in the branch in which they seek registration. Before an applicant will be granted approval to take the written examination, he must appear before the Board or a committee of the Board for an interview and oral examination.

§6.13 The Board may, upon application therefor and payment of a fee of thirty-five dollars, issue a certificate of registration as a professional engineer to any person who holds a certificate of qualification or registration issued to him by the National Council of Engineering Examiners or by any state, territory or possession of the United States, provided: (1) that the applicant's qualifications meet the requirements of the Act and the rules established by the Board that were in effect at the time the applicant acquired registration in said state, territory, or possession of the United States; (2) that the applicant is in good standing with the registering agency in said state, territory or possession of the United States; (3) that the applicant must have been registered with the licensing agency under provisions similar to the provisions of graduation plus experience or experience plus written examination as described above; and (4) that said state, territory or possession will accept the certificates of registration issued by this Board on a reciprocal basis.

§6.14 An applicant for registration as a land surveyor must be of good moral character. Applicants qualifying under one of the alternatives in Sections 6.15-6.17 must include on their applications the names of five persons, at least three of whom are land surveyors registered in this state, who are not relatives or employers of the applicant, and who have personal knowledge of his experience. Applicants must appear before the Board for an interview at a time and place designated by the Board and must pass a two-day written examination.

§6.15 An applicant for registration as a land surveyor on the basis of graduation plus examination (R.S. 37:692A(2)(a)) must:

§6.15.1 Graduate from a curriculum approved by the Board including successful completion of at least six semester hours in surveying courses approved by the Board.

§6.15.2 Present a verifiable record of at least four years of combined office and field experience in land surveying as defined in R.S. 37:692(6), not less than two years of which shall have been as a party chief under the supervision of a registered land surveyor, which experience must be of a grade and character satisfactory to the Board.

§6.16 An applicant for registration as a land surveyor on the basis of education plus examination (R.S. 37:692A(2)(b)) must:

§6.16.1 Have had at least two years of education in a curriculum above the high school level during which he gained total credits of at least sixty semester hours. Of these credits at least six semester hours must have been in surveying courses approved by the Board.

§6.16.2 Present a verifiable record of at least six years of combined office and field experience in land surveying as de-

fined in R.S. 37:682(6), obtained under the supervision of a registered land surveyor, not less than four years of which shall have been as a party chief.

§6.17 An applicant for registration as a land surveyor on the basis of long established practice plus examination (R.S. 37:692A(2)(c)) must:

§6.17.1 Graduate from an accredited high school.

§6.17.2 Present a verifiable record of eight years or more of experience in surveying work satisfactory to the Board, not less than six years of which shall have been as a party chief under the supervision of a registered land surveyor. The remainder of the experience, if it has been in the field, shall have been in a position not lower than instrumentman or note keeper, and if in the office of a land surveyor shall have consisted of preparing plats or maps, or making calculations for distances, areas and positions on the basis of field notes under the supervision of a registered land surveyor. Satisfactory completion of each year of an approved curriculum in a school or college approved by the Board may be considered equivalent to a year of experience other than that required as a party chief.

§6.17.3 Have acquired by attendance at an approved college or by home study sufficient knowledge of the English language and of the laws governing boundaries in this state to make it possible for him to perform the research necessary to form the basis for a property survey, and to be able to serve as an expert witness in a court of law in cases in which their own work or the work of other land surveyors is in question.

§6.18 Under the provisions of R.S. 37:692A(2)(d) the Board may issue a certificate of registration as a land surveyor to any person registered as a land surveyor in any state, territory, or possession of the United States, provided that the state, territory, or possession accepts the registration of Louisiana land surveyors on a similar reciprocal basis. In order to qualify for such registration, applicants must submit an application and pay a fee of thirty-five dollars; must be in good standing with the agency with which they are registered; must have been registered under provisions similar to those in Louisiana Law and in Sections 6.15-6.17 of these rules; and must pass a written four-hour examination which includes questions on laws, procedures, and practice in Louisiana.

§6.19 Any person who has been granted a license as a professional engineer by this Board on the basis of having earned a Bachelor of Science degree in engineering from an accredited curriculum requiring surveying and having successfully completed no less than six semester hours or equivalent quarter hours of surveying may be granted a license by the Board to practice land surveying without further written examination. Such applicant for registration on this basis must have had at least two years of combined office and field experience in land surveying as defined in R.S. 37:682(6) and must appear before the Board for an interview and/or oral examination. Applicants who have acquired less than this minimum amount of experience in land surveying may be permitted to demonstrate their abilities in land surveying by passing a four-hour written examination in the principles and practice of land surveying and a four-hour written examination in the laws and procedures of land surveying in Louisiana. Approval to take these examinations will be granted only after an interview and oral examination administered by the Board.

§6.20 A person who is not a resident of and has no established place of business in the state may be granted a written temporary permit to practice professional engineering in the state, provided he is legally qualified by registration to practice in the state or political subdivision of the United States wherein he has legal residence, for a period not to exceed thirty days, upon submission of an application for such permit on a form to be furnished by the Board, together with a fee of twenty-five dollars. Upon completion

of the work he shall notify the Board as to the period of time he has practiced under such temporary permit.

### **LAC 19-3:7 Corporations and Partnerships**

§7.1 Although only natural persons may be registered as professional engineers in the State of Louisiana, the regulatory statute (Act 73 of 1950) and the Attorney General's Opinion rendered under this statute, clearly recognize by implication that corporations and partnerships may provide or offer to provide professional engineering services or land surveying services within Louisiana under certain limited circumstances, provided that the public interest is safeguarded by proper limitations and regulations. It is the intent of these rules to prevent the practice of engineering by those who, except for the use of a corporate organization, would not be eligible to practice that profession. Accordingly, the Louisiana State Board of Registration for Professional Engineers and Land Surveyors promulgates the following rules for the protection of the public and in the guidance of the profession.

§7.2 In the case of corporations offering to provide or providing professional engineering services in the State of Louisiana, all such professional engineering services shall be executed by or under the direct supervision of a professional engineer duly registered in this state. Such engineer shall be a full-time active employee whose primary occupation or employment is with the corporation, or a majority stockholder of said corporation unless all other stockholders of such corporation are registered professional engineers in Louisiana. When the work consists of plans, designs, specifications, reports, or maps, such professional engineer shall impress them with his seal as required by law. The appearance of an engineer's seal on plans and specifications shall constitute a representation that such plans and specifications were prepared by him or under his supervision.

§7.3 The requirements of Section 7.2 will not be met by a contractual relation between the corporation and a professional engineer or firm of professional engineers in which such engineer or firm of engineers is available on a consultative basis. The requirements of Section 7.2 will not be satisfied if the professional engineer is related to the firm or corporation solely in a nominal or inactive capacity (see Louisiana Attorney General's Opinion of July 26, 1967).

§7.4 Letterheads, business cards, advertisements, and other similar identifying items issued by corporations offering to provide or providing professional engineering services in the State of Louisiana shall reflect clearly that such corporations have principals or full-time employees who are professional engineers registered in this state. In the ordinary case, the name of the professional engineer related to the corporation should appear on business cards, letterheads, and similar material with initials P.E. following the name to indicate his professional status, or with initials to indicate the branch in which he practices such as C.E., M.E., etc. In the case of large engineering organizations which contain considerable numbers of registered professional engineers, compliance with this regulation may be accomplished by the use of the professional engineer's seal or by his signature with the identifying initials thereafter on correspondence or other similar materials which do not require the seal.

§7.5 Within thirty days after the incorporation of a Louisiana corporation or the qualification of a foreign corporation in Louisiana, which offers to provide or provides professional engineering services in the State of Louisiana, the said corporation shall file an application with the Executive Secretary of the Louisiana State Board of Registration for Professional Engineers and Land Surveyors on a form provided by the Board. Said form shall contain a list certified by an authorized officer showing the names and addresses of all majority stockholders and/or full-time employees who are professional engineers registered in this State and who are responsible for the engineering services provided by the corporation.

§7.6 During the period from May 1 to July 1 of each year a list as provided in Section 7.5 shall be filed by all corporations providing or offering to provide professional engineering services within the State of Louisiana.

§7.7 In the event that a corporation providing or offering to provide professional engineering services within the State of Louisiana shall fail to comply with these regulations and/or shall fail to file the reports required by this Rule, the Board, after investigation of the facts, will file legal proceedings against such corporation to require compliance or to enjoin the further practice or offering to practice professional engineering.

§7.8 The foregoing regulations with regard to corporations providing or offering to provide professional engineering services shall apply equally to partnerships and individual proprietorships which shall provide or offer to provide professional engineering services and similar reports as required in this Rule shall be filed by such partnerships and individual proprietorships. Excluded from all of the above regulations are individual proprietorships which bear the name of the owner who is a registered professional engineer.

§7.9 A fee of thirty-five dollars shall be remitted to the Board when the list required by Section 7.5 is submitted; thereafter, an annual fee of ten dollars will be remitted to the Board along with the list of names specified under Section 7.7.

§7.10 In the case of corporations offering to provide or providing land surveying services in the State of Louisiana, all such professional surveying services shall be executed by or under the direct supervision of a land surveyor duly registered in this state. Such surveyor shall be a full-time active employee whose primary occupation or employment is with the corporation, or a majority stockholder of said corporation unless all other stockholders of such corporation are registered land surveyors in Louisiana. When the work consists of plats, reports or maps, such land surveyor shall impress them with his seal as required by law. The appearance of a surveyor's seal on a plat shall constitute a representation that such plat was prepared by him or under his supervision.

§7.11 Compliance with Section 7.10 above will not be met by a contractual relation between the corporation and a land surveyor or firm of land surveyors in which such surveyor or firm of surveyors is available on a consultative basis. The requirements of Section 7.10 will not be satisfied if the land surveyor is related to the firm or corporation solely in a nominal or inactive capacity (see Louisiana Attorney General's Opinion of July 26, 1967).

§7.12 Letterheads, business cards, advertisements and other similar identifying items issued by corporations offering to provide or providing land surveying services in the State of Louisiana shall reflect clearly that such corporations have principals or full-time employees who are land surveyors registered in this state. In the ordinary case, the name of the land surveyor related to the corporation should appear on business cards, letterheads, and similar material with initials L.S. following the name to indicate his professional status. Compliance with this Section may be accomplished by the use of the land surveyor's seal or by his signature with the identifying initials thereafter on correspondence or other similar materials which do not require the seal.

§7.13 Within thirty days after the incorporation of a Louisiana corporation or the qualification of a foreign corporation in Louisiana, which offers to provide or provides land surveying services in the State of Louisiana, the said corporation shall file an application with the Executive Secretary of the Louisiana State Board of Registration for Professional Engineers and Land Surveyors on a form provided by the Board. Said form shall contain a list certified by an authorized officer showing the names and addresses of all majority stockholders and/or full-time employees who are land surveyors registered in this state and who are responsible for the land surveying services provided by the corporation.

§7.14 During the period from May 1 to July 1 of each year a list as provided in Section 7.13 shall be filed by all corporations providing or offering to provide land surveying services within the State of Louisiana.

§7.15 In the event that a corporation providing or offering to provide land surveying services within the State of Louisiana shall fail to comply with these regulations and/or shall fail to file the reports required by this Rule, the Board, after investigation of the facts, will file legal proceedings against such corporation to require compliance or to enjoin further practice or offering to practice land surveying.

§7.16 A fee of thirty-five dollars shall be remitted to the Board when the list required by Section 7.13 is submitted; thereafter, an annual fee of ten dollars shall be remitted to the Board along with the list of names specified under Section 7.14.

§7.17 The foregoing regulations with regard to corporations providing or offering to provide land surveying services shall apply equally to partnerships and individual proprietorships which shall provide or offer to provide land surveying services and similar reports as required in this Rule shall be filed by such partnerships and individual proprietorships. Excluded from all of the above regulations are individual proprietorships which bear the name of the owner who is a registered land surveyor.

§7.18 No corporation, partnership or individual proprietorship shall provide or offer to provide land surveying services in the State of Louisiana if it has in its title the name of a living person who is not registered as a land surveyor either in the State of Louisiana or in the state of the domicile of principal place of business of each corporation, partnership or individual proprietorship.

§7.19 Any firm that has qualified with the Board in accordance with Rule 7 shall be deemed to be a registrant as that term is used in R.S. 37:700 (B), and therefore shall be subject to those disciplinary provisions providing for reprove (privately or publicly), suspension or revocation of the right to practice engineering or land surveying in the State of Louisiana.

#### **LAC 19-3:8 Disciplinary Actions**

§8.1 By virtue of Act 73 of 1950 as amended by Acts 29 and 226 of 1968, Act 685 of 1970, and Acts 649 and 650 of 1974, the Board of Registration for Professional Engineers and Land Surveyors may receive and investigate complaints against registered professional engineers and land surveyors and make findings thereon (R.S. 37:700A).

§8.2 By a majority vote, the Board may reprove, may suspend for a period not to exceed two years, or may revoke the certificate of registration for any registrant who (1) has been convicted of a felony; (2) has been found guilty by the Board of any fraud, deceit, gross negligence, misrepresentation, violation of contract or gross incompetency in his practice; or (3) has been found guilty of any fraud or deceit in obtaining his certificate or, violation of any provision of the Act (R.S. 37:700B). Definitions of fraud, gross incompetency, and gross negligence may be found in Rule 1.

§8.3 Any firm that has qualified with the Board in accordance with Rule 7 shall be deemed to be a registrant as that term is used in R.S. 37:700 (B), and therefore shall be subject to those disciplinary provisions providing for reprove (privately or publicly), suspension or revocation of the right to practice engineering or land surveying in the State of Louisiana.

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#### **Bylaws**

The practice of professional engineering and the practice of land surveying are regulated by Act 73 of 1950 Louisiana Legislature, as amended. These Bylaws are based on the Act and in cases where they conflict with the provisions of the Act, the Act controls.

1. Name and Domicile. The name of the Board is the Louisiana State Board of Registration for Professional Engineers and Land Surveyors (R.S. 37:683) and will be referred to hereinafter as the "Board."

The legal domicile of the Board is the City of New Orleans, Louisiana. (R.S. 37:687)

## 2. Organization and Meetings.

2.1 The Board shall hold at least four regular meetings each year. (R.S. 37:687) A two day meeting, to be held in January, will be designated the Annual Meeting. The dates of all regular meetings shall be established at a prior meeting of the Board. The Chairman may call special meetings when he considers them to be necessary and he is also required to call special meetings upon the written request of a minimum of six Board members. It shall be the duty of the Secretary to notify the Chairman of any matters which should be brought to the attention of the Board that might justify the calling of a special meeting.

When a special meeting is called, notice of the meeting shall include an agenda of all matters to be considered at such meeting. No matter not included on the agenda set up for a special meeting shall be considered or passed upon at such meeting. Regular meetings may be adjourned and reconvened at a later date when the business before the Board cannot be completed within the time originally allotted for such regular meetings. Notices of all meetings shall be mailed to each member at least ten days in advance of the scheduled date of each meeting.

2.2 Six members constitute a quorum for the transaction of business. (R.S. 37:687)

2.3 At the Annual Meeting the Board shall:

Elect from its members a Chairman, Vice Chairman and Secretary. These officers shall take office on the following first day of February and shall serve for a period of one year or as long thereafter until their successors shall have been elected. Should the Chairman's membership on the Board be terminated prior to the election of his successor, the Vice Chairman shall automatically assume the duties of Chairman until the Board is reorganized at the next regular meeting.

At its discretion appoint a nonmember of the Board to serve as Executive Secretary. The Board shall determine the term of office of the Executive Secretary and shall fix his salary. (R.S. 37:687)

2.4 *Roberts' Rules of Order* shall govern the proceedings of the Board at meetings except as otherwise provided herein or by statute.

2.5 Order of Business for Regular Meetings:

- Reading and approval of minutes of previous meeting.
- Selection of dates of next meeting.
- Committee meetings.
- Interviews and oral examinations.
- Reports of officers and committees.
- Reading of communications.
- Unfinished business.
- New business.
- Election of officers for ensuing term (January meeting only).
- Consideration of applications.
- Consideration of invoices and expenses.
- Adjournment.

3. Officers. The officers of the Board shall consist of a Chairman, Vice Chairman, Secretary, and Executive Secretary. (See Paragraph 2.3) The duties of these officers shall be as follows:

3.1 Chairman. The Chairman shall preside at all meetings, appoint all committees, except as otherwise provided, and shall, together with the Secretary, sign all certificates of registration issued by the Board. He shall cause to have prepared the annual report required by Section 10 of Act 73 of 1950 and shall submit it to the Governor of the state prior to April of each year.

3.2 Vice Chairman. The Vice Chairman shall, in the absence of the Chairman, perform the duties and possess all the powers of the Chairman.

3.3 Secretary. The Secretary shall conduct and care for all correspondence in the name of the Board and shall record and file all applications, examinations, registrations, and revocations; and shall be in possession of the official seal and impress it upon all official documents upon order of the Board. He shall send members of the Board notices of all meetings ten days in advance thereof; shall keep correct minutes of all meetings of the Board including a record of all certificates of registration issued; shall examine all applications for registration and bring about the necessary correction or supplying of missing or essential data in connection with such applications prior to consideration thereof by the Board; shall address inquiries to references to verify the qualifications, experience and character of applicants, make arrangements as required by the Board for all written or oral examinations and interviews of applicants; shall supervise the written examinations and present to the Board the results of every examination and other evidence of qualification; and shall have certificates of registration prepared for those applicants who have been approved for registration by the Board. He shall receive and account for all moneys derived from the operation of the Board; shall, in all matters relating to receipts and disbursements, comply with Section 9 of Act 73 of 1950 (R.S. 37:689); shall audit all bills and accounts covering expenditures and shall prepare all vouchers and checks for payment of approved bills; and shall keep a register of receipts and expenditures, maintaining such financial books as will at all times show the financial condition of the Board and the validity of the registrations and of the licenses which have been issued. The Secretary, with the approval of the Board, is authorized to delegate to the Executive Secretary the performance of such of his duties as may seem advisable except such as are mandatory under the provisions of Section 9 of the Act. (R.S. 37:689) In the absence of the Secretary from a meeting the Chairman shall appoint another member of the Board as Acting Secretary.

3.4 Executive Secretary. The Executive Secretary shall be a nonmember of the Board employed to assist the Secretary and other members of the Board in the performance of their duties. He shall employ and supervise the work of all secretarial, stenographic, clerical, and technical assistants essential to the work of the Board, on approval of the Executive Committee and in accordance with Section 7 of Act 73 of 1950 (R.S. 37:687).

## 4. Standing Committees.

4.1 Executive Committee. The Chairman, Vice Chairman and Secretary shall constitute the Executive Committee. The Chairman of the Board shall serve as Chairman of the Executive Committee.

The Executive Committee shall oversee the operations of the office of the Board and shall advise the Executive Secretary as to the conduct of the business of the Board between meetings. The Committee shall make recommendations to the Board with respect to policies and procedures.

4.2 Engineering Branch Areas and Land Surveying Committees. The Chairman of the Board shall appoint not less than two members to each of the following committees:

- Agricultural Engineering Committee.
- Chemical Engineering Committee.
- Civil Engineering Committee.
- Electrical Engineering Committee.
- Industrial Engineering Committee.
- Mechanical Engineering Committee.
- Metallurgical Engineering Committee.
- Mining Engineering Committee.
- Petroleum Engineering Committee.
- Land Surveying Committee.

It shall be the duty of each of these committees to review applications for registration in each respective branch of professional engineering and in land surveying and to make recom-

mendations to the Board concerning action to be taken thereon, to select examinations and examination questions, to recommend passing scores for the written examinations in the engineering branch areas and in land surveying, and to assign experience credit when such credit is applicable. These committees will submit the final grades for all examinations to the Board for approval or for any other action it may see fit to take.

The Land Surveying Committee shall have the added responsibility of reviewing applications and making recommendations to the Board on matters concerned with the certification of persons as land surveyors-in-training.

4.3 Examinations Committee. The Chairman shall appoint an Examinations Committee that shall review and make recommendations to the Board in matters concerned with examinations. The Committee shall review all applications for the examination in fundamental engineering subjects and all requests for certification of persons as engineers-in-training and shall make recommendations for action by the Board.

4.4 Liaison and Law Review Committee. The Chairman shall appoint a Liaison and Law Review Committee to work with similar committees of the Louisiana Engineering Society and of other professional and technical organizations on matters of mutual concern. The Committee shall make recommendations to the Board in matters concerned with the Registration Law and the Rules and Regulations of the Board.

4.5 Curricula Inspection Committee. The Chairman shall appoint a Curricula Inspection Committee to inspect and make recommendations to the Board concerning the quality of the engineering and surveying curricula, faculties and facilities of schools within the State of Louisiana.

4.6 Finance Committee. The Chairman shall appoint a Finance Committee composed of not less than two Board members. The Secretary and Executive Secretary will serve as ex officio members of this committee. It will be the responsibility of this committee to make studies, reports and recommendations to the Board on fiscal matters. At the end of the fiscal year the Finance Committee shall review the annual audit and prepare a budget for presentation to the Board at its next meeting.

4.7 Nominations Committee. The Chairman shall appoint a Nominations Committee composed of not less than two members. It shall be the duty of this committee to present to the Board a list of nominations prior to any election of officers.

5. Administrative Procedures. The Board shall follow the Administrative Procedures of the State of Louisiana as described in Chapter 49 of the Revised Statutes (R.S. 49:951 through R.S. 49:966). See Appendix A.

6. Amendments to Bylaws. Bylaws of the Board may be amended at any regular or special meeting by a majority vote of the members comprising the Board, provided, however, that such proposed amendments have been submitted in writing to the members of the Board at least thirty days prior to the meeting. This thirty day provision may be waived at a regular meeting by the unanimous consent of the Board members present.

#### 7. Rules and Regulations.

7.1 Under the provisions of Section 8 of Act 73 of 1950 (R.S. 37:688) the Board is given power to make and promulgate rules and regulations necessary for the proper performance of its duties. In accordance with these provisions the Board shall adopt detailed requirements for the registration and certification of individuals for the practice of or offer to practice professional engineering or land surveying and rules to govern corporations and other firms that provide or offer to provide professional engineering and land surveying services in Louisiana, and shall adopt definitions of terms and other statements of general applicability as required.

#### 8. Publications of the Board.

8.1 A roster showing the names and places of business of all registered professional engineers, the branch of engineering in which professional engineers are registered, and all registered land surveyors shall be published by the Secretary of the Board each even numbered year. Copies of this roster shall be mailed without charge to each person so registered, upon request, shall be furnished to other persons upon payment of printing and handling charges, and shall be placed on file with the Secretary of State and in the libraries of all colleges and universities in this state. (R.S. 37:690 and 37:691)

8.2 Pamphlets and bulletins containing information relative to the registration of professional engineers and land surveyors will be published and revised as necessary. The information in these pamphlets and bulletins is for the guidance of persons who intend to seek registration as professional engineers and land surveyors in the State of Louisiana.

9. Bonding. The Board shall provide a blanket position bond of not less than ten thousand dollars covering the position of the Chairman, Secretary, Executive Secretary, and all Board members, employees, or other persons who may sign checks or handle the finances of the Board.

#### 10. Disbursements.

10.1 The Secretary shall draw voucher checks against the funds of the Board for the payment of all bills which are known to him to be proper and necessary to the conduct of his office and duties and those authorized by the Board. The Chairman shall be empowered to authorize the expenditures of funds, in the beneficial interests of the Board and without its prior approval, up to an aggregate amount of five hundred dollars in any fiscal year period, and any expenditures made under this authorization shall be reported to and approved by the Board at its next regular meeting. All checks shall be signed by the Secretary and one of the following officers: Chairman, Vice Chairman, or Executive Secretary.

10.2 At the close of each fiscal year (June 30) the Secretary shall have an audit made by the certified public accountant designated by the Board of all receipts and disbursements. The report of this audit shall be ready for submission to the Board or its members before the last week in July. A copy of this audit and the financial statement prepared by the certified public accountant shall be sent to the Governor after the report of the audit has been reviewed by the Board (R.S. 37:699).

#### 11. Compensation and Expenses.

11.1 Authority to Incur Traveling Expenses. Section 5 of Act 73 of 1950, R.S. 37:685 authorizes that "Each member of the Board shall receive the sum of twenty-five dollars per diem when actually attending to the work of the Board or any of its committees and for the time spent in necessary travel; and, in addition thereto, shall be reimbursed for all actual traveling, incidental, and clerical expenses necessarily incurred in carrying out the provisions of this Chapter."

Section 9B of Act 73 of 1950, R.S. 37:689 authorizes the Board to make expenditures from its funds "for any purpose which in the opinion of the Board is reasonably necessary for the proper performance of its duties..., including the expenses of the Board's delegates to annual conventions of, and membership dues to, the National Council of State Boards of Engineering Examiners." (NCEE)

The Board will allow its members actual traveling expenses plus per diem to attend regular, special and committee meetings of the Board. Per diem for time spent traveling and for time spent at the meeting will be allowed. The per diem allowance for time spent traveling will not exceed two days.

The Board may, by resolution at one of its meetings, authorize any of its members or representatives to travel at the expense of the Board to attend meetings and conventions such as those of

the National Council of Engineering Examiners (NCEE), the Engineers Council for Professional Development (ECPD), or other allied organizations. Per diem for time spent traveling and for time spent at the meeting will be allowed. The allowance of per diem for time spent traveling shall not exceed the total number of days computed by dividing the most direct route driving mileage by four hundred miles per day.

11.2 Reimbursement of Transportation Expenses. Expenses for transportation by personally owned vehicles will be reimbursed at the mileage rate specified by resolution of the Board at a regular meeting. Reimbursement shall be on the basis of the most direct route. The traveler shall be required to pay all of the operating expenses of the vehicle.

Air travel will be by coach or economy class rates when available. Receipts or other verification of travel will be attached to the expense report. Reimbursement will be on the basis of the most direct route available. Air travel by private aircraft may be approved by the Board. When so approved, reimbursement will be on the basis of coach air fare rates.

11.3 Lodging and Meals. The Board will allow its members to be reimbursed actual expenses for meals (including tips) and for lodging at a single occupancy rate. Receipts for lodging shall be submitted and attached to the travel voucher.

11.4 Other expenses. Only the following expenses incidental to travel may be reimbursed:

1. Communication expenses relative to official State business.
2. Registration fees at meetings or conventions.
3. Taxi and bus fares.
4. Parking fees.
5. Tips (for baggage handling only).
6. Limousine services to and from terminals or stations.

11.5 Exceptions. Any deviations from the above rules must be approved by a specific resolution at a meeting of the Board.

12. Guidelines for Board Appointments. R.S. 37:683 (Act No. 73 of 1950, as amended, Section 3. "Board, Appointments; Terms") provides that the Board shall be comprised of nine registered professional engineers and one professional land surveyor. The Governor shall appoint registered professional engineer members to the Board from nominees recommended by the Louisiana Engineering Society and the registered professional land surveyor member from nominees recommended by the Louisiana Land Surveyors Association. The Louisiana Engineering Society and the Louisiana Land Surveyors Association have adopted guidelines for recommending nominees when vacancies occur.

R.S. 37:683 also provides that "at least two members of the Board shall be registered professional engineers who are active in the private practice of engineering, at least two of the members of the Board shall be registered professional engineers in government employment, at least two of the members of the Board shall be registered professional engineers employed in the field of industry, and at least two of the members shall be registered professional engineers employed in the field of education. Not less than one member of the Board shall be a registered professional engineer who is also a registered professional land surveyor, and who is engaged in the field of land surveying." Further, the professional land surveyor member shall be one "who is engaged exclusively in the field of surveying as the same may be construed in the broad generic sense."

In addition to the specific citations of law, it is desirable to maintain a Board balance of certain engineering disciplines (branches) in order for the Board to more effectively discharge its responsibilities.

The sitting Board is best qualified to determine its needs from the standpoint of desired disciplines and, more appropriately, to interpret the makeup of the Board from the standpoint of the division of

engineering practice as provided in R.S. 37:683. The Board's legal counsel can also offer advice when the need arises.

Accordingly, the following guidelines and procedures will be observed in order that timely and prudent advice can be given to the Louisiana Engineering Society and the Louisiana Land Surveyors Association when voluntary or involuntary vacancies occur:

12.1 The Board of nine registered professional engineers and one registered professional land surveyor presently serving shall establish, upon acceptance of these guidelines, the divisions of engineering and surveying practice each represents. The nominating organizations will then be notified, by certified mail, return receipt requested. At each Annual Meeting thereafter the Board will determine and publish in the minutes of the meeting, and include in the annual report issued to the Governor, the names of the sitting Board members and the respective division of engineering practice of each, in the case of engineers, and the identity of the registered professional land surveyor member. A copy of the list will be forwarded by certified mail, return receipt requested, to the Louisiana Engineering Society and the Louisiana Land Surveyors Association.

12.1.1 Registered professional engineering Board members shall continue to represent the division of engineering practice represented when appointed, unless formal advice has been received from the Louisiana Engineering Society on or before the date of the Annual Meeting that the division of engineering practice classification of a member has been changed.

If a Board member is not a member of the Louisiana Engineering Society, it shall be his duty to notify the Executive Secretary of any significant change in his regular employment; the Executive Secretary shall so advise the Louisiana Engineering Society for its action, if any, prior to the Annual Meeting.

Board members who retire from active practice shall continue to represent the division of engineering practice represented at the time of retirement.

The member serving as a registered professional land surveyor shall be that member who was appointed from a list of nominees provided by the Louisiana Land Surveyors Association.

12.2 The division of engineering practice classification of each Board member shall remain unchanged during each administrative year.

12.3 At each Annual Meeting an examination will be made of the anticipated vacancies scheduled to occur during the new administrative year because of expiration of terms of appointment, as published in the roster, and the appropriate nominating organization shall be so notified, along with the official interpretation of the divisions of engineering practice represented, as well as a priority listing of the desired disciplines (branches) requested to be considered.

12.4 In the event of death, or resignation, of a Board member the Executive Secretary will immediately notify the appropriate nominating organization by telephone, with a recommendation that the official list published at the Annual Meeting be utilized toward determining its course of action. The verbal notification will be followed by a written communication, certified mail, return receipt requested, as soon as practical thereafter.

Daniel H. Vliet, Executive Secretary  
Board of Registration for  
Professional Engineers and Land Surveyors

## RULE

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

The Louisiana Wildlife and Fisheries Commission at its regular public meeting held in Kenner, Louisiana on May 1, 1979, adopted, via resolution the following:

Whereas, the Louisiana Wildlife and Fisheries Commission has reviewed the requests of the fishermen, industry and sportsmen, as well as the biological predictions and recommendations of the biologists of the Seafood Division.

Now, therefore be it resolved, that the Louisiana Wildlife and Fisheries Commission does hereby declare the 1979 Spring Brown Shrimp season to be as follows:

Zone 2—South Pass, at the mouth of the Mississippi River, to the western shore of Vermilion Bay, opens May 14, 6 a.m.

Be it further resolved that this meeting be continued and the season set for Zone 1 and Zone 3 at the next gathering of the Commission.

Be it further resolved that the Secretary be and is hereby authorized to extend and to close the season after the fifty-day period.

Be it further resolved that the season be either extended or closed depending upon available technical data concerning the presence or absence of small white shrimp.

J. Burton Angelle, Secretary  
Department of Wildlife and Fisheries

# Notices of Intent

## NOTICE OF INTENT

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

Notice is hereby given that the Louisiana Department of Agriculture, Office of Agricultural and Environmental Sciences, under authority of Part I of Chapter 12 of Title 3 of the Louisiana Revised Statutes of 1950 intends to promulgate Rules and Regulations for Recertification of Pesticide Applicators.

The proposed Rules and Regulations will provide alternative means for recertification of both Private and Commercial Applicators.

The Department also intends to amend the Rules and Regulations on Mixing and Application of Pesticides. The purpose of the amendment is to remove the Parish of Evangeline from the list of parishes that the application of Restricted Use Pesticides by Commercial or Custom Application is prohibited between April 1 and September 15 of each year.

A copy of the proposed Rules and Regulations and the proposed amendment is available at Room 223, Harry D. Wilson Building, Louisiana State University Campus, Baton Rouge, Louisiana.

All interested persons may submit their views and opinions, in writing, on or before June 8, 1979, to Mr. E. A. Cancienne, Director, Pesticide Commission, Office of Agricultural and Environmental Sciences, Department of Agriculture, Box 16390-A, Baton Rouge, Louisiana 70893.

E. A. Cancienne, Director  
Pesticide Commission

## NOTICE OF INTENT

### Department of Commerce Racing Commission

The Louisiana State Racing Commission does hereby give notice in accordance with law that it intends to adopt amendments to LAC 11-6:33.6 and 45.7 and to delete LAC 11-6:25.7. Due notice of this intent was given at the Racing Commission meeting held on April 18, 1979 in Kenner, Louisiana.

#### Proposed Rule Changes

§25.7 - Delete the entire rule which read: "No maiden five years old or older shall be allowed to start."

\* \* \* \*

§33.6 Fields are prohibited in exacta races, except that a race track which conducts quarter horse racing exclusively, during a "Racing Year" may be permitted to have fields in exacta races. Coupled entries are prohibited in exacta races, except that entries therein having separate bona fide owners and the same trainer may be split for betting purposes, notwithstanding the provisions of Section 25.32. The rule shall not apply to handicaps, overnight handicaps, and stakes when designated by a licensee as an exacta race with prior approval of the Commission.

\* \* \* \*

§45.7 Title to a claimed horse shall be vested in the successful claimant at the time the horse leaves the paddock. The successful claimant shall then become the owner of the horse whether he be alive or dead, sound or unsound or injured at any time after leaving the paddock, during the race, or after. However, the successful claimant may request on the claim blank at the time he makes his claim that the horse be tested for the presence of equine infectious anemia via a Coggins test. Should this test prove positive, it shall be cause for a horse to be returned to his previous owner and barred from racing in the State of Louisiana. The expense of the Coggins test and the maintenance of the horse during the period requested for the test, shall be absorbed by the successful claimant. If such a test is requested the claimed horse will be sent to the retention barn of the Louisiana State Racing Commission where the State Veterinarian will draw a blood sample, which sample shall be sent to a laboratory approved by the Louisiana Livestock Sanitary Board for the conduct of such test.

Copies of the amended rules 33.6 and 45.7 may be obtained by telephoning the Commission at (504) 568-5870 or by writing to Suite 1020, One Shell Square, 701 Poydras Street, New Orleans, Louisiana 70139.

The office of the Commission will be open from 9:00 a.m. to 4:00 p.m. and interested persons may call Ms. Rosalie Robinson during this time, holidays and weekends excluded. All interested persons may submit written comments relative to these rules through June 3, 1979.

Albert M. Stall, Chairman  
Racing Commission

## NOTICE OF INTENT

### Department of Culture, Recreation, and Tourism Office of Program Development

Notice is hereby given that the Department of Culture, Recreation, and Tourism intends to adopt the last two chapters of the Cultural Resources Code of Louisiana.

This portion will include Registry of State Cultural Resources Landmarks, and Policies and Procedures.

For the purpose of adopting the Code, a public hearing has been scheduled for 10:00 a.m., on June 14, 1979, in the Mineral Board Auditorium, First Floor, State Land and Natural Resources Build-

ing. All interested persons will be afforded an opportunity to have their views and comments included in the record of this public hearing. Written statements for inclusion in the record may be submitted prior to the hearing, and no later than ten days after the hearing to J. Larry Crain, Secretary, Department of Culture, Recreation, and Tourism, Box 44361, Baton Rouge, Louisiana 70804. Dr. Crain is the person responsible for responding to inquiries about the proposed rules.

Information, either written or oral, may be presented at the hearing. All persons who wish to do so will be allowed an opportunity to speak. Persons speaking at the hearing may read from written statements if they so desire. Speakers are encouraged to provide written copies of their statement to the chairperson.

It is our intent in scheduling this hearing that all interested persons who wish to speak be allowed to do so. If there are a large number of persons wanting to speak, the chairperson may set a time limit on individual presentations. This will be done, if necessary, to insure that everyone who wishes to speak may do so within a reasonable time period.

All interested persons may review the proposed chapters at the following locations and time: Office of Program Development, Fifth Floor, State Land and Natural Resources Building, North Street at Riverside Mall, Baton Rouge, Louisiana, or the Division of Archaeology and Historic Preservation, 1645 Nicholson Drive, Baton Rouge, Louisiana, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

J. Larry Crain, Ph.D, Secretary  
Department of Culture, Recreation and Tourism

## NOTICE OF INTENT

### Governor's Special Commission on Education Services

In accordance with the Louisiana Administrative Procedures Act, notice is hereby given that the Governor's Special Commission on Education Services plans to adopt the following amendments to its Policies and Procedures:

A. Amendments to Policies and Procedures, State Student Incentive Grant Program:

1. Rule 2a, to include an alternative measure of academic standards.
2. Rule 2f, to eliminate the necessity of the student financial aid official's forwarding the student's transcript with the grant certification form.
3. Rule 5, to renumber 5e as 5f, and add a new 5e, to allow funds to be interchanged between continuing and initial allocations.
4. Rule 6a, to increase maximum grant amount.
5. Rule 8a(3), to adjust calculation of parental contribution.
6. Rule 8c, to eliminate description of student resources, and renumber 8d.
7. Rule 10b and 10c, to update the definition of a self-supporting student.
8. Rule 11, to redefine substantial financial need.
9. Rule 14d, to eliminate requirement that checks must be made payable to student only.

B. Amendments to Policies and Procedures, State Guaranteed Student Loan Program: Rule 2, to include an alternative measure of academic standards.

Interested persons may submit written comments until Tuesday, June 5, 1979, to Mr. Richard W. Petrie, Director, Loan/Grant Division, Governor's Special Commission on Education Services, Box 44127, Baton Rouge, Louisiana 70804. Mr. Petrie is the person responsible for responding to inquiries about the proposed rules.

The complete text of the proposed amendments follows:

### State Student Incentive Grant Program

Rule 2a will be changed to read:

Students are expected to be in good standing academically for a State Student Incentive Grant. High school graduates are required to have at least "C" average grades (2.0 on a 4.0 system) in the high school academic subjects of English, mathematics, social studies, and the sciences, or an American College Test (ACT) composite score of at least 18.

Rule 2f will be added to read:

The student aid officer (SAO) will be required to certify whether or not the student meets one of the academic requirements stated above. The SAO will not be required to send the student's transcript or academic record to verify this certification.

Rule 5e will be renumbered as 5f and 5e will be inserted to read:

Funds will be interchangeable between the continuing and initial fund allocations at the discretion of the SAO, except that priority must be given to continuing students as required by federal law.

Rule 6a will be changed to read:

The amount of SSIG for any academic year shall not be more than seven hundred dollars, nor less than two hundred dollars. If a student does not qualify for at least two hundred dollars annually, the student is ineligible for any SSIG.

Rule 8a(3) will be changed to read:

in connection with the use of the Income Tax System for dependent students, the expected family contribution calculated according to this system is an amount equal to the amount of income tax paid by the parents of such dependent student, plus five percent of such parents' net assets in excess of \$12,500, or \$25,000 if such assets include farm or business assets, plus any amount the student is reasonably able to contribute.

Rule 8c will be deleted and 8d will be renumbered to make it 8c.

Rule 10b will be changed to read:

A student who has not received, and will not receive, financial assistance of more than \$750 from his (or her) parent(s) in the calendar year(s) in which aid is received and the calendar year prior to the academic year for which aid is requested.

Rule 10c will be changed to read:

A student who has not lived or will not live for more than six weeks in the home of a parent during the calendar year(s) in which aid is received and the calendar year prior to the academic year for which aid is requested.

Rule 11 will be changed to read:

Substantial financial need shall be defined as the difference between a student's cost of education and the sum of (1) that student's expected family contribution, plus (2) other student aid the student is due to receive. The difference thus computed must exceed ninety dollars.

Rule 14.d will be changed to read:

Upon certification by the SAO, the Commission will prepare a check for each semester or quarter and forward it to the SAO at the school for distribution. After initial disbursement, subsequent distribution will be made to coincide with registration.

### State Guaranteed Student Loan Program

Rule 2a will be changed to read:

Students are expected to be in good standing academically to be eligible for a student loan. High school graduates are required to have at least "C" average grades for four years in the academic subjects of English, mathematics, social studies, and the sciences, or an ACT composite score of at least 18.

Richard W. Petrie, Director, Loan/Grant Division  
Governor's Special Commission on Education Services

## NOTICE OF INTENT

### Board of Elementary and Secondary Education

The State Board of Elementary and Secondary Education intends to adopt, as policy, the following at its June 28, 1979, meeting:



1. Policy directing that parishes provide an Individual Education Plan both to the impartial hearing officer and to the Board for all appeal cases submitted to the Board under P. L. 94-142 and Act 754.

2. Local Educational Agency Personnel Evaluation Programs.

3. Policies and procedures relative to operation of the Board as follows:

a. That emergency or special Board meetings may be called upon the affirmative vote of a majority of the membership of the Board.

b. That ten days notice be given for regular Committee meetings, and that emergency meetings of Committees be called upon the affirmative vote of a majority of the membership of the Committee.

c. That a regular Board of Vocational-Technical Education meeting be scheduled on the Thursday prior to the meeting of the Board of Elementary and Secondary Education, and that Committee meetings be scheduled prior to the day before the Board meetings.

d. That the Board of Elementary and Secondary Education shall meet on the fourth Thursday of every month except in November and December.

e. That the Board of Vocational-Technical Education shall meet on the third Thursday of every month, the week prior to the regular Board meeting, except in November and December.

f. That all committee meetings be scheduled the day prior to the Board meetings, and that these official committee meeting days be exempt from the ten days notice requirement.

4. Migrant State Plan for Fiscal Year 1980.

5. Regulations to Standards for State Approved Elementary Summer Schools.

6. Additions to Bulletin 1191, *School Transportation Handbook*, relative to rules for school bus riders.

7. 1979-80 State Plan for Coordination of Technical Assistance to Bilingual Education Programs.

8. Policy increasing the maximum number of hours of extension (evening) classes that a full-time instructor of preparatory classes is permitted to teach from nine to twelve hours.

Interested persons may comment on the proposed policy changes and/or additions, in writing, until 4:30 p.m., June 13, 1979, at the following address: State Board of Elementary and Secondary Education, Box 44064, Baton Rouge, Louisiana 70804. James V. Soileau is the person responsible for responding to inquiries about the proposed rules.

James V. Soileau, Executive Director  
Board of Elementary and Secondary Education

### NOTICE OF INTENT

#### Department of Health and Human Resources Office of Family Security

Effective July 1, 1979, the Department of Health and Human Resources, Office of Family Security, proposes to adopt revisions to the *Standards for Payment to Skilled Nursing Facilities and Intermediate Care Facilities I and II*. The proposed revisions to this document provide the Medical Assistance Program with needed policy clarifications and effect improved patient care and program management.

Because of the length of the material that is affected by this notice, copies of this material may be secured from the Office of Family Security, Planning and Policy Formulation Section, Box 44065, Baton Rouge, Louisiana 70804.

Interested persons may submit written comments on the proposed policy changes through June 3, 1979, at the following

address: Mr. Alvis D. Roberts, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, Louisiana 70804. Mr. Roberts is the person responsible for responding to inquiries about the proposed rule.

William A. Cherry, M.D., Secretary  
Department of Health and Human Resources

### NOTICE OF INTENT

#### Department of Health and Human Resources Office of Family Security

Effective July 1, 1979, the Department of Health and Human Resources, Office of Family Security, proposes to adopt policy that will increase the fee for a complete upper and lower denture from \$350 to \$450.

Interested persons may submit written comments on the proposed policy change through June 3, 1979, at the following address: Mr. Alvis D. Roberts, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, Louisiana 70804. Mr. Roberts is the person responsible for responding to inquiries about the proposed rule.

William A. Cherry, M.D., Secretary  
Department of Health and Human Resources

### NOTICE OF INTENT

#### Department of Health and Human Resources Office of Family Security

Beginning July 1, 1979, the Department of Health and Human Resources, Office of Family Security, proposes to adopt a policy to insure against misutilization of Medical Assistance Program benefits. Title XIX recipients, whose records show a pattern of misutilization, will be placed in a lock-in program in which they are able to receive physician and pharmacy services from specified providers of such service. The lock-in system is described below:

#### Lock-in

A. Definition. The term "lock-in" refers to the mechanism whereby Title XIX recipients are placed in a system in which they are able to receive physician and pharmacy services from a specified provider(s) of such services. The lock-in mechanism ensures against misutilization of Title XIX benefits by recipients and/or providers and serves as an educational device in instructing recipients in the most efficient method to use Title XIX services to ensure maximum benefit to their health.

B. Who May Be Placed on Lock-In. Any recipient who is currently eligible for Title XIX benefits and who has shown a consistent pattern of misutilization of program benefits may be placed into the lock-in mechanism. Misutilization may take the form of overutilizing program benefits or unwise utilization of program benefits.

C. Steps in Placing the Recipient on Lock-In.

1. State Office Responsibilities.

a. Identification of Potential Lock-In Recipients. Potential lock-in recipients will be identified through review of various reports generated by the Medicaid Management System, by referral from a provider of services, or by referral from other interested parties. Medicaid Management Information System (MMIS) generated exception reports will be reviewed by peer and utilization review committees if suspected misutilization of pharmacy benefits is involved. Office of Family Security SUR's staff shall review cases in which there appears to be misutilization of medical benefits other than pharmacy services. The decision as to the appropriateness of lock-in for

a particular recipient shall rest with the Office of Family Security's Utilization and Review Committee.

b. Request for Clarification of Utilization of Benefits from Involved Providers of Services. If, after reviewing Medicaid Management System Reports, in the opinion of the Peer and Utilization Review Committee or the Office of Family Security Surveillance and Utilization Review's (SUR) staff, there appears to be a pattern of misutilization of benefits, the appropriate committee or staff shall contact the involved providers of services by letter to inquire as to the necessity for the treatments or medications believed to be being misutilized. A copy of the recipient's Medicaid Management System profile will be forwarded with the letter. If, in the opinion of the appropriate staff or committee, the involved provider offers valid justification for treatments and/or medications provided, no further action toward placing the recipient on lock-in status will be taken.

If, in the opinion of the appropriate committee or staff, the involved provider cannot offer adequate justification for services provided or if it appears that the recipient is needlessly receiving like services from more than one provider, the recipient's profile shall be reviewed by the appropriate committee or staff one hundred twenty days after the date of the initial clarification letter to involved providers, to determine if the pattern of misutilization has continued.

c. Notification to Recipient of Lock-In. Upon review of the recipient's profile, after one hundred twenty days from the date of the initial letter to involved providers, a determination shall be made as to whether the pattern of misutilization has continued. If there continues to be a pattern of misutilization, designated State Office Medical Assistance Program staff shall forward a letter to the recipient notifying him of his being placed on lock-in status with a copy to the parish. The letter to the recipient shall clearly state the Office of Family Security's intention to allow the recipient to choose one provider in the pharmacy area and one provider in the physician area and that the Medical Assistance Program will not make payments to physician or pharmacy providers other than those the recipient chooses. The recipient will also be informed that he will not be receiving his buff-colored medical identification card by mail, but rather must obtain it from the local Office of Family Security office. The letter to the recipient will advise the client to contact his local Office of Family Security as soon as possible so that arrangements may be made for him to receive a medical identification card. The parish office will issue medical eligibility cards as outlined below.

d. After receiving from the local office a list of the providers which the recipient has chosen to provide services, State Office Medical Assistance Program staff will notify the Fiscal Intermediary and Office of Family Security Data Processing that the recipient has been locked-in. The fiscal intermediary or State Office staff will ensure that no buff-colored medical eligibility card will be mailed to the recipient and State Office Medical Assistance staff will verify to the parish that the client has been locked-in by the fiscal intermediary and notify the parish of the effective month of lock-in.

e. State Office Review. On a quarterly basis, either the Peer and Utilization Review Committee or Office of Family Security SUR's staff shall review the lock-in recipient's Medical Assistance Benefits management profile to determine if progress has been made in alleviating problems the recipient has in misutilizing program benefits. If, in the opinion of the appropriate reviewing authority, progress has been made, the committee may choose to recommend the discontinuance of lock-in status. If the Utilization and Review Committee concurs that discontinuance of lock-in is appropriate, State Office staff shall forward written notification to the local office, the

fiscal intermediary, and the recipient. Written notification will indicate the month of eligibility in which a regularly issued buff-colored medical eligibility card will be forwarded to the recipient. The appropriate reviewing authority shall examine the recipient's profile one quarter after lock-in has been discontinued to assure that misutilization of program benefits has not resumed.

If, in the opinion of the appropriate reviewing authority or the Utilization and Review Committee little or no progress has been made, the recipient shall be continued on lock-in status and the appropriate authority may request the local office to follow-up on the lock-in situation. Parish office follow-up will be as outlined below.

## 2. Parish Office Responsibilities.

a. Explanation of Lock-In Program to Recipient. In the letter which State Office Medical Assistance Program staff forwards to the recipient notifying him of lock-in, will be a statement requesting the client to contact his local office for an appointment so that providers may be chosen. If the recipient fails to contact the local office within ten working days of the date of the letter, it shall be the local office's responsibility to initiate such contact. Upon contact with the recipient, local office staff shall explain that the recipient is being placed in lock-in status because the Office of Family Security is concerned about his ability to use medical benefits in a way most conducive to his well being. The local office worker shall explain that the recipient will be free to choose one participating provider of physician services and one participating provider of pharmacy service, and Medical Assistance payments will not be made to physicians or pharmacies other than the ones he chooses. When the recipient requires a specialist or the recipient's dependents require another physician, more than one provider of physician services may be chosen.

b. Completion of Listing Recipient's Choice of Providers. Upon initial local office contact with the lock-in recipient parish office will initiate a form on the recipient listing his choice of provider. The form will be forwarded to State Office, Attention: Lock-In Program. The initial form will inform State Office that the recipient has chosen his providers of services and shall cause State Office staff to initiate procedures to lock the recipient in with the fiscal intermediary. On the form, the client chooses the providers he wishes to provide him services. For the purposes of the lock-in program a state hospital may be listed as a provider of physician services. This form will be completed at initial contact and at each subsequent contact when a medical eligibility card is issued with a change or addition in the client's choice of either physician or pharmacy provider.

c. Completion of Medical Eligibility Card. Upon receiving verification from State Office staff that the recipient has been locked into the fiscal intermediary, the parish office shall issue to the client a medical eligibility card. The month of eligibility for the initial medical eligibility card shall be taken from the letter of verification forwarded by State Office.

Medical eligibility cards shall continue to be issued to the recipient monthly until such time as the local office receives notification that the recipient has been removed from lock-in status. The local office shall ensure that the recipient has been issued a medical eligibility card between the tenth and fifteenth day of the month preceding the month of eligibility covered by the medical eligibility cards. The form listing providers shall be forwarded to State Office on the date of the issuance of the initial medical eligibility cards to the recipient and in instances of changes or addition in physician or pharmacy providers listed on the monthly medical eligibility cards issued to the lock-in recipients.

d. Parish Follow-Up. State Office may request that the local office follow up on cases in which the recipient does not seem to respond to lock-in status by ceasing misutilization of program benefits. In cases of such requests by State Office, the local office staff shall emphasize the importance of proper use of benefits and shall be aware that possible referral to other agencies (i.e., substance abuse clinics) may be in order. The local office worker shall not have the responsibility to investigate for fraud or possible criminal activity.

D. Exclusions. The lock-in mechanism does not prohibit the recipient from receiving the services of any enrolled provider who offers services other than physician and pharmacy. In the area of physician and pharmacy services the following categories are specifically excluded from the lock-in mechanism.

1. Emergency Services. No recipient on lock-in status shall be denied the service of a physician or pharmacist on an emergency basis within program regulations. Form 9-LI states that an enrolled provider will be reimbursed for such services.

2. Referral by Lock-In Physician. In instances in which a recipient is referred by his lock-in physician to another physician provider, reimbursement shall be made to the physician provider to whom the recipient was referred within program regulations.

E. Client's Right of Appeal. The lock-in procedure allows the client to choose providers of physician and pharmacy services of his choice, therefore no appeal is warranted on lock-in cases.

Interested persons may submit written comments on the proposed policy changes through June 3, 1979, at the following address: Mr. Alvis D. Roberts, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, Louisiana 70804. Mr. Roberts is the person responsible for responding to inquiries about the proposed rule.

William A. Cherry, M.D., Secretary  
Department of Health and Human Resources

## NOTICE OF INTENT

### Department of Health and Human Resources Board of Examiners of Psychologists

The State Board of Examiners of Psychologists intends to adopt as policy at its June 23, 1979, meeting, the following rules and regulations:

1. Definition of Resident.
2. Definition of Applicant for Licensure.
3. Definition of Candidate for Licensure.

Interested persons may comment on the proposed policy changes and/or additions, in writing, until 4:30 p.m., June 15, 1979, at the following address: Dr. Wayne Greenleaf, Vice Chairman, State Board of Examiners of Psychologists, Box 14782, Baton Rouge, Louisiana 70808. Dr. Greenleaf is the person responsible for responding to inquiries about the proposed rules.

Dr. Wayne Greenleaf, Vice Chairman  
Board of Examiners of Psychologists

## NOTICE OF INTENT

### Department of Health and Human Resources Office of the Secretary

The Department of Health and Human Resources proposes to adopt rules and regulations pertaining to the disclosure of medical

information maintained by the Department. These rules are being enacted pursuant to the authority granted the Department in R.S. 44:7. Copies of these proposed rules may be obtained by writing to Laura D. Holmes, Staff Attorney, Office of General Counsel, Box 3836, Baton Rouge, Louisiana 70821. Interested persons may submit written comments until 4:30 p.m., June 5, 1979, to the above address.

### Proposed Rules Concerning Disclosure of Medical Information

#### Part A. General Provisions

1. Purpose. These rules implement Section 7 of Title 44 of the Louisiana Revised Statutes by establishing procedures whereby medical records may be exhibited to or copied by persons legitimately and properly interested in the disease or condition of patients.

2. Policy. It is the policy of the Department to protect, to the fullest extent possible, the privacy of individuals, while permitting the disclosure of medical information as is required to fulfill the administrative responsibilities of the Department, to further scientific research, and to assist the patient.

3. Applicability. These rules apply to every agency within the Department which maintains or makes use of medical information concerning individuals.

4. Definitions.

a. "Agency" means and includes any hospital, clinic, institution, school for the mentally deficient, mental health facility, office, board, commission or other entity which has been placed within the Department of Health and Human Resources, which maintains or makes use of medical information concerning individuals.

b. "Department" means the Department of Health and Human Resources.

c. "Designated representative" is a physician or mental health professional selected by a patient to review the patient's medical record for the purpose of determining what information in the patient's record will be disclosed to the patient.

d. "Medical emergency" means a situation where, in competent medical judgment, disclosure of medical information is reasonably necessary and any delay in attempting to procure the patient's consent to disclosure of medical information would jeopardize the life or health of the patient or could reasonably result in disfigurement or impairment of faculties.

e. "Medical information" means and includes the charts, records, reports, documents, and other memoranda prepared by physicians, surgeons, psychiatrists, nurses, and employees of the public hospitals, public mental health facilities, public schools for the mentally deficient, and public health facilities to record or indicate the past or present, mental or physical, condition of patients.

f. "Minor" means any unemancipated individual who has not attained the age of eighteen years.

g. "Patient identifying information" means the name, address, social security number, or similar information by which a patient's identity can be determined with reasonable accuracy and speed.

h. "Person" means any individual, partnership, corporation, association, organization, state or federal department, or state or federal agency.

i. "Superintendent" means the superintendent of any hospital that is an agency of the Department and includes the director or the highest ranking official of an agency not headed by a superintendent.

j. "Tutor" means and includes either parent of a minor where both parents are living and married to each other; the parent having legal custody of the minor, where the parents are separated or divorced; the surviving parent of the minor if one of the

parents is deceased; any court appointed tutor or guardian; and the secretary of the Department where custody of the minor has been awarded to an office or agency of the Department.

5. Confidentiality of medical information. Medical records shall be confidential and may only be disclosed as authorized by these rules.

6. Continuance of confidentiality. A patient's medical records shall continue to be confidential after the patient is discharged from an agency or is no longer receiving treatment from an agency.

7. Extent of disclosure. Any disclosure made pursuant to these rules, whether with or without the patient's consent, shall be limited to information necessary in light of the need or purpose for the disclosure.

8. Records concerning disclosure. When medical information is disclosed pursuant to Part B of these rules, a copy of the consent

form shall be placed in the patient's record. A notation shall be made on the consent form indicating the time and date disclosure was made and the name of the person by whom disclosure was made. When medical information is disclosed pursuant to Part C of these rules, except pursuant to Section 30, a written memorandum shall be made in the patient's record containing the following information:

- a. The name of the patient.
- b. The time and date on which disclosure was made.
- c. The purpose of the disclosure.
- d. The person to whom disclosure was made.
- e. The person by whom disclosure was made.
- f. The information disclosed.
- g. A brief description of the basis for disclosure such as patient consent, medical emergency, scientific research, program evaluation, audit, etc. (A sample disclosure record is attached.)

**DISCLOSURE RECORD  
FOR**

(Name of Patient)

| TIME AND DATE OF DISCLOSURE | INFORMATION DISCLOSED | BASIS FOR DISCLOSURE | PURPOSE OF DISCLOSURE | PERSON TO WHOM DISCLOSURE MADE | PERSON BY WHOM DISCLOSURE MADE |
|-----------------------------|-----------------------|----------------------|-----------------------|--------------------------------|--------------------------------|
|                             |                       |                      |                       |                                |                                |

If disclosure does not contain any patient identifying information, no disclosure record is required.

9. Redisclosures prohibited. No person or agency to whom medical information has been disclosed shall further disclose such information except as authorized by these rules.

10. Notice prohibiting disclosures. Whenever a written disclosure of medical information is made under the authority of these rules, a notice shall accompany the medical information. This notice shall state: "The medical information contained herewith is confidential pursuant to the law of Louisiana and the rules of the Department of Health and Human Resources. Further disclosure of this information in a form which contains patient identifying information and in a manner inconsistent with state law and regulations is prohibited." Whenever medical information is disclosed orally, the recipient shall be warned that redisclosure is prohibited.

11. Copies of records. The agency shall charge the person to whom disclosure is made a fee of one dollar per copied page to defray the cost of photocopying. If the person to whom disclosure is to be made is a court of competent jurisdiction, a physician, a health facility, or another state agency, no fee shall be charged.

12. Verification of the identity or status of person seeking disclosure. Before any disclosure of medical information is made, the superintendent or his authorized representative shall use reasonable means to verify the identity or status of the person to whom disclosure is to be made.

13. Medical information concerning minors. Except as is provided in Parts C and D of these rules, medical information concerning a minor can only be disclosed upon the written consent of the parent or tutor of the minor. However, if the minor has consented to medical treatment pursuant to R.S. 40:1095 (treatment for illness or disease), R.S. 40:1096 (treatment for drug abuse), or R.S. 40:1065.1 (treatment for venereal disease), medical information can only be disclosed upon the written consent of the minor. Consent to disclosure of medical information which has been executed by a minor shall not be subject to a later disaffirmance by reason of his minority. Upon the advice and direction of a treating physician, a physician or a member of a medical staff may, but shall not be obligated to, inform the spouse, parent or tutor of the minor as to the treatment given or needed and this information may be given or withheld without the consent and over the express objection of the minor.

14. Medical information concerning interdicts. Except as provided in Part C of these rules, medical information concerning an interdict shall only be disclosed upon the written consent of the curator of the interdicted patient.

15. Medical information concerning deceased persons. Except as provided in Part C of these rules, medical information concerning a deceased person shall be disclosed upon the written consent of the administrator or executor of the succession of the decedent. In the event no administrator or executor has been appointed, the decedent's spouse, parent, or any child of the age of majority is authorized to execute the written consent.

16. Medical information concerning incapacitated patients. Except as is provided in Part C of these rules, medical information concerning a patient who is temporarily incapacitated from consenting to disclosure because of physical or mental infirmities, shall be disclosed only upon the written consent of the patient's spouse, major child, or parent.

17. Refusal to consent to disclosure of records. Except as otherwise provided in these rules, all patients have the right to refuse to consent to the disclosure of medical information concerning themselves and no agency shall refuse medical treatment to a patient solely because he refuses to consent to the disclosure of medical information about himself.

#### **Part B. Disclosures with the Patient's Consent.**

20. Written consent required. Consent to disclosure of medical information must be in writing and must contain the following:

- a. The name of the patient.
- b. The name of the agency which is to make the disclosure.
- c. The name or title of the person to whom disclosure is to be made.
- d. The purpose or need for disclosure.
- e. The extent or nature of the information to be disclosed.
- f. The date on which the consent is given.
- g. A statement that consent is subject to written revocation at any time, except to the extent that action has already been taken on it.
- h. A specification of the date, event or condition upon which consent will expire without written revocation.
- i. The signature of the patient or person authorized by these rules to sign in lieu of the patient.
- j. The signature of two witnesses.

Copies of consent forms are not acceptable. (Sample consent forms are attached. See pages 128 and 129.)

21. Duration of consent. Any consent given under these rules shall continue to be effective until it is specifically revoked in writing, or until the time, date or condition specified has occurred.

22. Disclosures for the purpose of diagnosis, treatment, or education. Where consent is given in accordance with Part B, Section 20, disclosure of medical information may be made to medical personnel, to treatment programs, or to educational facilities where disclosure is needed to better enable them to furnish services or instruction to the patient to whom the information pertains.

23. Disclosure to family members. Where consent is given in accordance with Part B, Section 20, disclosure of medical information may be made to a member of the patient's family.

24. Disclosures to third party payers and funding sources including insurance companies. Where consent is given in accordance with Part B, Section 20, disclosure of medical information may be made to third party payers and funding sources including insurance companies, but such disclosure must be limited to that information which is reasonable necessary for the discharge of the legal or contractual obligations of the third party payer or funding source.

25. Disclosures to law enforcement personnel. Where consent is given in accordance with Part B, Section 20, disclosure of medical information may be made to law enforcement personnel. Nothing in this Section shall be construed as limiting the right of law enforcement personnel to medical information where such information is needed to meet a genuine medical emergency.

26. Disclosures to employers or employment agencies. Where consent is given in accordance with Part B, Section 20, disclosure of medical information may be made to a current or prospective employer of a patient, or to an employment agency. Ordinarily, disclosures under this rule will be limited to verification of medical treatment or a general evaluation of the patient's progress or prognosis. More specific information may be disclosed only if the superintendent determines that such information is necessary and is beneficial to the patient.

27. Disclosures to a patient's attorney. Where consent is given in accordance with Part B, Section 20, disclosure of medical information may be made to a patient's attorney upon the attorney's written request.

28. Disclosures to persons not covered by these rules. In any situation not otherwise provided for in these rules, where consent is given in accordance with Part B, Section 20, disclosure of medical information may be made to any person if the superintendent determines that the disclosure was clearly intended by the patient.

CONSENT TO DISCLOSURE OF MEDICAL RECORDS

WAIVER OF CONFIDENTIALITY

(PATIENT FORM)

I, \_\_\_\_\_ (1) \_\_\_\_\_, understand that the information contained in my medical record is confidential. However, I specifically give my consent for \_\_\_\_\_ (2) \_\_\_\_\_ to release the following information to \_\_\_\_\_ (3) \_\_\_\_\_:

(4)

The above-listed information is to be disclosed for the purposes of \_\_\_\_\_ (5) \_\_\_\_\_. This consent is subject to written revocation at any time except to the extent that action has already been taken in reliance upon this consent. This consent will automatically expire \_\_\_\_\_ (6) \_\_\_\_\_.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Signature of patient

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Date

(1) name of patient

(2) name of agency

(3) name of person to whom disclosure is to be made

(4) specify what information is to be disclosed

(5) specify purposes for disclosure

(6) specify the date, event or condition under which consent will expire without express revocation

CONSENT TO DISCLOSURE OF MEDICAL RECORDS

WAIVER OF CONFIDENTIALITY

FORM FOR AUTHORIZED REPRESENTATIVE

I, \_\_\_\_\_ (1) \_\_\_\_\_, am the \_\_\_\_\_ (2) \_\_\_\_\_  
\_\_\_\_\_ of \_\_\_\_\_ (3) \_\_\_\_\_, a  
\_\_\_\_\_ (4) \_\_\_\_\_. I understand that the information  
contained in \_\_\_\_\_ (3) \_\_\_\_\_'s medical record is  
confidential. However, I specifically give my consent for \_\_\_\_\_ (5) \_\_\_\_\_  
\_\_\_\_\_ to release the following information concerning  
\_\_\_\_\_ (3) \_\_\_\_\_ to \_\_\_\_\_ (6) \_\_\_\_\_:

(7)

The above-listed information is to be disclosed for the purposes of  
\_\_\_\_\_ (8) \_\_\_\_\_.

This consent is subject to written revocation at any time except to the  
extent that action has already been taken in reliance upon this consent. This  
consent will automatically expire \_\_\_\_\_ (9) \_\_\_\_\_.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of authorized representative

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Signature of patient, if a minor

(1) name of authorized representative

(2) father, mother, tutor, curator, executor of the succession or spouse, as appropriate

(3) name of patient

(4) minor, interdict, deceased person as appropriate

(5) name of agency

(6) name of person to whom disclosure is to be made

(7) specify what information is to be disclosed

(8) specify purposes for disclosure

(9) specify the date, event, or condition under which consent will expire without express revocation.

### **Part C. Disclosures without the Patient's Consent**

30. Disclosures among agency employees. Disclosure of medical information among agency employees is authorized without the consent of the patient where an employee has a legitimate need for the information in connection with his duties. The superintendent is authorized to determine what constitutes legitimate need.

31. Disclosures in case of medical emergencies. Disclosure of medical information to medical personnel and law enforcement personnel is authorized without the consent of the patient to the extent necessary to meet a genuine medical emergency.

32. Disclosures to qualified personnel for the purpose of scientific research, statistical compilation, audit, or evaluation. Disclosure of medical information to qualified personnel is authorized without the consent of the patient, for the purposes of scientific research, statistical compilation, audit and evaluation. Information disclosed under this rule shall not contain patient identifying information. The term "qualified personnel" means persons whose training and experience are appropriate to the nature and level of the work in which they are engaged and may include both agency and nonagency personnel. The superintendent shall use reasonable means to determine the qualifications of the personnel requesting disclosure under this rule.

33. Disclosures pursuant to court orders and subpoenas. Nothing in these rules is intended to impede the disclosure of medical information pursuant to an order of a court of competent jurisdiction, a subpoena, or other discovery device including, but not limited to, interrogatories, depositions, requests for production, and requests for admissions, where a patient's condition is at issue in or relevant to a judicial proceeding. The superintendent shall take reasonable measures to ascertain whether a patient's condition is at issue or relevant before disclosure is made.

34. Disclosures required by state or federal law. Nothing in these rules is intended to impede the disclosure of medical information when such disclosure is required by state or federal law. (Cross references: R.S. 44:7, 40:39, 40:2017.9, 40:2124, 40:2143, 40:18, 40:1065, 40:1102, 40:1299.21, 40:1299.76, 40:2013.3, 40:1065.1, 40:1095, 40:1096, 5 U.S.C. 552, 5 U.S.C. 552a.)

### **Part D. Disclosures to Patients**

40. Patient's right of access to medical information. Every patient has a qualified right of access to medical information concerning himself which is maintained by an agency.

41. Written request naming representative required. Any patient who seeks to exercise his right of access to medical information concerning himself shall direct his request in writing to the superintendent of the agency which maintains the records. This request shall contain sufficient information to enable the agency to locate the records sought and shall designate a representative who would be willing to review the records and inform the patient of its contents or allow the patient to inspect his record, at the representative's discretion.

42. Use of the designated representative. The patient shall be granted direct access to medical information concerning himself only if the superintendent determines that direct access is not likely to have an adverse effect on the patient. If the superintendent believes that he is not qualified to determine, or if he does determine, that direct access to the patient is likely to have an adverse effect on the patient, the record shall be sent to the designated representative. The patient shall be notified in writing when the record is sent to the designated representative. The designated representative shall review the patient's record and shall inform the patient of its contents or allow the patient to inspect the record, at the representative's discretion.

43. Delegation of authority by the superintendent. The superintendent may delegate the reviewing functions required by Part D, Sections 42 and 47 to an employee of the agency.

44. Minor patients' access to medical information. A minor patient who seeks to exercise his right of access to medical information shall direct his request in writing to the superintendent in accordance with Part D, Section 41.

45. Use of the designated representative where a minor requests access to his medical records. A minor patient shall not be granted direct access to medical information concerning himself. Whenever a minor patient seeks access to medical information about himself, the superintendent shall send the records to the designated representative who will review the minor patient's record and inform the minor of its contents or allow the minor to inspect his record at the representative's discretion.

46. Access to medical information concerning a minor patient by persons other than the minor patient. A parent or tutor of a minor patient who seeks access to medical information concerning his minor child or ward shall direct his request in writing to the superintendent in accordance with Part D, Section 41.

47. Use of the designated representative where a parent or tutor requests access to a minor patient's medical records. A parent or tutor of a minor patient shall not be granted direct access to medical information concerning his minor child or ward. Whenever a parent or tutor seeks access to medical information concerning his minor child or ward, the superintendent shall determine whether disclosure of the information would constitute an unwarranted invasion of the minor's privacy. If the superintendent determines that disclosure would constitute an unwarranted invasion of the minor's privacy, he will bring this to the attention of the designated representative. The designated representative will then consider the effect that disclosure of information to the parent or tutor would have on the minor patient in determining what information contained in the minor's medical record will be made available to the parent or tutor.

48. Reports concerning patients. Upon the written request of a patient or his attorney or of a patient's heirs or their attorney, the superintendent shall furnish a full report on the patient. The agency may charge the person requesting the report a fee to defray the cost of preparing and/or photocopying the report, if a mechanism for collection exists or can be developed.

49. Disclosures to patients at physician's initiative. Nothing in this Part shall be construed as prohibiting a physician or mental health professional from permitting a major or minor patient to review his own medical record where the physician or mental health professional considers this disclosure to be in the patient's best interest.

William A. Cherry, M.D., Secretary  
Department of Health and Human Resources

### **NOTICE OF INTENT**

#### **Department of Health and Human Resources Office of the Secretary**

The Department of Health and Human Resources (DHHR) proposes to adopt rules and regulations governing the format of public hearings held by the Department as part of the rulemaking process. These rules are being enacted pursuant to the requirements of the Administrative Procedures Act of Louisiana (R.S. 49:951 et seq.)

#### **Proposed Minimum Guidelines on Format of Public Hearings Held by DHHR Relative to Rulemaking**

I. Statement of Purpose. It is the policy of the Department of Health and Human Resources to fully adhere to the requirements of the Louisiana Administrative Procedures Act, R.S. 49:951 et



seq. Provision of a public hearing prior to adopting rules is required in some instances by the Louisiana Administrative Procedures Act and may also be required by federal law(s) which govern programs implementing the rule. In other instances, the Department, through its Offices, may elect on its own initiative to conduct a public hearing in order to obtain the input of the public.

The purpose of the public hearing can be for any one of the following reasons:

A. To allow proponents or opponents of a proposed rule a forum in which they can advise the agency of all relevant facts concerning the subject matter of the proposed rule.

B. To inform the Department of possible ramifications that may occur as result of implementing a proposed rule.

C. To allow all parties to make inquiries as to the scope and substance of a proposed rule and to permit submittal of memoranda, exhibits and other documentary evidence as to a proposed rule.

In order to insure that all such public hearings are orderly and effective, the Department has established minimum procedural guidelines to assist its Offices in preparing for and conducting public hearings relative to rulemaking.

## II. Public Hearing.

A. Notice of Public Hearing. The Department, (or Office within the Department) shall, prior to a public hearing, place a notice in the *Louisiana Register*. This notice must be published at least one week (seven days) prior to the hearing. The Department shall also give at least seven days advance written notice of a public hearing to all persons or groups who have requested such a hearing or who have submitted comments as to the proposed rule.

The notice of the public hearing shall include:

1. Time, date, place, and nature of the hearing. Such shall be fixed by the Department; however, the Department shall endeavor to schedule hearings at a time, date, and place convenient to the majority of persons expected to attend.

2. Statement of the legal authority and jurisdiction under which hearing is to be held.

3. A reference to the appropriate section of the rules involved, or a statement of the issues involved.

B. Conduct of Public Hearing. The public hearing shall be conducted by a Department official designated by the Secretary of the Department.

The hearing officer shall have the duty of conducting a fair hearing, including:

1. Taking necessary action to avoid delay, and to maintain order.

2. All powers necessary to these ends including, but not limited to, the power to call the hearing to order, call witnesses, limit the presentation of redundant testimony, identify all exhibits, fix the time for filing written evidence or memoranda, and adjourn the hearing. Such powers also include authority to place a time limit on verbal (oral) presentations, particularly when there are a large number of presenters.

3. The hearing officer shall request, and the Department and/or Office shall have present appropriate program personnel who are knowledgeable about the substance of the proposed rule to answer any questions as to the substance and application of the proposed rule.

C. Recording Content of Public Hearing. Both verbal and written testimony may be introduced. Any type of documentary evidence, memoranda, or other exhibits may be introduced. Each such item must be marked for identification by the hearing officer and attached to the record of the hearing. Evidence may be identified as Exhibit A, B, etc., or Document I, II, etc. Either is acceptable, but a common system of identifying items must be utilized to facilitate review by other agencies, persons, or parties not attending the hearing, and for future reference.

A tape recording shall be made of the testimony taken at the public hearing. The recording need not be transcribed unless specifically requested by an interested party. The party requesting the transcript must pay the costs of transcription and copying. At the option of the Department, a stenographic record may be made in lieu of a tape recording.

The record of the public hearing consisting of the tape recording of the hearing or a transcript thereof and any memoranda, exhibits and documents which were introduced shall be preserved for at least two years following the adoption or amendment of the rule which is the subject of the hearing.

Copies of the proposed rules and regulations may be obtained by writing to Joel R. Penton, Staff Attorney, Office of the General Counsel, 333 Laurel Street, Suite 505, Baton Rouge, Louisiana 70801.

Interested persons may submit written comments until 4:30 p.m., June 8, 1979, to the above address. Mr. Penton is the person responsible for responding to inquiries about the proposed rules.

William A. Cherry, M.D., Secretary  
Department of Health and Human Resources

## NOTICE OF INTENT

### Department of Health and Human Resources Board of Veterinary Medicine

The Louisiana State Board of Veterinary Medicine will conduct a public hearing on Wednesday, June 6, 1979, at noon at the Sheraton Hotel, Baton Rouge, Louisiana for the purpose of open discussion, on the proposed promulgation of rules and/or regulations concerning the following subjects:

1. Providing emergency treatment for clients when unavailable.
2. Changes in issuing of temporary licenses.
3. Misuse of Schedule II drugs.
4. Changes and additions to standard of professional conduct.
5. Continuing education for relicensure.
6. Consultation with unlicensed veterinarians.
7. Record keeping.

The public and all other interested parties are hereby invited to participate in this meeting.

Gary B. Beard, D.V.M., is the person responsible for responding to inquiries about the proposed rules.

Gary B. Beard, D.V.M., Secretary-Treasurer  
Board of Veterinary Medicine

## NOTICE OF INTENT

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

The Louisiana Wildlife and Fisheries Commission will hold a public meeting on Tuesday, June 26, 1979, at 10:00 a.m., Wildlife and Fisheries Building, 400 Royal Street, New Orleans to set the 1979-80 seasons and bag limits for:

- A. Resident and migratory game birds.
- B. Resident game.
- C. Trapping.
- D. Alligator season.

Interested persons may submit their views to the Commission, in writing, by submitting them to Mr. Joe L. Herring, Chief, Game Division, Department of Wildlife and Fisheries, Box 44095, Baton

rouge, Louisiana 70804. Mr. Herring is the person responsible for responding to inquiries about the proposed seasons and bag limits.

\* \* \* \*

The Department of the Interior, United States Fish and Wildlife Service, gives notice that it will hold a public hearing on Friday, May 25, 1979, at 1:00 p.m. at the Civic Center, Morgan City, Louisiana concerning final rulemaking and proposals on the delisting of alligators in certain parishes in Louisiana as outlined in the October 2, 1978, *Federal Register*.

Interested persons will be given ample time for oral comments at the hearing or they may be submitted in writing to Mr. Allen Ensminger, Chief, Fur and Refuge Division, Department of Wildlife and Fisheries, 400 Royal Street, New Orleans, Louisiana 70130.

J. Burton Angelle, Secretary  
Department of Wildlife and Fisheries

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