

# CONTENTS

## I. EXECUTIVE ORDERS

BR 88-20—Transfers Research Division to Office of Commerce and Industry within Department of Economic Development . . .	587
BR 88-21—Directs Minority Business Development Authority to be administered by Department of Economic Development . . .	587
BR 88-22—Establishes the Drug Policy Board . . . . .	587
BR 88-23—Leave benefits for unclassified employees . . . . .	588
BR 88-24—Directs Office of Telecommunications Management to coordinate and supervise all procurement activity for com- munications . . . . .	591
BR 88-25—Requires approval of certain cooperative endeavor agreements. . . . .	591
BR 88-26—Establishes certain sections within the Division of Administration. . . . .	592
BR 88-27—Continues Governor's Community Development Advisory Committee operations and designates Division of Admin- istration as the recipient of CDBG funds . . . . .	592
BR 88-28—Duplicate of Executive Order BR 88-24 . . . . .	593
BR 88-29—Requires reports regarding grant-in-aid to local governing authorities . . . . .	593
BR 88-30—Directs unemployment compensation benefit payments to be based on certain groups of funding . . . . .	593
BR 88-31—Small purchase procurement directives . . . . .	594
BR 88-32—Duplicate of Executive Order BR 88-29 . . . . .	595
BR 88-33—Duplicate of Executive Order BR 88-30 . . . . .	595
BR 88-34—Authorizes the use of inmate labor for Correction's headquarters renovations and Wade Correctional Center. . . . .	595
BR 88-35—Reestablishes the procedure for allocating private activity bonds . . . . .	595
BR 88-36—Directs responsibility for enforcement of Housing Development Grant requirements . . . . .	598
BR 88-37—Designates the Louisiana Housing Finance Agency as the housing credit agency . . . . .	599
BR 88-38—Directs a technology transfer program between NASA/NSTL in Mississippi and Department of Economic Develop- ment . . . . .	599

## II. EMERGENCY RULES

Economic Development Department:	
Office of Financial Institutions—Makes the depositor preference rule applicable to certain state chartered financial institutions . . . . .	600
Minority and Woman's Business Enterprise—Office of the Secretary— Certification procedure (LAC 19:1303) . . . . .	601
Racing Commission—Twin Trifecta (LAC 35:XIII.11201) . . . . .	601
Elections and Registration Department:	
Office of Management Information Services—Voter Registration usage fee . . . . .	601
Governor's Office:	
Governor's Special Commission on Education Services—Application processing fee . . . . .	602
Health and Hospitals Department:	
Office of Eligibility Determinations—AFDC, extended Medicaid eligibility. . . . .	602
Food Stamp Program—Eligibility of migrant or seasonal farmworkers. . . . .	602
RCA Program—Amends special program eligibility periods for refugees. . . . .	603

## III. RULES

Agriculture and Forestry Department:	
Office of Agricultural and Environmental Sciences—Seed Commission—Fees, application; deadlines; tomato seed certifica- tion (LAC 7:XIII.8713, 8714, 8729, 8741, 8810) . . . . .	603
Noxious weeds; rice certification; seed Irish potato certification (LAC 7:XIII.8709, 8743, 8783, 8787) . . . . .	604
Economic Development Department:	
Board of Architectural Examiners—Building construction cost values (LAC 46:I.1109) . . . . .	607
Office of Financial Institutions—Bank and bank holding company fee (LAC 10:I.110) . . . . .	607
Education Department:	
Board of Elementary and Secondary Education—Bulletin 741—Instructional time definition . . . . .	608
Bulletin 741—Nonpublic school standards . . . . .	609
Bulletin 741—Private piano instruction . . . . .	609
Bulletin 746—Latin certification . . . . .	609
Bulletin 1196—Food and Nutrition Program, policy of operation . . . . .	609
Bulletin 1706—Teacher aides . . . . .	609
Teacher certification fee schedule . . . . .	609
Vocational Education program plan . . . . .	610

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Environmental Quality Department:	
Air Quality Division—Fee schedule (LAC 33:III. Chapter 65)	610
Ground Water Division—Fees (LAC 33:I.3325)	620
Hazardous Waste Division—Fees (LAC 33:V. Chapter 51)	621
Nuclear Energy Division—Fee schedule (LAC 33:XV. Chapter 25)	622
Solid Waste Division—Fee system (LAC 33:VII.1107)	624
Underground Storage Tank Division—Fees (LAC 33:XI.31)	625
Water Pollution Control Division—Fee system (LAC 33:IX. Chapter 13)	626
Governor's Office:	
Division of Administration—Travel Regulations—PPM No. 49 (LAC 4:V.1553)	629
Health and Hospitals Department:	
Office of Community Services—Division of Children, Youth, and Family Services—Conversion of Title XX. Purchase of Service Day Care to the Vendor Program	630
Office of Eligibility Determinations—MAP—Protected income	630
Office of Public Health—Sanitary Code—Reportable diseases	630
Wildlife and Fisheries Department:	
Office of Wildlife—Non-resident preserve hunting license (LAC 76:V.303)	631
Wildlife and Fisheries Commission—Game breeder's license	631

#### IV. NOTICES OF INTENT

Culture, Recreation and Tourism Department:	
Office of State Parks—Fees; procedures (LAC 25:IX. Chapter 5)	632
Park requirements; procedures (LAC 25:IX. Chapter 3)	634
Economic Development Department:	
Racing Commission—Twin Trifecta (LAC 35:XIII.11201)	636
Education Department:	
Board of Elementary and Secondary Education—Bulletin 741—Eleventh grade graduation test	637
Bulletin 746—Noncertified school personnel	638
Bulletin 746—Temporary employment permit	639
Superintendent (State) personnel policy and procedure	639
VTIE Tuition Exemption	640
Elections and Registration Department:	
Office of Management Information Services—Voter registration usage fee (LAC 31:II. Chapter 3)	640
Environmental Department:	
Office of Solid and Hazardous Waste—Hazardous Waste Division—Amendments (LAC 33)	641
Conformity regulations (LAC 33)	641
Office of Water Resources—Construction grants priority system	642
Governor's Office:	
Office of Elderly Affairs—GOEA Policy Manual	643
Health and Hospitals Department:	
Board of Nursing—Board meetings (LAC 46:XLVII.3307)	644
Office of Community Services—Division of Rehabilitation Services—Blind Service Policy Manual and Rehabilitation Services merger	644
Office of Public Health—Sanitary Code—Non-pasteurized, non-dairy frozen desserts	645
Office of the Secretary—Adult day health care standards for participation	646
Justice Department:	
Office of the Attorney General—Electronic video bingo machines	647
Natural Resources Department:	
Office of the Secretary—Bohemia Spillway lands	648
Phase II State Plan—Institutional Conservation	649
Public Safety and Corrections Department:	
Office of State Police—Transportation and Environmental Safety Section— Right-to-Know (LAC 33:V. Chapter 101)	649
Transportation and Development Department:	
Office of Highways—Ferry toll schedule	654
Treasury Department:	
Board of Trustees of the State Employees Group Benefits Program—Claims review and appeal committee	655
Claims review and appeal hearings	656

#### V. POTPOURRI

Agriculture Department:	
Office of Forestry—Joint meeting	656
Natural Resources Department:	
Fishermen's Gear Compensation Fund—Claims	656
Compensation Fund	658
Office of Conservation—Injection and Mining Division—Docket Number UIC 88-8	658
Revenue and Taxation Department:	
Tax Commission—Joint meeting	656

# Executive Orders

## EXECUTIVE ORDER BR 88-20

WHEREAS, the secretary of the Department of Economic Development recommends transferring the Research Division from the Office of the Secretary to the Office of Commerce and Industry; and,

WHEREAS, there are economies to be realized and administrative efficiency to be gained by such transfer; and,

WHEREAS, Section 3 of Act 19 of the 1988 Regular Session of the Legislature provides that the functions of any department, agency or budget unit of the executive branch may be transferred to a different department, agency or budget unit for the purpose of economizing the operations of state government by the executive order of the governor.

NOW, THEREFORE, I, Buddy Roemer, governor of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: That the functions of the Research Division within the Office of the Secretary, Department of Economic Development be transferred to the Office of Commerce and Industry; and,

SECTION 2: That the staff and associated expenses be transferred and be accountable to the assistant secretary, Office of Commerce and Industry; and,

SECTION 3: That the Research Division be renamed the Market Analysis and Planning Division; and,

SECTION 4: That the administration and responsibilities attendant to the collection, publication and distribution of the Directory of Louisiana Manufacturers be a permanent part of the Market Analysis and Planning Division.

This executive order shall be effective upon approval by the Joint Legislative Budget Committee.

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 23rd day of August, 1988.

Buddy Roemer  
Governor

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State

## EXECUTIVE ORDER BR 88-21

WHEREAS, Provisions of Act 888 of the 1988 Regular Session of the Louisiana Legislature abolished the Louisiana Minority Business Development Authority and created the Louisiana Minority and Women's Business Development Program within the Louisiana Economic Development Corporation; and,

WHEREAS, Section 3 of Act 19 of the 1988 Regular Session of the Legislature provides that the functions of any de-

partment, agency or budget unit of the executive branch may be transferred to a different department, agency or budget unit for the purpose of economizing the operations of state government by the executive order of the governor.

NOW THEREFORE I, Buddy Roemer, governor of Louisiana, do hereby order and direct as follows:

The functions of the Louisiana Minority Business Development Authority be administered by the Louisiana Economic Development Corporation.

This executive order shall be effective upon approval by the Joint Legislative Budget Committee.

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 23rd day of August, 1988.

Buddy Roemer  
Governor

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State

## EXECUTIVE ORDER BR 88-22

WHEREAS, the Congress of the United States has enacted the Anti-Drug Abuse Act of 1986 in recognition of the serious problems occurring within the United States due to increased drug abuse; and

WHEREAS, the Anti-Drug Abuse Act of 1986 provides federal assistance to states and territories of the United States which comply with federal guidelines; and

WHEREAS, federal guidelines strongly urge each state to establish a Drug Policy Board to serve as a forum for communication and coordination of drug abuse projects; and

WHEREAS, the Louisiana Drug Policy Board was created by Executive Order EWE 87-20 on the tenth day of March, 1987; and

WHEREAS, the board was instructed to develop a state-wide drug control strategy encompassing all components of the criminal justice system and serve as an advisory body to the Louisiana Commission of Law Enforcement and Administration of Criminal Justice;

NOW THEREFORE I, Buddy Roemer, governor of the state of Louisiana, do hereby order and direct as follows:

Section 1: The Louisiana Drug Policy Board is hereby reestablished.

Section 2: The Louisiana Drug Policy Board shall continue to be composed of 14 members, each of whom will be appointed by the governor to serve at the governor's pleasure. The composition of the board shall include a representative of local and state educational agencies and at least one member shall be a representative of agencies which treat drug abusers. The chairman of the board will be appointed by the governor and that person shall also be a member of the Louisiana Commission on Law Enforcement and Administration of Criminal Justice. The board may elect such officers as are deemed necessary.

Section 3: The Louisiana Drug Policy Board shall con-

tinue in its efforts to develop and implement statewide strategies to counteract the serious problems of drug abuse within the state and as well as develop strategies and policies to facilitate the cooperation of the state of Louisiana with the federal government as well as other states.

Section 4: The board shall continue to serve without per diem or other compensation or reimbursement of expenses incurred in the performance of any duties.

IN WITNESS WHEREOF, I have hereunder caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, Louisiana, on this 29th day of August, 1988.

Buddy Roemer  
Governor

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State

### EXECUTIVE ORDER BR 88-23

SECTION 1: The rules and policies established by this executive order are hereby declared applicable to all officers and employees in the unclassified state service including all appointees on leave without pay from classified positions and all employees of the Executive Office within the Office of the Governor, with the following exceptions:

1.1 department secretaries, undersecretaries, deputy secretaries, and assistant secretaries to include their equivalents appointed by elected officials and the superintendent of education;

1.2 other officers of the state who are appointed by the governor;

1.3 elected officials;

1.4 members of boards and commissions who are appointed by the governor or who are elected as members of the same;

1.5 student employees, as defined under Civil Service rules;

1.6 temporary, intermittent and seasonal employees;

1.7 employees of a system that is authorized by the constitution or legislative act to manage and supervise its own system;

1.8 the commissioner of administration, the executive assistant commissioner of administration, the deputy commissioner of administration, all assistant commissioners of administration;

1.9 the executive director or equivalent chief administrative officer of all boards, commissions and authorities who are appointed by the board, commission or authority;

1.10 officials of the Executive Office of the Office of the Governor with the following titles: chief of staff; assistant chief of staff; deputy chief of staff; press secretary; executive counsel; special counsel; assistant executive counsel; special assistant to the governor.

#### SECTION 2: Definitions

As used in this order, except where the context clearly requires otherwise, the words and terms defined in this section shall have the meanings here given to them.

2.1 *Annual leave* means leave with pay granted an employee for the purpose of rehabilitation, restoration and maintenance of work efficiency, or the transaction of personal business.

2.2 *Appointing authority* means the agency, department, board, or commission, or the officers and employee's thereof, which is authorized by statute or by lawfully delegated authority to make appointments to positions in the state service.

2.3 *Compensatory leave* means time credited for hours worked outside the regularly assigned work schedule.

2.4 *Intermittent employee* means a person employed who is not hired on a regularly scheduled basis.

2.5 *Leave of absence without pay* means leave or time off from work granted by the appointing authority, for which period the employee receives no pay.

2.6 *Overtime hour* is an hour worked by an employee at the direction of his appointing authority:

(a) on a day which is observed (1) as a holiday in the department and area in which he is employed and which falls on a day within his workweek; or (2) as a designated holiday in lieu of a regular holiday observed in the department;

(b) in excess of the regular duty hours in a regularly scheduled workday; or

(c) in excess of the regular duty hours in a regularly scheduled workweek; or

(d) in excess of 40 hours worked during any regularly recurring and continuous seven-day calendar work period where excessive hours are systematically scheduled. Any holiday observed during the work period is counted as a day worked, or

(e) in excess of 80 hours worked during any regularly recurring and continuous bi-weekly calendar work period where excessive hours are systematically scheduled. Any holiday observed during this work period is counted as a day worked, or

(f) in excess of the hours worked in a regularly established, continuous, and regularly recurring work period where hours average 40 hours per week, regardless of the manner in which scheduled, and where excessive hours are systematically scheduled. Any holiday observed during the work period is counted as a day worked, or

(g) a day on which a department or a division thereof, is closed by direction of the appointing authority because of natural emergencies, in accordance with the provision of Section B(5) of the LSA - R.S. 1:55.

2.7 *Seasonal employee* means a person employed on a non-continuous basis for a recognized peak work load period.

2.8 *Sick leave* means leave with pay granted an employee for temporary disability, consultation or treatment.

2.9 *State service* for leave earning purposes shall include service in a state supported school, agency, or university; public parish school system; public student employment; and service as a member of a public board or commission. All such service must have been performed for a Louisiana public entity.

2.10 *Temporary employee* means a person continuously employed for a period not to exceed three calendar months.

#### SECTION 3: Full-time Employees

Each appointing authority shall establish administrative work weeks of not less than 40 hours per week for each full-time employee.

#### SECTION 4: Earning of Annual and Sick Leave

4.1 Annual and sick leave shall be earned by each full-time and part-time employee who has a regular tour of duty.

4.2 The earning of such leaves shall be based on the equivalent of years of full-time state service and shall be creditable at the end of each calendar month, or at the end of each regular pay period, in accordance with the following general

schedule:

(a) less than three years of service, at the rate of .0461 hour of annual leave and .0461 hour sick leave for each hour of regular duty;

(b) three years but less than five years of service, at the rate of .0576 hour of annual leave and .0576 hour of sick leave for each hour of regular duty;

(c) five years but less than 10 years of service, at the rate of .0692 hour of annual leave and .0692 hour of sick leave for each hour of regular duty;

(d) ten years but less than 15 years of service, at the rate of .0807 hour of annual leave and .0807 hour of sick leave for each hour of regular duty;

(e) Fifteen or more years of service, at the rate of .0923 hour of annual leave and .0923 hour of sick leave for each hour of regular duty.

4.3 No unclassified employee shall be credited with annual leave or sick leave:

(a) for any overtime hour;

(b) for any hour of leave without pay;

(c) while he is on paid annual leave, provided that such leave as is regularly earned during these periods shall be credited to him at the time he returns to active duty;

(d) for any hour in on-call status outside his regular duty hours;

(e) for any hour of travel or other activity outside his regular duty hours;

(f) for any hour of a holiday or other non-work day which occurs while he is on leave without pay.

#### SECTION 5: Carrying Leave Forward

5.1 Accrued unused annual leave earned by an employee shall be carried forward to the succeeding calendar years without limitation.

5.2 Accrued unused sick leave earned by an employee shall be carried forward to the succeeding calendar years without limitation.

#### SECTION 6: Transfer of Annual and Sick Leave

If an employee subject to this executive order transfers without a break in service, to another position covered by other Louisiana state leave rules, his accumulated annual and sick leave shall be forwarded to the state department or agency accepting him as an employee and shall be credited to him.

6.1 The accepting department or agency shall hold the annual and sick leave in abeyance or integrate the leave into its own system. The employee's accumulated leave shall not be reduced during such integration.

6.2 An employee coming into a department covered by this order from a department not covered by this order shall have all accumulated annual and sick leave accredited to him.

#### SECTION 7: Use of Annual Leave

7.1 Annual leave must be applied for by the employee and may be used only when approved by the appointing authority.

7.2 Annual leave shall not be charged for non-work days.

7.3 The minimum charge to annual leave records shall be in increments of not less than one-half hour.

7.4 An appointing authority may require an employee who has sufficient annual leave to his credit to take annual leave whenever he feels it is best for the employee or the department. However, the employee shall not be required to reduce his accrued annual leave below the equivalent of 30 working days.

7.5 Subject to the military leave provisions of Section 13, an employee may be required to take any part or all of his accrued annual leave prior to being granted leave without pay.

#### SECTION 8: Payment for Annual Leave Upon Separation

8.1 Upon resignation, death, removal, or other final termination of employment of an unclassified employee, as specified in this order, annual leave accrued to his credit, up to a maximum of 300 hours, shall be paid to him in a lump sum, disregarding any final fraction of an hour. The payment shall be computed as follows:

(a) When an employee is paid on an hourly basis, multiply his regular hourly rate received at the time of termination by the number of hours of accrued annual leave, not to exceed 300 hours.

(b) When an employee is paid on a basis other than an hourly basis, determine his hourly rate by converting his salary received at the time of termination to a working hourly rate. Multiply his converted hourly rate by the number of hours of accrued annual leave, not to exceed 300 hours.

#### 8.2 If:

(a) an unclassified employee who has been paid under this order for accumulated annual leave is re-employed in a classified or unclassified position, or

(b) a classified employee who has been paid for accumulated leave under the Civil Service rules is re-employed in an unclassified position in leave earning status,

then he shall buy back the number of hours for which he was paid that exceed the number of work hours which occurred during the break in service.

The employee shall be given credit for the number of hours of annual leave for which he has made reimbursement.

8.3 Should an unclassified employee in leave earning status accept a position which is not in leave earning status, he shall be paid for unused accumulated annual leave only upon final termination of his services to the state of Louisiana, subject to the pay limitations provided in 8.1.

#### SECTION 9: Use of Sick Leave

9.1 Sick leave with pay may be taken by an employee who has sufficient leave to his credit for the following:

(a) illness or injury which prevents him from performing his usual duties;

(b) medical, dental, or optical consultation or treatment;

(c) the temporary disability due to maternity shall be treated as any other temporary disability.

9.2 Sick leave shall not be charged for non-work days.

9.3 The minimum charge to sick leave records shall be in increments of not less than one-half hour.

9.4 In no instance shall an employee be paid for any accumulated sick leave remaining to his credit at the time of termination from the unclassified service.

9.5 There shall be no advance of sick leave; annual leave and leave without pay may be granted for disability purposes at the discretion of the appointing authority.

#### SECTION 10: Continuance of Annual and Sick Leave

All annual leave accrued by an employee for which he is not paid upon resignation or layoff and all unused sick leave accumulated by him shall again be credited to him if he is later employed in the unclassified service and covered by this executive order within a period of five years from date of separation; provided, that these privileges shall not extend to any employee

whose last separation was for cause or resignation to escape possible disciplinary action or separation for cause.

#### SECTION 11: Compensatory Leave

11.1 An appointing authority may require an employee to work overtime on a holiday or at any time he is not regularly required to be on duty. An appointing authority may grant compensatory leave, at his discretion, for overtime hours worked outside the regularly assigned work schedule or holidays. The provisions of the Fair Labor Standards Act shall apply to employees covered by this executive order.

11.2 If the appointing authority permits the earning of compensatory leave, the amount of compensatory leave so earned shall be equal to the number of extra hours the employee is required to work, except as required by the Fair Labor Standards Act.

11.3 If earned, compensatory leave shall be promptly credited to the employee and may, with the approval of the appointing authority, be used by him at a future time. Not more than 45 working days, or the equivalent thereof in hours, of accrued unused compensatory leave shall be carried forward into any calendar year.

11.4 An appointing authority may require an employee to use his earned compensatory leave at any time.

11.5 Compensatory leave earned by an employee may be payable at the option of the appointing authority subject to the provisions of the Fair Labor Standards Act. Unless contrary to the Fair Labor Standards Act, the employee may only be paid an amount equal to the number of hours of compensatory leave earned, multiplied by the employee's hourly rate of pay at the time the leave was earned.

11.6 Compensatory leave shall only be transferable within a department of the state.

#### SECTION 12: Civil, Emergency, and Special Leave

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

- (a) performing jury duty;
- (b) summoned to appear as a witness before a court, grand jury, or other public body or commission;
- (c) performing emergency civilian duty in relation to national defense;
- (d) his appointing authority determines that he is prevented by an act of God from performing duty;
- (e) voting in a primary, general, or special election which falls on his scheduled work day, provided not more than two hours of leave shall be allowed an employee to vote in the parish where he is employed, and not more than one day to vote in a parish outside the one where he is employed;
- (f) participating in a state Civil Service examination on a regular work day, or taking a required examination pertinent to the examinee's state employment before a state licensing board;
- (g) the appointing authority determines that because of local conditions or celebrations, it is impracticable for his employees in such locality to work;
- (h) the employee is ordered to report for pre-induction physical examination incident to possible entry into the military forces of the United States;
- (i) the employee is a member of the National Guard and is ordered to active duty incident to local emergency, act of God, civil or criminal insurrection, civil or criminal disobedience, or similar occurrences of an extraordinary and emergency nature which threatens or affects the peace or property of the people;

(j) engaged in the representation of a client in a civil or criminal proceeding pursuant to an order of a court of competent jurisdiction. However, if compensation for such services is available from another source, he may not accept the special leave and the compensation;

(k) the employee is a current member of Civil Air Patrol and incident to such membership is ordered to perform duty with troops or participate in field exercises or training, except that such leave shall not exceed 15 working days in any one calendar year and shall not be used for unit meetings or training conducted during such meetings.

#### SECTION 13: Military Leave

13.1 An employee who is a member of a reserve component of the armed forces of the United States or the National Guard shall be granted leave of absence from his position, without loss of pay, time, annual or sick leave, when ordered to active duty for field training or training authorized in lieu thereof, when the individual is given constructive credit for such training, for periods not to exceed 15 working days in any calendar year, provided that an appointing authority may grant an employee annual leave or leave without pay or both, in accordance with other provisions of this order, for such periods which exceed 15 working days in any calendar year.

13.2 An employee who is inducted or ordered to active duty to fulfill his reserve obligation or who is ordered to active duty in connection with reserve activities for indefinite periods or for periods in excess of his annual field training is eligible for the leave with pay as provided in Section 13.1.

#### SECTION 14: Other Leave

14.1 Workers' Compensation Payments - Optional Leave with Pay

When an employee is absent from work due to disabilities for which he is entitled to workers' compensation, he may, at his option, use sick and annual leave not to exceed the amount necessary to receive total payments for leave and workers' compensation equal to his regular salary.

#### 14.2 Law Enforcement - On Duty Disability

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

#### 14.3 Funeral Leave

An employee may be given time off without loss of pay, annual leave, or sick leave, when attending the funeral or burial rites of a parent, step-parent, child, step-child, brother, step-brother, sister, step-sister, spouse, mother-in-law, father-in-law, grandparent, or grandchild; provided such time off shall not exceed two days on any one occasion.

#### 14.4 Educational Leave

(a) Leave without pay for educational purposes may be granted an employee for a period equivalent to the period of attendance at the educational institution.

(b) Educational leave with pay may be granted an employee for a maximum of 30 calendar days in one calendar year if the course of instruction to be taken is pertinent to the work of the employee in his department. However, an employee may be

granted such leave for a maximum of 90 calendar days in one calendar year if his employing department required him to take special training.

(c) Employees granted educational leave without pay may be granted a stipend if there are funds available for that purpose.

#### 14.5 Leave of Absence Without Pay

(a) An appointing authority may extend leave of absence without pay to an employee for a period or periods not to exceed one year, provided that such leave shall not prolong the period of his appointment.

(b) If the employee fails to report for or refuses to be restored to duty in pay status on the first working day following the expiration of his approved leave of absence without pay, or at an earlier date upon reasonable and proper notice from his appointing authority, he shall be considered as having deserted his position.

(c) An appointing authority, on his own initiative or at the request of the employee may curtail a period of leave of absence without pay extended to an employee provided such curtailment is for the best interest of the state service and reasonable and proper notice thereof is furnished to the employee.

#### SECTION 15: Holidays

Holidays shall be observed as provided by R.S. 1:55(B) and by any proclamation issued by the governor.

#### SECTION 16: Record Keeping

Daily attendance and leave records must be maintained for each unclassified employee eligible to accrue annual and sick leave. These records shall conform to the same requirements as established by the Department of Civil Service.

#### SECTION 17: Officers and Employees to Observe the Rules Prescribed

It shall be the duty of each officer and employee in each department and other agency headed by an elected official and each officer appointed by a board, commission or by the governor, to conform to, and in all proper ways, to aid in carrying into effect the provisions of this order.

SECTION 18: The provisions of this order shall be effective on September 8, 1988 and shall remain in effect until amended, modified or rescinded by the governor or until terminated by operation of law.

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 1st day of September, 1988.

Buddy Roemer  
Governor

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State

#### EXECUTIVE ORDER BR 88 - 24

WHEREAS, the Office of Telecommunications Management, within the Division of Administration, is vested with the authority to control and coordinate all telecommunication procurement for the executive branch of state government with the

exception of radio, under Section 140 of Title 39 of the Louisiana Revised Statutes of 1950;

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

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

WHEREAS, the sharing of transmission facilities media provides the greatest opportunity for resource sharing and effective cost control and savings for the executive branch of state government; and

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

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

Section 1: The Office of Telecommunications Management, under the supervision of the commissioner of administration, shall exercise its statutory role in coordination and supervising the procurement of all telecommunications and communications systems, including but not limited to, voice, radio, data and video communications; and further, all user agencies shall obtain the prior written approval of the Office of Telecommunications Management prior to procuring any such services.

Section 2: The transmission facilities of the executive branch of state government shall be viewed in their entirety as state facilities under the control of a single managing entity: the Division of Administration, through the Office of Telecommunications Management.

IN WITNESS WHEREOF, I have hereunder set my hand officially and caused to be affixed the Great Seal of the state of Louisiana, at the Capitol, in the city of Baton Rouge on this 1st day of September, 1988.

Buddy Roemer  
Governor of Louisiana

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State

#### EXECUTIVE ORDER BR 88 - 25

WHEREAS, Article VII, Section 14 (C) of the Louisiana Constitution of 1974 authorizes the use of "Cooperative Endeavors" between the state and its political subdivisions or political corporations and the United States or its agencies, or with any public or private association, corporation, or individual, for a public purpose; and

WHEREAS, under R.S. 38:2193, the attorney general is vested with the authority to institute civil proceedings, if necessary, to invalidate contracts which violate the above referenced constitutional provisions, upon submission to him of pertinent facts thereof by the legislature or its members, the legislative auditor, or upon his own initiative; and

WHEREAS, it would be in the best interest of the state to have these agreements reviewed prior to implementation in or

der to avoid the subsequent problem of invalidating such an agreement by litigation, thereby maintaining the integrity of such agreements, and

WHEREAS, the Division of Administration is charged with the responsibility of overseeing the state's acquisition of supplies and services under contractual agreements and therefore has the necessary personnel to determine if certain "Cooperative Endeavor" agreements are in violation of the constitutional provisions, or the various procurement statutes which regulate the manner in which the state must acquire supplies and services; and

WHEREAS, the best interest of this state can be served by monitoring the use of this type of agreement from both a legal and budgetary standpoint, and by providing a centralized record of these agreements:

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

SECTION 1: Each state entity within the executive branch shall submit to the Division of Administration, office of contractual review, for review and approval each cooperative endeavor agreement which requires the expenditure of public funds.

SECTION 2: Each entity shall submit each such agreement and/or contract which has an effective date of May 1, 1985, or later, in the manner prescribed by the office of contractual review for the submittal of professional services contracts.

SECTION 3: A "BA-22" or other appropriate budgetary form shall be submitted with each contract evidencing the availability of funds.

SECTION 4: Each such contract must contain provisions which will condition its implementation on the availability of funds to fulfill the requirements of the contract, and on the approval of the Division of Administration.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be fixed the Great Seal of the state of Louisiana, at the Capitol, in the city of Baton Rouge, on this 1st day of September, 1988.

Buddy Roemer  
Governor

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State

### EXECUTIVE ORDER BR 88 - 26

WHEREAS, it has been found that the Division of Administration required the establishment of sections for its proper administration; and

WHEREAS, over the course of its existence, experience has shown that the creation of certain sections in the Division of Administration has proven to be a justifiable and cost effective method of operation; and

WHEREAS, the existence of certain sections in the Division of Administration has been accepted by other departments of state government and the general public; and

WHEREAS, Revised Statute 39:3 (Act No. 42 of 1956) requires that these sections be necessary in the opinion of the

governor and that they be established by executive order of the governor.

NOW, THEREFORE, I, BUDDY ROEMER, governor of the state of Louisiana, do hereby order and direct the establishment of the following sections within the Division of Administration.

### SECTION

Administrative Support  
Budget Office  
Commissioner's Office  
Department of the State Register  
Facility Planning and Control/Rentals and Leases  
Legal Section  
Office of Personnel Services  
Office of Information Resources  
Comprised of the following subsections:  
Office of Information Management  
Office of Information Services  
Office of Telecommunications Management  
Program Review  
Aviation Unit  
LA Property Assistance Agency/  
Federal Property Assistance Agency  
Federal Grant Development  
Inspector General's Office/Internal Audit  
Office of State Mail Operations  
Office of Statewide Reporting  
and Accounting Policy  
Office of State Uniform Payroll  
Office of Finance and Support Services  
Office of Contractual Review  
Division of State Buildings  
Office of Risk Management  
Office of State Central Purchasing  
Office of State Planning/Louisiana  
Community Development Block Grant  
Comprehensive Public Training Program

Established through Legislation  
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 1st day of September, 1988.

Buddy Roemer  
Governor

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State

### EXECUTIVE ORDER BR 88 - 27

WHEREAS, The Community Development Block Grant (CDBG) program (Public Law 93-383) has been amended to authorize the states to assume the administration of the "Small Cities" grant so that each state may most effectively design its community development program to meet its specific needs; and

WHEREAS, The 1981 Omnibus Reconciliation Act (Title III, Sub-title A) requires the states to establish their community



development goals and plans for using their CDBG monies to implement their goals; and

WHEREAS, The states have the opportunity to formulate a set of guidelines for the CDBG program which reflects the priorities of their people; and

WHEREAS, The Division of Administration is the fiscal and administrative arm of the governor;

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

SECTION 1: The Division of Administration is hereby designated as the recipient of said CDBG Grant funds and the operations of the Governor's Community Development Advisory Committee are hereby continued.

SECTION 2: The committee's duties shall be to identify the community development problems in Louisiana and the causes thereof and to recommend guidelines to govern the distribution of the CDBG funds that the state will receive so that these monies will be used most effectively in mitigating community development problems in Louisiana.

SECTION 3: The committee shall be composed of six members, five of whom shall be appointed by the governor to serve at his pleasure. These members shall represent parish and municipal governments, the legislature and the public at large. The commissioner of administration, or a designee, shall serve as a non-voting member of the committee.

SECTION 4: The commissioner of administration, or a designee, shall serve as the committee's executive secretary. The executive secretary shall secure adequate staff assistance for the committee and shall be responsible for transmitting a report containing the committee's recommendations to the governor.

SECTION 5: The recommendations of the committee and the program design shall be reviewed by the governor or his designee.

SECTION 6: Upon approval by the governor of program design the program shall be administered by the Division of Administration.

SECTION 7: This order shall remain in effect until amended or rescinded by order of the governor.

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 1st day September, 1988.

Buddy Roemer  
Governor

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State

**EXECUTIVE ORDER BR 88 - 28  
(DUPLICATE OF EXECUTIVE ORDER BR 88 - 24)**

**EXECUTIVE ORDER BR 88 - 29**

WHEREAS, local governing authorities are the recipients of financial aid from numerous state and federal agencies; and

WHEREAS, there is currently no single source for identi-

fying the recipients of these grants in aid, the amounts received, or the origin of the funds; and

WHEREAS, federal funds for many programs administered by local governing authorities are being reduced or eliminated in the face of a growing federal deficit; and

WHEREAS, it is critical that state officials in the executive and legislative branches who are responsible for formulating fiscal policy have at their disposal uniform and timely data regarding grant-in-aid to local governing authorities;

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

SECTION 1. All agencies, boards and commissions in the executive branch of government shall submit a report to the Division of Administration biannually 30 days after December 31 and June 30 of the fiscal year for which the report is made, specifying the amounts of funds budgeted for distribution to local authorities and the amounts actually disbursed.

SECTION 2. The commissioner of administration shall promulgate procedures, forms and definitions to provide for the orderly assembly and transmission of the information required by this executive order.

SECTION 3. The commissioner of administration shall upon receipt of the reports required in Section 1, forward a copy of each report to the President of the Senate and the Speaker of the House of Representatives.

SECTION 4. This executive order shall be effective upon the signature of the governor.

IN WITNESS WHEREOF, I have hereunder set my hand officially and caused to be affixed the Great Seal of the state of Louisiana, at the Capitol, in the city of Baton Rouge on this 1st day of September, 1988.

Buddy Roemer  
Governor

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State

**EXECUTIVE ORDER BR 88 - 30**

WHEREAS, the state's general fund is bearing a disproportionate share of the cost of unemployment compensation benefits paid to ex-employee claimants; and

WHEREAS, this cost has accelerated greatly in recent years and

WHEREAS, the state of the fisc indicates that a more effective method of distribution of the cost should be implemented which takes into account the means of financing operations of the state's departments and agencies;

NOW, THEREFORE, I, BUDDY ROEMER, governor of the state of Louisiana, do hereby instruct the commissioner of administration to assure compliance and to direct the state departments and agencies to make reimbursement payments based upon the following groups of funding:

Group 1. Group funded by state general fund.

Group 2. Funded by interagency transfer, self generated, federal funds and other non-state general fund sources.

Group 3. Funded by a combination of state general fund and non-state general fund sources.

FURTHER, the payments of benefits shall be made from the same source of funding from which the ex-employee claimant was paid while employed by the state.

This order shall be effective upon signature of the governor.

IN WITNESS WHEREOF, I have hereunder set my hand officially and caused to be affixed the Great Seal of the state of Louisiana, at the Capitol, in the city of Baton Rouge on this 1st day of September, 1988.

Buddy Roemer  
Governor

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State

### EXECUTIVE ORDER BR 88 - 31

WHEREAS, the Louisiana Procurement Code, comprised of R.S. 39:1551-1775, vests the governor with the authority to prescribe procedures for the procurement of small purchases; and

WHEREAS, R.S. 39:1596 in particular reads:

Small Purchases

"Any procurement not exceeding the amount established by executive order of the governor may be made in accordance with small purchase procedures prescribed by such executive order, except that procurement requirements shall not be artificially divided so as to constitute a small purchase under this Section."

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

Each department, institution, board, commission, budget unit, and any other agency of the executive branch of state government shall observe and be guided by the following specific directives.

Small Purchases: Any procurement not exceeding \$5,000 shall be made in accordance with the following small purchase procedures, except procurement of those services defined in Section 3(A) and 3(B), which shall be deemed small purchases regardless of price. All purchases that conform to Section 3(A) and 3(B) that exceed an agency's delegated authority must be forwarded to central purchasing for approval.

Section 1: Each agency subject to this order, except those exempted under R.S. 39:1572, is authorized to purchase equipment (anything not defined as consumables) where the total cost does not exceed either \$500 or a special delegation by the chief procurement officer (whether one or more pieces of equipment are purchased) or the amount of the agency's purchasing authority, whichever is lower. All other equipment shall be requisitioned through the central purchasing agency of the Division of Administration. Any exception to this procedure shall require written permission of the chief procurement officer of purchasing. This in no way eliminates the requirement of purchasing equipment from competitive state contracts as defined in Section 2(2) in areas where those contracts exist.

Section 2: Each agency subject to the Louisiana Procurement Code, where the cost exceeds \$250, regardless of whether purchases are made by the central purchasing agency, an agency to which purchasing has been delegated, or agencies exempt

from central purchasing agency shall observe the following rules and regulations on small purchases, and maximum competitive bidding shall be obtained in all cases in accordance with R.S. 39:1655. This executive order in no way affects or changes the purchasing authority (1) delegated to an agency by the chief procurement officer, (2) purchases from state contracts, or (3) printing.

(1) Delegated Purchasing Authority - A dollar amount delegated to an agency by the chief procurement officer.

(2) State Contracts - If a competitive statewide contract exists and the amount is above the minimum order quantity, procurement from state contract is required, except by exempt agencies.

(3) Printing - This executive order does not affect printing. No agency has any delegated authority, with the exception of those agencies exempt under R.S. 43:1 or by special delegation by the chief procurement officer as deemed necessary.

A. Purchases up to \$250. No competitive bidding is required; however an agency may require that any such purchases be approved in advance by agency purchasing office. No purchase order is necessary.

B. Purchases over \$250 up to \$2,000 may be made by telephone and telegraph quotations from at least three bona fide, prospective bidders and purchases made on the basis of the lowest quotation received. Files must be documented on a tabulation form (A 11) with a contact person, and the terms and delivery for each bidder contacted and any special comments. Written confirmation of price should be obtained from successful bidder.

C. Purchases over \$2,000 but less than \$5,000 shall be made by sending out written invitations for bids to at least eight bona fide, qualified bidders. In addition, the agency may advertise at its discretion. Written invitations for bids shall contain complete specifications, the quantity required, and shall stipulate that bids will be publicly opened and read at a specific date and time, as well as such other pertinent information such as the delivery point and other information sufficient for a supplier to make an acceptable bid.

D. For the specific purpose of procuring equipment, furnishings and supplies for the Pennington Research Center by Louisiana State University, or its Medical Center, under R.S. 39:1596 and ending on the 30th day of June 1989, the following authorization is granted:

1. For purchases up to \$500 no competitive bidding is required and no purchase order is necessary.

2. For purchases over \$500 but less than \$5,000 telephone quotations must be taken and recorded and an award shall be made to the vendor providing the lowest price. Telephone quotes shall be solicited from at least three bona fide prospective bidders, except in those documented cases where three bona fide vendors are not available to bid on the item being purchased.

3. All purchases under Section 2D shall be monitored by the Office of the Inspector General.

Section 3: Exceptions to minimum competitive requirements.

A. No competitive bidding required.

(1) Repairs and parts for equipment.

(a) Repairs to equipment and/or parts associated with a specific repair job shall be obtained by either obtaining competitive bids as indicated above or use of an "authorized dealer" up

to a total of \$5,000. An authorized dealer is defined as a dealer certified by the manufacturer to sell or perform maintenance on their equipment.

(b) Repairs of equipment which exceed \$5,000, where it is not feasible to secure competitive bids, shall be performed by an authorized dealer subject to prior approval of the chief procurement officer.

(c) Aircraft repairs, inspections, and parts shall be obtained from Federal Aviation Administration Certified Repair Stations and using FAA certified mechanics and approved by the head of the agency or his designee.

(d) Vehicle repairs (except body repairs) shall be obtained by (1) state contract, (2) if no state contract exists - Fleet Management Statewide Maintenance and Repair Contract or (3) use of an authorized dealer if not available from (1) or (2). The above is in no way intended to limit the use of agency repair shops.

(e) This Section does not apply to the stocking of parts for future repair work.

(2) Livestock for slaughter when purchased at public auction sale.

(3) Purchasing or selling transactions between state budget units and other government agencies.

(4) Publications such as textbooks, newspapers, subscriptions, or foreign publications, when purchased directly from the publisher. All files must have documentation that the contractor is the publisher. (Subscription services must be bid except for the state library and libraries at colleges and universities.)

(5) All public utilities.

(6) All services provided by local government. Example: garbage pickup.

(7) Artificial limbs, braces and devices for physical restoration, if not covered by state contract.

(8) Training classes and memberships.

(9) Purchases for clients of Blind and Vocational Rehabilitation programs which are federally funded at a rate of at least 80 percent, regulated by Title 34 of the Federal Rules and Regulations, Code of Federal Regulations Part 361, 365, 370 and 395 and in accordance with OMB Circular A-102; not covered by competitive contract, not to exceed \$5,000.

(10) Wire, related equipment, time and material charges to accomplish adds, moves and/or changes to telecommunications systems up to \$1,000.

(B) Telephone or telegraph quotations should be obtained for the following from at least three bona fide, qualified bidders where possible.

(1) Farm products which include, but may not be limited to fresh vegetables, milk, eggs, fish, or other perishable foods.

(2) Food, materials, and supplies needed for the operation of boats in isolated localities where only limited outlets of such supplies are available.

(3) Food purchased and used in home economics courses where purchasing, preparing, and serving is part of the regularly prescribed course.

(4) Food purchases and other materials and supplies required by juvenile detention homes and rehabilitation facilities homes where the number of inmates or clients is unstable and unpredictable.

(5) Convention and meeting facilities.

(6) Gasoline and fuel purchases unless covered by a competitive contract. Gasoline and fuel purchases in excess of \$5,000, unless covered by a competitive contract, require prior

approval of the chief procurement officer.

(7) All equipment for blind operated facilities not covered by competitive state contract.

(8) Vehicle body repairs.

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 1st day of September, 1988.

Buddy Roemer  
Governor

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State

**EXECUTIVE ORDER BR 88 - 32  
(DUPLICATE OF EXECUTIVE ORDER BR 88 - 29)**

**EXECUTIVE ORDER BR 88 - 33  
(DUPLICATE OF EXECUTIVE ORDER BR 88 - 30)**

**EXECUTIVE ORDER BR 88 - 34**

WHEREAS, during the 1988 Regular Session the legislature passed Senate Bill 606 relative to correctional facilities inmate labor; and

WHEREAS, said Act, among other things, authorizes the governor to use inmate labor in certain projects or maintenance or repair work; and

WHEREAS, the Act provides that the governor, upon determining that it is appropriate and in furtherance of the rehabilitation and training of inmates, may, by executive order, authorize the use of inmates of a penal or correctional facility owned by the state of Louisiana for necessary labor in connection with a particular project;

NOW THEREFORE I, BUDDY ROEMER, governor of the state of Louisiana, do hereby order the following:

SECTION 1: That inmate labor be and is hereby authorized to complete renovations to the correction's headquarters complex in Baton Rouge.

SECTION 2: That inmate labor be and is hereby authorized to replace the roof at Wade Correctional Center.

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 1st day of September, 1988.

Buddy Roemer  
Governor

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State

**EXECUTIVE ORDER BR 88-35**

WHEREAS, The Tax Reform Act of 1986 (the "Act"), restricts the total principal amount of certain private activity

bonds the interest on which is excludable from gross income for federal income tax purposes under Section 103 of the Internal Revenue Code of 1986 (including the portion of government use bonds allocated to non-governmental use which is required by the Act to receive an allocation as herein provided) (such bonds sometimes referred to herein as "bonds") which may be issued within the State of Louisiana (the "state") during each calendar year beginning with the year 1988 and each calendar year thereafter to a dollar amount equal to \$50 per person based on the most recently published estimate of population for the state released by the U.S. Bureau of Census before the beginning of each such calendar year; and

WHEREAS, by Executive Order No. 87-18 effective March 5, 1987 ("87-18") and under the authority of and pursuant to the Act and Act No. 51 of the 1986 Regular Session of the Legislature ("Act 51 of 1986") the governor of the State of Louisiana established (i) a method for the allocation of bonds subject to the private activity bond volume limits (the "ceiling"), (ii) the procedure for obtaining an allocation of bonds under the ceiling, and (iii) a system of central record keeping for such allocations; and

WHEREAS, 87-18 will expire on September 9, 1988; and

WHEREAS, as authorized by the Act and Act 51 of 1986, the governor of the State of Louisiana now desires to issue this executive order providing for the determination of the ceiling, reestablishing the formula for allocating bonds under the ceiling, setting forth the procedure for obtaining an allocation of bonds subject to such ceiling and a system of record keeping of such allocations.

NOW THEREFORE, be it ordered by Buddy Roemer, Governor of the State of Louisiana, as follows:

#### ARTICLE I DEFINITIONS

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

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

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

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

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

#### ARTICLE II DETERMINATION OF CEILINGS FOR 1988 AND THEREAFTER

SECTION 2.1 The determination made by the staff of the Louisiana State Bond Commission of the ceiling for certain private activity bonds for the calendar year 1988 pursuant to the provisions of the Act and 87-18, namely the product of \$50 times the most recently published estimate of population for the State of Louisiana released by the U.S. Bureau of Census before January 1, 1988 is hereby ratified and established as the ceiling for the calendar year 1988.

SECTION 2.2 On or before January 15, 1989 and on or before the fifteenth day of each subsequent calendar year during

the life of this executive order the staff of the Louisiana State Bond Commission (the "SBC Staff") is hereby directed to determine the ceiling for each calendar year by multiplying \$50 times the most recently published estimate of population for the state of Louisiana released by the U.S. Bureau of Census before the beginning of each respective calendar year. Upon making such determination of the ceiling, the SBC Staff is hereby further directed to publish as soon as practicable a notice of the amount of such ceiling in the *State-Times*.

#### ARTICLE III GENERAL ALLOCATION POOL

There is hereby created a pool to be designated the "General Allocation Pool." The entire ceiling for each calendar year is hereby credited to the General Allocation Pool. Allocations for all types of bonds which require allocations under the Act may be requested and granted from the General Allocation Pool. During each of the calendar years 1988 and thereafter amounts shall be reserved for allocations from the General Allocation Pool as follows:

##### (a) Calendar Year 1988

Until the earlier of September 15, 1988 or the date on which the General Allocation Pool shall be reduced below one-third of the ceiling, at least \$67,000,000 of the General Allocation Pool shall be reserved for allocations for qualified mortgage bonds issued by the Louisiana Housing Finance Authority (the "LHFA") and at least \$56,690,000 of the General Allocation Pool shall be reserved for allocations for bonds issued by the Louisiana Public Facilities Authority (the "LPFA"). There shall also be reserved, until the earlier of September 15, or the date on which the amount remaining in the General Allocation Pool is reduced below one-third of the ceiling, at least \$9,430,000 of the General Allocation Pool for allocations to be granted for bonds issued by issuers other than the LHFA and the LPFA which have statewide jurisdiction.

##### (b) Calendar Year 1989 and each Subsequent Calendar Year

Until the earlier of September 15 of each year or the date on which the amount remaining in the General Allocation Pool is reduced below one-third of the ceiling, an amount at least equal to 60 percent of the General Allocation Pool shall be reserved for allocations for bonds issued by the Louisiana Public Facilities Authority (the "LPFA"). There shall also be reserved, until the earlier of September 15 of each year or the date on which the amount remaining in the General Allocation Pool is reduced below one-third of the ceiling, an amount at least equal to 10 percent of the General Allocation Pool for allocations to be granted for bonds issued by issuers (other than the LPFA) having statewide jurisdiction.

#### ARTICLE IV APPLICATION AND PROCEDURE FOR ALLOCATIONS

SECTION 4.1 Except as limited in Article III hereof, all issuers in and of the state may apply for allocations on an equal basis. It is the intent hereof that allocations (other than allocations for qualified mortgage bonds) be granted primarily on a first come first served basis until the ceiling reaches a level at which discretion is necessary to insure the most favorable economic return to the state or an area within the state.

SECTION 4.2 The allocation of the ceiling from the General Allocation Pool created hereby (other than allocations for qualified mortgage bonds) will be considered on the basis of the

chronological order of receipt by the SBC Staff from an issuer of the application set forth in Section 4.3 of this executive order.

SECTION 4.3 An issuer which proposes to issue bonds for a specific project or purpose must make application for an allocation of a portion of the ceiling for the particular project or purpose by submitting an application to the staff of the Louisiana State Bond Commission (the "SBC Staff"), which contains the following information:

(a) the name and address of the issuer of the bonds;

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

(c) in the case of bonds other than qualified student loan bonds or qualified mortgage bonds, the name and mailing address of (i) the initial owner or operator of the project, (ii) an appropriate person from whom information regarding the project can be obtained, and (iii) the person to whom notification of the allocation should be made;

(d) the date of adoption by the issuer of an inducement resolution adopted for the purpose of taking "official action", as required by the Internal Revenue Code of 1986, as amended (the "Code"), if the issue of bonds for which the allocation of the ceiling is requested requires the taking of "official action" under the Code;

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

(f) either (i) a bond purchase agreement or other written commitment to purchase the bonds for which an allocation is requested, executed by one or more purchasers, setting forth in detail the principal and interest payment provisions and the security for the bonds, accepted by the issuer or the beneficiary of the bonds, (ii) in the case of a public offering of the bonds for which the allocation from the ceiling is requested, a binding bond purchase or underwriting agreement obligating the underwriter or underwriters to sell or purchase the bonds within 60 days of the receipt of an allocation hereunder, setting forth in detail the proposed principal and interest payment provisions and the security for the bonds, accepted by the issuer or the beneficiary of the bonds, or (iii) a \$7,500 escrow deposit which will be forfeited in the event the bonds for which an allocation is granted are not delivered prior to the expiration of such allocation as provided in Section 4.8 hereof. The \$7,500 deposit shall be returned to the party depositing the same without interest upon the substitution of the items described in (i) or (ii) above or delivery of the bonds within the allocation period (including any extension). In the event that such bonds are not delivered within the allocation period, the deposit shall be forfeited and deposited in the State Treasury, unless the failure to deliver such bonds is the result of the State Bond Commission denying approval of such bonds, in which case the deposit shall be returned to the party depositing same without interest; and

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

SECTION 4.4 Upon receipt of the completed application required by Section 4.3 hereof for allocations (except with respect to allocations for qualified mortgage bonds which are to be allocated by the governor) the SBC Staff shall, within 10 days of the receipt thereof, notify the person designated in the application of the allocation from the ceiling to be applied to the project or purpose requested in the issuer's application.

SECTION 4.5 Until November 15 of each year, the maximum amount of allocation that may be granted for any project or purpose (other than for qualified mortgage bonds) shall not exceed \$20,000,000. Until November 15 of each year, the maximum amount of allocation that may be granted for qualified mortgage bonds (other than for qualified mortgage bonds issued by the LHFA) shall not exceed \$25,000,000. If an issuer submits a request for an allocation in excess of the amount herein authorized, the SBC Staff shall retain the application for consideration of the allocation of additional amounts on or after November 15 of that year. Notwithstanding the foregoing, if the governor determines that a project serves a crucial need or provides an extraordinary benefit to the state or an area within the state, the governor by written approval may authorize allocations for a project prior to November 15 up to a total of \$50,000,000 for such project or purpose. Allocations for qualified mortgage bonds issued by the LHFA shall not be governed by this Section.

SECTION 4.6 On the earlier of September 15 of each year or the date that the amount remaining in the General Allocation Pool is reduced below one-third of the ceiling the remaining amounts reserved in Article III shall be combined and allocations from such remaining amounts shall be granted at the discretion of the governor without regard to reservations for any particular issuers.

SECTION 4.7 Upon receipt of the completed application required by Section 4.3 hereof for allocations which must be granted by the governor, the SBC Staff shall immediately forward such application to the governor, together with a form used for the granting of allocations which is complete in all respects other than the amount of the allocation. The governor shall determine the amount of allocation (if any) and may evidence his approval by entering the amount of the allocation on the form and signing the allocation form.

SECTION 4.8 Any allocation from the ceiling (other than carryforward allocations described in Section 4.14 hereof) will remain valid if the bonds for which such allocation is granted are delivered by the earlier of (i) 60 days from the date the notice of the allocation is mailed to the person designated or (ii) December 31 of the calendar year granted; unless, in the case of (i) above, the issuer requests an extension of time for the allocation to remain valid, in which event the allocation will be extended one time to the earlier of (i) 30 days from the date of the expiration of the 60-day period or (ii) December 31 of the calendar year granted. Notwithstanding the foregoing, an allocation shall be deemed invalid immediately upon the State Bond Commission's denial of the approval of the bonds which have received an allocation.

SECTION 4.9 On November 15 of each year the SBC Staff shall determine the remaining amount of the ceiling and shall submit to the governor for consideration all applications for allocations of bonds in excess of the amounts permitted herein for which the SBC Staff has received in writing during the period commencing October 15 through November 14 of such year a notification of the applicants continued desire to receive an increased allocation. Thereafter, the governor may grant, until the ceiling is exhausted, allocations limited to \$20,000,000 per project or purpose (in addition to previous allocations granted) unless the governor determines that a project satisfies a particularly important state or local need, in which event the governor may allocate additional amounts limited only to the amount of the ceiling remaining.

SECTION 4.10 In the event the allocation of the ceiling for a particular project or purpose expires as provided in Section 4.8 of this executive order, the issuer may resubmit its application for an allocation of a portion of the ceiling for such project or purpose, and the application of the issuer relating to such project or purpose will be reviewed in chronological order of receipt of its resubmission, but no preference or priority will be given to the issuer as a result of its prior application for such project or purpose.

SECTION 4.11 In order to make maximum use of the ceiling, to promote economic growth in the state, and to treat all interests fairly, it is the intent of this executive order that the SBC Staff shall not exercise any discretion in the allocation of bonds. The SBC Staff shall handle and dispose of each application in the chronological order of receipt.

SECTION 4.12 The SBC Staff shall maintain accurate records of all allocations and bonds delivered. All issuers of bonds which have received an allocation must notify the SBC Staff of the delivery of bonds within five days after the delivery of such bonds and shall specify the total principal amount of bonds issued. The SBC Staff shall provide to any person so requesting every two weeks and any other time requested: (i) a list of the amount of unallocated ceiling remaining on the date such request is made, (ii) a list of allocations (naming the issuer and amount of allocation) which have been made by the SBC Staff and the date of each allocation and any extension, (iii) a list of applications being held by the SBC Staff which have requested a larger allocation than permitted and (iv) a list of bonds which have been given an allocation and have been delivered.

SECTION 4.13 If at any time the remaining amount of the ceiling is insufficient to meet the request for allocation of two or more applications which were received in completed form by the SBC Staff on the same day, then the allocation shall be considered based on the chronological order of adoption of an inducement or other resolution by the respective issuer for the project or purpose for which an allocation is requested, and if the inducement or other resolution of such applications were adopted on the same day the allocation for those projects induced on the same day shall be made on a pro-rata basis.

SECTION 4.14 If the ceiling exceeds the aggregate amount of bonds issued during any year by all issuers, the governor may allocate such excess to issuers for use as a carryforward for one or more carryforward projects permitted under the Act through the issuance of an executive order for all carryforward projects which have submitted an application containing as many elements described in Section 4.3 hereof as possible to the SBC Staff and a request to be treated as a carryforward project. The SBC Staff shall notify the issuers which are allocated as portion of the ceiling for a carryforward project at least five days prior to the last date an election to carryforward a portion of the ceiling may be made.

SECTION 4.15 This executive order only relates to bonds subject to the private activity bond volume limitation set forth in the Act. No issuer shall apply for or be entitled to an allocation from the ceiling for bonds which are not subject to the private activity bond volume limitation set forth in the Act.

SECTION 4.16 The responsibility of the SBC Staff hereunder shall be exercised by the SBC Staff independent of any of its other duties and responsibilities with respect to the Louisiana State Bond Commission.

SECTION 4.17 The governor may modify, amend, sup-

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

SECTION 4.18 The governor will supply with each allocation granted a certificate complying with Section 149(e)(2)(F) of the Code.

SECTION 4.19 This executive order shall be effective on the date of execution hereof by the governor.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Louisiana to be affixed, done at the State Capitol in the City of Baton Rouge, Louisiana, this 1st day of September, 1988.

Buddy Roemer  
Governor

ATTEST:  
Fox McKeithen  
Secretary of State

#### EXECUTIVE ORDER BR 88-36

WHEREAS, the United States Department of Housing and Urban Development ("HUD") is authorized under Section 17 of the United States Housing Act of 1937 (the "Housing Act") to make housing development grants ("HDG's") to states under specified criteria and conditions for new construction or substantial rehabilitation of real property to be used primarily for residential rental purposes; and

WHEREAS, the State of Louisiana (the "state") has the power to submit HDG applications on behalf of units of general local government and to qualify as an applicant under the Housing Act; and

WHEREAS, the state has been delegated the authority by various such local governmental units to act on their behalf in applying for, receiving, and administering HDG's; and

WHEREAS, the Louisiana Housing Finance Agency ("LHFA"), a corporate body politic and political subdivision of the state created under the Louisiana Housing Finance Act contained in Chapter 3-A of Title 40 of the Louisiana Revised Statutes of 1950, as amended, (the "Act") is a state agency and has the power to administer as agent for and on behalf of the state HDG's conditioned on an appropriate delegation agreement between the state and LHFA so that LHFA may provide all administrative responsibilities under the Housing Act and regulations promulgated pursuant thereto and under certain grant agreements and letters of credit with respect to the projects which may be awarded an HDG, subject in every instance to the state being ultimately responsible for HDG program requirements; and

WHEREAS, the Act authorized LHFA to execute contracts and all other instruments necessary or convenient for the exercise of its powers and functions with any federal or state governmental agency, public or private corporation, lending institution or other entity or person; and

WHEREAS, the Act provides for the designation of a president and vice-president of LHFA who shall constitute offi-

cers of the state of Louisiana; and

WHEREAS, it is necessary and expedient to designate certain persons and/or entities as agents of the office of governor and of the state for the purpose of facilitating the application for and administration of HDG's;

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

SECTION 1: The president and vice-president of the Louisiana Housing Finance Agency as officers of the state are hereby appointed individually and/or jointly as agents and/or designees of the governor for the purpose of executing, certifying, acknowledging or verifying information or documents (including the project application and the HUD/Grantee Grant Agreement) which are required or expedient to apply for and/or administer the HDG for the state, provided that it is hereby expressly acknowledged that the state retains ultimate responsibility for enforcement of HDG program requirements.

SECTION 2: The Louisiana Housing Finance Agency is hereby authorized and designated to serve as agent of the state of Louisiana for the purpose of administering housing development grants awarded to the state pursuant to applicants submitted to the U.S. Department of Housing and Urban Development by the state in calendar year 1987 and all subsequent calendar years, provided that it is hereby expressly acknowledged that the state has ultimate responsibility for enforcement of HDG program requirements.

SECTION 3: The Louisiana Housing Finance Agency shall evidence its acceptance of this authorization and designation by an appropriate resolution adopted by its Board of Commissioners and upon evidence of the adoption of such a resolution, the same and this executive order shall jointly constitute a delegation agreement as may be required by HUD with respect to any and all projects receiving a HDG through applications submitted by the state in calendar year 1987 and subsequent calendar years.

SECTION 4: This executive order shall be effective on the date of execution by the governor.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the state of Louisiana to be affixed, done at the State Capitol in the city of Baton Rouge, Louisiana, this 1st day of September, 1988.

Buddy Roemer  
Governor

ATTEST:  
Fox McKeithen  
Secretary of State

### EXECUTIVE ORDER BR 88-37

WHEREAS, Section 252 of the Tax Reform of 1986 added a new Section 42 to the Internal Revenue Code of 1986 (the "Code") which establishes a low-income housing credit to be allocated to qualified low-income housing projects in an aggregate amount not to exceed the state housing credit ceiling by a housing credit agency of the state of Louisiana (the "state"); and

WHEREAS, the term "housing credit agency" means any agency authorized by the governor or by state law, if applicable, to carry out the provisions of the Code relating to low-income housing credits; and

WHEREAS, the Louisiana Housing Finance Agency (the "agency") was created to facilitate the provision of decent, safe and sanitary residential housing at affordable prices to persons and families of low and moderate income; and

WHEREAS, the agency has been provided all the powers necessary or convenient to carry out and effectuate the purposes and provisions of the Louisiana Housing Finance Act contained in Chapter 3-A of Title 40 of the Louisiana Revised Statutes of 1950, as amended; and

WHEREAS, the governor now deems it desirable and expedient to designate the Louisiana Housing Finance Agency as the housing credit agency under Section 42 of the Code to allocate the low-income housing credit in order to carry out its public purpose;

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

SECTION 1: The Louisiana Housing Finance Agency (the "Agency") is hereby designated the "housing credit agency" as defined in Section 42(h)(7)(A) of the Internal Revenue Code of 1986 (the "Code"), for the state of Louisiana (the "state").

The agency is hereby further authorized to act on behalf of the state to establish an allocation and/or application procedure consistent with the Code, which may include the provision of reasonable application charges, for the allocation of the state's low-income housing credit ceiling.

SECTION 2: This executive order shall be effective on the date of execution by the governor and shall remain effective unless amended or rescinded by a subsequent executive order or an appropriate state statute as provided for in Section 42(h)(3)(E) of the Code.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Louisiana to be affixed, done at the State Capitol in the City of Baton Rouge, Louisiana, this 1st day of September, in year of our Lord One Thousand Nine Hundred and Eighty Eight.

Buddy Roemer  
Governor

ATTEST:  
Fox McKeithen  
Secretary of State

### EXECUTIVE ORDER BR 88 - 38

WHEREAS, the public policy of the state of Louisiana is to support technology transfer and utilization of the science and technology resources of the federal government, to promote the adaptation of technological innovations to the state and local government use, to enhance technological innovations for commercial and public purposes in Louisiana, to improve the economic, environmental and social well being of all Louisianians and to encourage the exchange of scientific and technical personnel among academia, industry, state and local governments and federal laboratories; and

WHEREAS, the Louisiana Department of Economic De-

velopment is the state agency specifically charged with the responsibility of promoting high technology development as well as other economic development programs in the state;

NOW THEREFORE I, BUDDY ROEMER, governor of the state of Louisiana, pursuant to the authority of the Constitution of the State of Louisiana, and in order to ensure that Louisiana's technology transfer programs will be implemented for the general welfare of the citizens of Louisiana, do hereby order and direct as follows:

SECTION 1: All resources, rights and responsibilities of any and all technology transfer programs conducted in cooperation with the National Aeronautical and Space Administration/National Space Technology Laboratory in Hancock County, Mississippi are resident in the Department of Economic Development.

SECTION 2: The secretary of Economic Development shall enter into a cooperative agreement with NASA/NSTL and shall develop a mechanism and comprehensive work program for delivery of services for a Louisiana Technology Transfer Center to be housed at the NASA/NSTL in Hancock County, Mississippi.

SECTION 3: It shall be the duty of every department, agency, office, institution and political subdivision of the state of Louisiana, and the officers thereof, to cooperate with and assist the Department of Economic Development technology transfer program in every reasonable way.

SECTION 4: This order shall be effective upon signature of the governor.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 1st day of September, 1988.

Buddy Roemer  
Governor

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State

# Emergency Rules

## DECLARATION OF EMERGENCY

### Department of Economic Development Office of Financial Institutions

The Office of Financial Institutions, Department of Economic Development, hereby adopts, as an emergency rule to

become effective September 20, 1988, the depositor preference rule to be made applicable to all state chartered financial institutions whose deposits are insured by an agency of the federal government. Depositors whose deposits are greater than the insured amount stand to lose inestimable amounts of money in the event an institution is closed and placed in receivership. At present, only depositors of banks are entitled to depositor preference in liquidation proceedings. The number of credit unions and thrifts which will be placed in receivership in the foreseeable future cannot be ascertained with accuracy but several were placed in receivership in 1987 and 1988. Without this emergency rule thrift and credit union depositors will suffer severe financial losses which will have a ripple effect on employment, retail sales, other services, and tax collections by various entities.

No fiscal impact statement is required because the foregoing rule is being adopted as an emergency rule. R.S. 49:953(E).

The commissioner of financial institutions has directed letters to the governor and the attorney general of Louisiana, informing each of them that an emergency exists and the reason for that finding, thus asking for dispensation from notice or hearing requirements of R.S. 49:953(A).

The text of the rule and the authority for its adoption are stated as follows:

### RULE

Pursuant to the authority granted to the commissioner of financial institutions by R.S. 6:121(B)(1) and (C), and R.S. 49:953(B), the commissioner adopts an emergency rule making the depositor preference rule, as contained in Chapter 3, Part II, of Title 6 of the Louisiana Revised Statutes, applicable to all financial institutions chartered by the state and whose deposits are insured by an agency of the federal government.

The emergency rule will not have any fiscal impact on this agency. The economic impact on closed institutions' depositors is inestimable.

Institutions entitled to written notification, as provided by R.S. 6:121(C) will be notified of the content of the rule, as well as the effective date.

The text of the emergency rule is as follows:

#### Distribution of Assets.

A. All claims against the assets of a state chartered financial institution whose deposits are insured by an agency of the federal government, proved to the receiver's satisfaction, or approved by the receivership court, shall be paid in the following order:

1. administration expenses of the liquidation;
2. claims given priority under other provisions of state or federal law;
3. deposit obligations;
4. other general liabilities;
5. debt subordinated to the claims of depositors and general creditors;
6. equity capital securities.

B. No interest on any claim shall be paid until all claims within the same class have received the full principal amount of the claim.

This rule shall take effect September 20, 1988.

Fred C. Dent  
Commissioner



## DECLARATION OF EMERGENCY

### Department of Economic Development Minority and Women's Business Enterprise Office of the Secretary

The Division of Minority and Women's Business Enterprise is exercising the emergency provisions of the Administrative Procedure Act R.S. 49:953B to amend LAC 19:1303 relative to certification procedures.

#### Chapter 3. Certification §303. Procedure

A. Companies must complete all portions of the certification materials and return them as specified in the following subsections in order to be considered for certification under the women's set-aside program.

B. The following documents plus any specified attachments constitute the certification materials required from women-owned companies interested in providing goods, services or supplies under R.S. 39:1551-1755:

1. Certification Resume (Form #DA 3302: Revised 4/85) which must be completed and returned to the State Central Purchasing Section of the Division of Administration at Box 94095, Baton Rouge, LA 70804-9095. The following attachments must accompany the Certification Resume when it is submitted:

a. Legal ownership documents (articles of incorporation, partnership agreements, stock ownership/distribution agreements), financial statements of the company which indicate the ownership of major assets as well as the principal stockholders in the corporation, company balance sheets, federal income (business) tax statements for the past three years, state and city licenses (whichever applicable), a copy of the bank signature card for the business, resume of corporate shareholders and employees, organizational chart, equipment ownership and rental certificates, supplier contract and relationship between distributor and prime contractor (if applicable), any additional legal documents that would reflect ownership and control.

b. All information requested on the Certification Resume must be supplied, and the document itself must be notarized as indicated prior to submittal.

Misrepresentation of any of the information submitted is in violation of Act 713.

C. For women vendors interested in providing professional, personal or consulting services under R.S. 39:1481-1526 or who are interested in construction contract work in connection with public works projects under R.S. 38:2184-2317, the following documents plus specified attachments shall constitute the required certification materials:

1. Certification Resume (Form #DA 3302 Revised 4/85) plus attachments as specified in 303.B.1.a above.

2. A listing, on company letterhead, of the subject areas of expertise of the vendor company, to include resumes of key personnel, plus a list describing previous work done in each subject area with sufficient identification of the client and a contact person (name, title, business address, telephone number) for each client listed, such that references might be obtained.

3. All of the above materials must be submitted directly to the Office of Minority and Women's Business Enterprise for certification of these vendors.

D. The Louisiana Department of Transportation and Development will continue to certify, in accordance with its own procedures, women-owned business contractors who wish to

perform work under Chapter 1 of Title 48. The Office of Minority and Women's Business Enterprise will accept such certifications as equivalent to its own.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1731-1738.

Comments in writing should be directed to Angelisa M. Harris, Executive Director, Office of Minority and Women's Business Enterprises, Department of Economic Development, Box 94185, Baton Rouge, LA 70804-9185.

Angelisa M. Harris  
Executive Director

## DECLARATION OF EMERGENCY

### Department of Economic Development Racing Commission

#### Title 35 HORSE RACING Part XIII. Wagering

#### Chapter 112. Twin Trifecta

##### §11201. Twin Trifecta

A. - D. ...

E. After wagering closes for the first half of the twin trifecta, the commissions will be deducted from the pool in accordance with laws of the state. The remaining pool will then be divided into two separate pools of 70 percent and 30 percent.

F. The monies in the 30 percent portion of the divided pool shall be distributed to the holders of the twin trifecta tickets selecting the first three horses in order, on the first designated twin trifecta race, in accordance with established pari-mutuel practice.

G. The 70 percent portion of the divided pool shall be placed in a separate pool to be distributed to the holders of the second half twin trifecta tickets selecting the first three horses in order, on the second designated twin trifecta race, in accordance with established pari-mutuel practice.

H. - R. ...

Alan J. LeVasseur  
Executive Director

## DECLARATION OF EMERGENCY

### Department of Elections and Registration Office of Management Information Services

In accordance with the emergency provisions of the Administrative Procedure Act (R.S. 49:953(B)) and under the authority of R.S. 36:662, the Department of Elections and Registration hereby adopts the emergency rule detailed below which provides a fee basis to be utilized in assessing parishes for 25 percent of the cost of the statewide voter registration system for fiscal year 1989 effective August 22, 1988.

**Title 31  
ELECTIONS**

**Part II. Office of Management Information Services**

**Chapter 3. Statewide Voter Registration System**

**§301. Purpose**

During the 1988 Regular Session of the Legislature, an amendment to the General Appropriations Bill, House Bill 626 (Act 19), was adopted which requires the Department of Elections and Registration to charge parishes for 25 percent of the cost of the operation and maintenance of the total statewide voter registration system for fiscal year 1989.

**§303. Usage Fee**

Parishes shall be charged a usage fee of 28.26 cents per registered voter for each parish for fiscal year 1989. This fee shall be based upon the total number of registered voters for each parish as of July 1, 1988.

This emergency rule promulgation was necessitated due to the amendments to the Department of Elections and Registration's funding in the General Appropriations Bill.

Jerry M. Fowler  
Commissioner

**DECLARATION OF EMERGENCY**

**Governor's Special Commission  
On Education Services**

In accordance with the Administrative Procedure Act (R.S. 49:953(B)), the Governor's Special Commission on Education Services is requesting emergency rule for implementation of a \$5 fee for each award check processed for the following programs: State Student Incentive Grant, T. H. Harris Scholarship, Rockefeller Scholarship, Paul Douglas Scholarship, and Education Majors Scholarship. The fee would be retroactive to July 1, 1988. Because of this new fee schedule, the \$2.50 application processing fee now in effect will be terminated December 31, 1988. The imposition of this fee schedule has been deemed an emergency and represents the commission's effort to offset budget reductions in scholarship and grant programs by increasing self-generated monies to cover administrative costs of these programs.

Mona H. Durham  
Scholarship/Grant Director

**DECLARATION OF EMERGENCY**

**Department of Health and Hospitals  
Office of Eligibility Determinations**

The Department of Health and Hospitals, Office of Eligibility Determinations, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953-B to adopt the following rule in the Medical Eligibility Program.

It was necessary to adopt this as an emergency rule because the provisions of P.L. 98-378, Section 20, which covered child support collected from August 16, 1984, through September 30, 1988, were not extended.

**RULE**

Effective October 1, 1988, AFDC recipients who become ineligible for a grant as a result of the collection of child or spousal support are no longer eligible for four months of extended Medicaid benefits.

David L. Ramsey  
Secretary

**DECLARATION OF EMERGENCY**

**Department of Health and Hospitals  
Office of Eligibility Determinations**

The Department of Health and Hospitals, Office of Eligibility Determinations, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953-B to adopt the following rule in the Food Stamp Program.

It was necessary to adopt this as an emergency rule as the Drought Relief Act amended the Food Stamp Program's procedures effective for applications received as of September 1, 1988 or allotments issued for the month of September.

**RULE**

Two provisions of the Drought Relief Act changed the Food Stamp Program's procedures pertaining to the determination of eligibility and benefit levels for migrant or seasonal farmworkers. This is effective for applications received as of September 1, 1988 or allotments issued for the month of September, 1988.

**1. Prorations of Initial Month's Benefits (C-652)**

The first provision affects the proration of benefits after a break in participation in the Food Stamp Program. This provision requires that migrant and seasonal farmworkers receive the *full* allotment for a month of application when the household has participated in the program within 30 days prior to the date of application. Thus, unless the households' break in participation exceeds 30 days, the migrant or seasonal farmworker household is eligible for a full month's allotment, rather than a prorated allotment, in the month of application. A local ATP card shall be issued for the full allotment.

**2. Income exclusion for Emergency PA or GA Assistance Payments**

The second provision provides an income exclusion for any emergency PA or GA assistance payment which is provided to a third party on behalf of the migrant or seasonal farmworker household (i.e., vendor payments) while the household is in the job stream. This assistance may include, but is not limited to, emergency vendor payments for housing or transportation.

David Ramsey  
Secretary

## DECLARATION OF EMERGENCY

### Department of Health and Hospitals Office of Eligibility Determinations

The Department of Health and Hospitals, Office of Eligibility Determinations, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953-B to adopt the following rule in the Refugee Cash Assistance Program.

It was necessary to adopt this as an emergency rule as federal regulations published in the *Federal Register*, Vol. 53, No. 164, Wednesday, August 24, 1988, mandate an implementation date of October 1, 1988. This rule hereby amends the rule entitled "Cuban/Haitian Program Limitation", published in the *Louisiana Register*, Vol. 8, No. 4, April 20, 1982, page 189.

#### RULE

Effective October 1, 1988, the period of eligibility for the special programs of Refugee Cash Assistance (RCA) and Refugee Medical Assistance changes from a 18-month period beginning with the first month a refugee entered the United States to a 12-month period beginning with such first month.

David L. Ramsey  
Secretary

# Rules

#### RULE

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

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 3:1433, notice is hereby given that the Department of Agriculture and Forestry, Seed Commission, adopted the following rules and regulations:

#### Title 7

#### AGRICULTURE AND ANIMALS Part XIII. Seeds

#### Chapter 87. Rules and Regulations Pursuant to the Louisiana Seed Law

#### Subchapter A. Rules and Regulations for the Enforcement of the Louisiana Seed Law

#### §8713. License Fee; Laboratory Fees

- A. The annual fee for a seed dealer's license shall be \$50.
- B. The following laboratory fees shall be applicable to all seed testing conducted by this department:
  1. standard germination test only, purity test only or noxious weed examination only: \$4 each (except grasses, mixtures and seed containing high inert: \$8 each);
  2. complete test (purity and germination): \$7 each (except grasses, mixtures and seed containing high inert: \$12 each);

3. accelerated aging: \$10 each;
4. Texas Cool Test: \$8 each;
5. Tetrazolium: \$8 each; and
6. examination of four-pound rice seed sample for presence of red rice: \$2.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1433.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Seed Commission, LR 4:105 (April 1978), amended LR 7:164 (May 1981); repealed and readopted by the Department of Agriculture and Forestry, Seed Commission, LR 12:825 (December 1986), amended LR 14: (September 1988).  
**§8714. Inspection Fees on Agricultural Seed**

In addition to the requirements of the Act, any person who sells, distributes, or offers or handles for sale agricultural seed within this state for planting purposes shall pay an inspection fee thereon in accordance with the following:

A. All seed dealers shall pay an inspection fee of \$.10 for each 100 pounds of agricultural seed sold, offered for sale, exposed for sale, or otherwise distributed for sale for planting purposes within this state. The inspection fee shall be due on the total pounds of first point of sales distributions in Louisiana by the seller of the seed.

EXCEPTION: The payment of an inspection fee is not required for a person who offers for sale, sells, or distributes Louisiana certified tagged seed upon which inspection fees have already been paid.

B. Records must be kept by the seed dealer showing the total pounds of each lot identified as to the kind and variety (when applicable). In addition, for auditing purposes, records must be kept by the seed dealer showing the invoice number for each distribution of seed, identified with the name of the kind and variety (when applicable), the lot number, pounds of seed, and number of containers of seed, and the person, to whom the seed was distributed.

C. Each seed dealer shall file with the department a quarterly report (supplied by the department) covering the following periods: first quarter - July, August, September; second quarter - October, November, December; third quarter - January, February, March; fourth quarter - April, May, June. Reports and fees shall be filed with the department no later than 30 days following the end of each quarter. The department may assess a 10 percent additional charge for late reports. If a seed dealer has no sales during the quarterly reporting period the department must be notified accordingly.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1433.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Seed Commission LR 14: (September 1988).

#### §8729. Application Deadlines

- A. Corn - a minimum of 30 days prior to pollination
- B. Onion bulbs and seed, and shallots - March 1
- C. Clover (crimson, red, white), rescue grass, harding grass, vetch, and Irish potatoes) - April 1
- D. Oats, wheat, ryegrass, singletary peas - April 15
- E. Watermelon, sweet potatoes and sweet potato plants, tissue culture sugarcane - May 1
- F. Okra - June 15
- G. Cowpeas - a minimum of 30 days prior to harvest
- H. Rice - July 1

I. Cotton, millet, sesame, sunflower, tree - July 15

J. Soybeans - August 1

K. Bermuda grasses

1. New plantings - minimum of 30 days prior to harvest

2. Established stands (fields certified the previous year) -

June 1. Renewal application must be submitted.

L. Turf grasses

1. New plantings - at least 15 days prior to land preparation for planting

2. Established stands (fields certified the previous year) -

June 1. Renewal application must be submitted.

M. Tomatoes (Spring) - June 1 (Fall) - July 15

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1433.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Seed Commission, LR 8:565 (November 1982), amended LR 9:195 (April 1983), repealed and readopted by the Department of Agriculture and Forestry, Seed Commission, LR 12:825 (December 1986), amended LR 13:155 (March 1987), LR 12:232 (April 1987), LR 14: (September 1988).

**§8741. Fees**

A. The application fee for certification shall be \$15 for each crop, one variety per application, plus \$.60 per acre inspection fee for all crops except sweet potatoes and sugarcane which shall be \$.90 per acre.

The application fee shall be due and payable upon filing of the application for certification.

B. The fee for certification on any application submitted after the deadline shown in LAC 7:XIII.8729 shall be \$100.

C. A fee of \$25 shall be charged for each reinspection of a field.

D. Fees for issuance of certified seed tags shall be \$.08 each for the following classes of seed:

1. breeder (white tag);

2. foundation (white tag);

3. registered (purple tag);

4. certified (blue tag);

5. selected tree seed (green tag); and

6. source-identified tree seed (yellow tag)

E. Fees for Sweet Potatoes

A fee of \$.05 per 1,000 plants shall be collected for each 1,000 sweet potato plants inspected for certification purposes.

F. Fees for Bulk Certification

The fee for issuance of a bulk seed certificate shall be \$.08 per bushel for each bushel in the lot being certified.

G. Fees for Phytosanitary Field Inspection

A fee of \$.50 per acre shall be charged for phytosanitary inspections.

The application fee for phytosanitary inspection shall be due and payable upon filing of the application for certification.

H. Fees for Re-sampling Certified Seed

A fee of \$15 shall be charged for each re-sample, which fee shall be due and payable when the request for re-sample is initially made.

I. Fees for Bulk Sampling

A fee of \$25 shall be charged for each bulk sample by vacuum probe, which shall be due and payable when request for bulk sample is initially made.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1433.

HISTORICAL NOTE: Promulgated by the Department of

Agriculture, Seed Commission, LR 8:566 (November 1982), amended LR 10:495 (July 1984); repealed and readopted by the Department of Agriculture and Forestry, Seed Commission, LR 12:825 (December 1986), amended LR 14: (September 1988).

**§8810. Tomato Seed Certification Standards**

A. Inspections

1. At least two field inspections shall be made.

2. One inspection shall be made when crop is at or near full fruit.

B. Field Standards

Factor	Foundation	Registered	Certified
Land requirement	2 yr.	2 yr.	2 yr.
Isolation	200 ft.	100 ft.	30 ft.
Other Varieties & off-type plants	None	0.05 %	0.1 %
Tomato Mosaic Virus	0.20 %	0.20 %	0.50 %
Bacterial spot	0.50 %	1.00 %	1.00 %
Bacterial speck	0.50 %	1.00 %	1.00 %
Bacterial canker	None	None	0.10 %
Early blight	0.50 %	1.00 %	1.00 %
Phytophthora foot rot	1.00 %	1.00 %	1.00 %
Septoria foliage blight	0.50 %	1.00 %	1.00 %
Nailhead spot	0.50 %	1.00 %	1.00 %
Phoma rot	0.50 %	1.00 %	1.00 %
Fusarium wilt	1.00 %	1.00 %	1.00 %
Late blight	1.00 %	1.00 %	1.00 %

C. Management

Fields designated for production of any certified class of seed shall have no fruits removed for marketing purposes.

D. Seed Standards

Factor	Foundation	Registered	Certified
Pure Seed	99.00 %	98.00 %	98.00 %
Inert matter	1.00 %	2.00 %	2.00 %
Other crops	None	None	0.01 %
Other varieties	None	0.10 %	0.20 %
Noxious weeds	None	None	None
Other weeds	None	0.01 %	0.03 %
Germination	75.00 %	75.00 %	75.00 %

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1433.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Seed Commission, LR 14: (September 1988).

Bob Odom  
Commissioner

**RULE**

**Department of Agriculture and Forestry  
Office of Agricultural and Environmental Sciences  
Seed Commission**

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 3:1433, notice is hereby given that the Department of Agriculture and Forestry, Seed Commission, amended the following rules and regulations:

**Title 7**  
**AGRICULTURE AND ANIMALS**  
**Part XIII. Seeds**

**Chapter 87. Rules and Regulations Pursuant to the Louisiana Seed Law**

**Subchapter A. Rules and Regulations for the Enforcement of the Louisiana Seed Law**

**§8709. List and Limitations of Noxious Weed Seed**

NAME	LIMITATIONS
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. Itchgrass ( <i>Rottboellia exaltata</i> L., <i>R. cochinchinensis</i> )	Prohibited
5. Balloon Vine ( <i>Cardiospermum halicacabum</i> )	Prohibited
6. Spearhead ( <i>Rhynchospora</i> spp.)	5 per lb.
7. Purple Moonflower ( <i>Ipomoea turbinata</i> )	9 per lb.
8. Red Rice ( <i>Oryza sativa</i> var.)	9 per lb.
9. Wild Onion and/or Wild Garlic ( <i>Allium</i> spp.)	9 per lb.
10. Balloon Vine ( <i>Cardiospermum halicacabum</i> )	18 per lb.
11. Canada Thistle ( <i>Cirsium arvense</i> )	100 per lb.
12. Dodder ( <i>Cuscuta</i> spp.)	100 per lb.
13. Johnsongrass ( <i>Sorghum halepense</i> )	100 per lb.
14. Quackgrass ( <i>Agropyron repens</i> )	100 per lb.
15. Russian Knapweed ( <i>Centaurea repens</i> )	100 per lb.
16. Blueweed, Texas ( <i>Helianthus ciliaris</i> )	200 per lb.
17. Bermuda Grass ( <i>Cynodon dactylon</i> )	300 per lb.
18. Bracted Plantain ( <i>Plantago aristata</i> )	300 per lb.
19. Buckhorn Plantain ( <i>Plantago lanceolata</i> )	300 per lb.
20. Cheat ( <i>Bromus secalinus</i> )	300 per lb.
21. Hairy Chess ( <i>Bromus commutatus</i> )	300 per lb.
22. Corncockle ( <i>Agrostemma githago</i> )	300 per lb.
23. Darnel ( <i>Lolium temulentum</i> )	300 per lb.
24. Dock ( <i>Rumex</i> spp.)	300 per lb.
25. Horsenettle ( <i>Solanum carolinense</i> )	300 per lb.
26. Purple Nightshade ( <i>Solanum elaeagnifolium</i> )	300 per lb.
27. Sheep Sorrel ( <i>Rumex acetosella</i> )	300 per lb.
28. Morning Glory ( <i>Ipomoea</i> spp.)	18 per lb.
29. Wild Poinsettia ( <i>Euphorbia heterophylla</i> , <i>E. dentata</i> )	18 per lb.
30. Wild Mustard and Wild Turnips ( <i>Brassica</i> spp.)	300 per lb.
31. Hemp Sesbania, Coffeebean, Tall Indigo ( <i>Sesbania exaltata</i> )	300 per lb.
32. Teaweed ( <i>Sida rhombifolia</i> )	300 per lb.
33. Curly Indigo ( <i>Aeschynomene virginica</i> )	300 per lb.
34. Mexican Weed ( <i>Caperonia castaneaefolia</i> )	300 per lb.
Sum of total noxious weed (Subject to limitations above)	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.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1431 and R.S. 3:1433.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Seed Commission, LR 4:105 (April 1978), amended LR 5:96 (May 1979), LR 7:285 (June 1981), LR 8:563 (November 1982), LR 9:206 (April 1983), repealed and readopted LR 12:825 (December 1986), amended LR 14: (September 1988).

**Subchapter B. General Seed Certification Requirements**

**§8743. Noxious Weeds**

A. The following weeds, together with the specific limitation shown for each weed, are designated as noxious weeds:

LIMITATIONS ON WEED SEED IN CERTIFIED SEED (BY POUNDS)	
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. Itchgrass ( <i>Rottboellia exaltata</i> L., <i>R. cochinchinensis</i> )	Prohibited
5. Balloon Vine ( <i>Cardiospermum halicacabum</i> )	Prohibited
6. Spearhead ( <i>Rhynchospora</i> spp.)	5 per lb.
7. Purple Moonflower ( <i>Ipomoea turbinata</i> )	9 per lb.
8. Red Rice ( <i>Oryza sativa</i> var.)	9 per lb.
9. Wild Onion and/or Wild Garlic ( <i>Allium</i> spp.)	9 per lb.
10. Balloon Vine ( <i>Cardiospermum halicacabum</i> )	18 per lb.
11. Canada Thistle ( <i>Cirsium arvense</i> )	100 per lb.
12. Dodder ( <i>Cuscuta</i> spp.)	100 per lb.
13. Johnsongrass ( <i>Sorghum halepense</i> )	100 per lb.
14. Quackgrass ( <i>Agropyron repens</i> )	100 per lb.
15. Russian Knapweed ( <i>Centaurea repens</i> )	100 per lb.
16. Blueweed, Texas ( <i>Helianthus ciliaris</i> )	200 per lb.
17. Bermuda Grass ( <i>Cynodon dactylon</i> )	300 per lb.
18. Bracted Plantain ( <i>Plantago aristata</i> )	300 per lb.
19. Buckhorn Plantain ( <i>Plantago lanceolata</i> )	300 per lb.
20. Cheat ( <i>Bromus secalinus</i> )	300 per lb.
21. Hairy Chess ( <i>Bromus commutatus</i> )	300 per lb.

22. Corncockle ( <i>Agrostemma githago</i> )	300 per lb.
23. Darnel ( <i>Lolium temulentum</i> )	300 per lb.
24. Dock ( <i>Rumex spp.</i> )	300 per lb.
25. Horsenettle ( <i>Solanum carolinense</i> )	300 per lb.
26. Purple Nightshade ( <i>Solanum elaeagnifolium</i> )	300 per lb.
27. Sheep Sorrel ( <i>Rumex acetosella</i> )	300 per lb.
28. Morning Glory ( <i>Ipomoea spp.</i> )	18 per lb.
29. Wild Poinsettia ( <i>Euphorbia heterophylla, E. dentata</i> )	18 per lb.
30. Wild Mustard and Wild Turnips ( <i>Brassica spp.</i> )	300 per lb.
31. Hemp Sesbania, Coffeebean, Tall Indigo ( <i>Sesbania exaltata</i> )	300 per lb.
32. Teaweed ( <i>Sida rhombifolia</i> )	300 per lb.
33. Curly Indigo ( <i>Aeschynomene virginica</i> )	300 per lb.
34. Mexican Weed ( <i>Caperonia castaneaefolia</i> )	300 per lb.
Sum of total noxious weed (Subject to limitations above)	500 per lb.

B. Noxious weed seeds are permitted in seed to be certified, within the limitations specified in LAC 7:XIII.8743.A, unless prohibited or otherwise limited under the specific rules for the crop or variety entered for certification. (See LAC 7:XIII.8753 through LAC 7:XIII.8817 for limitations on each noxious weed for each crop or variety.)

C. Limitations on noxious weeds (in the field or in seed to be certified), may be more restrictive for a particular crop or variety to be certified than the limitations shown in LAC 7:XIII.8743.A above. The limitation on noxious weeds stated in LAC 7:XIII.8753 through LAC 7:XIII.8817 shall supersede the limitations shown in LAC 7:XIII.8743.A whenever a more restrictive limitation is stated in the specific requirements for the crop or variety.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1431 and R.S. 3:1433.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Seed Commission, LR 8:566 (November 1982), amended LR 9:197 (April 1983), repealed and readopted LR 12:825 (December 1986), amended LR 14: (September 1988).

### Subchapter C. Requirements for Certification of Specific Crops/Varieties

#### §8783. Rice Seed Certification Standards

##### A. Isolation Requirements

1. Fields offered for certification must be clearly separated from other fields by a ditch, levee, roadway, fence or barren strip a minimum of 10 feet if the adjoining crop is the same variety and same class.

2. In addition to the preceding regulations, the following isolation distances will pertain if the adjoining crop is a different class or different variety:

No. of Feet From Same Variety/Different Class Planted By				No. of Feet From Other Varieties/All Classes Planted By			
Ground		Air Right		Ground		Air Right	
Drill	Broadcast	Angle	Parallel	Drill	Broadcast	Angle	Parallel
10	50	1.320	10	20	10	1.320	100

Any part of the applicant's field or fields which are closer than these distances must be harvested prior to final inspection or plowed up. Failure to comply with this requirement will disqualify the entire field.

#### B. Field Standards

Factor	Breeder	Foundation	Registered	Certified
Land requirement	1 yr.	1 yr.	1 yr.	1 yr.
Other varieties	None	None	10 plants per acre	25 plants per acre
* Harmful diseases	None	None	None	None
Noxious weeds:				
Red Rice (including Black Hull Rice) & Spearhead	None	None	None	4 plants per acre
Curly Indigo			4 plants	4 plants per acre

\* Diseases seriously affecting quality of seed and transmissible by planting stock.

#### C. Seed Standards

Factor	Breeder	Foundation	Registered	Certified
Pure seed	98.00%	98.00%	98.00%	98.00%
Inert matter	2.00%	2.00%	2.00%	2.00%
Other crops, including other varieties	None	None	None	2 seed/lb.
Off-color grains, if of similar size, quality, and maturity	None	5 seed/lb.	10 seed/lb.	20 seed/lb.
Noxious weeds:				
Red Rice (including Black Hull Rice)	None	None	None	1 seed/4 lbs.
Spearhead, Curly Indigo & Mexican Weed	None	None	None	None
Other weeds	0.05%	0.05%	0.05%	0.10%
Germination		80.00%	80.00%	80.00%

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1433.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Seed Commission, LR 8:576 (November 1982), amended LR 9:201 (April 1983), LR 9:754 (November 1983), LR 10:495 (July 1984), repealed and readopted LR 12:825 (December 1986), amended LR 13:157 (March 1987), LR 13:233 (April 1987), LR 14: (September 1988).

#### §8787. Seed Irish Potato Certification Standards (Out-of-State)

A. Conditions governing shipment or movement of seed Irish potatoes into Louisiana shall conform to the following.

1. Certified seed Irish potatoes shipped into Louisiana shall be inspected by a representative of the Louisiana Department of Agriculture and Forestry upon request by an interested party. Request for inspection shall be made prior to shipment by contacting the Louisiana Department of Agriculture and Forestry.

2. A Louisiana Department of Agriculture and Forestry certificate of inspection shall be issued upon inspection, providing the Irish potatoes have met the requirements of this Section.

B. The shipper must register with the Department of Agriculture and Forestry, on a form to be furnished by the department, before making shipments into Louisiana.

C. On or before the date of shipment, the shipper must notify the Department of Agriculture and Forestry of each shipment or movement into Louisiana, using a notification form to be furnished by the Department of Agriculture and Forestry.

D. A certificate from the authorized certification agency of the state or territory of origin must be attached securely to the inside and near the top of the door in refrigerated cars in which the seed Irish potatoes are shipped, or mailed to the Department of Agriculture and Forestry, certifying that:

1. the area in which the seed Irish potatoes were produced is apparently free of late blight infection; or

2. the Irish potatoes were produced in a field apparently free of late blight infection and the tubers on bin or tuber inspection were apparently free of late blight infection.

E. Transit Inspection

1. Certified seed Irish potatoes shipped into Louisiana must be inspected by a representative of the Louisiana Department of Agriculture and Forestry. Requests for inspection shall be made prior to shipment by contacting the Louisiana Department of Agriculture and Forestry.

2. A Louisiana Department of Agriculture and Forestry certificate of inspection must be attached to the bill of lading accompanying each load of potatoes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1433.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Seed Commission, LR 8:578 (November 1982), LR 12:825, amended LR 9:201 (April 1983), repealed and re-adopted LR 12:825 (December 1986), amended LR 14: (September 1988).

Bob Odom  
Commissioner

## RULE

### Department of Economic Development Board of Architectural Examiners

Notice is hereby given in accordance with the provisions of R.S. 49:950 et seq., that the Board of Architectural Examiners, pursuant to notice of intent published May 20, 1988 and under the authority of R.S. 37:144, adopts the rule listed below.

#### Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS Part I. Architects

#### Chapter 11. Administration

##### §1109. Building Construction Cost Defined

In determining the maximum size of new buildings or projects or of existing buildings or projects involving additions, alterations or renovations which do not require the services of a licensed architect, the following construction cost values shall be

utilized in estimating the cost of construction referenced in R.S. 37:155(4)(C).

Occupancy*	\$ Per Square Foot
Storage	20
Factory - Industrial	25
Mercantile	30
Business, Residential (except single family residences)	40
Educational, Institutional	50
Assembly, hazardous	80

\* As defined in Standard Building Code

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Architectural Examiners in LR 14: (September 1988).

Mary "Teeney" Simmons  
Executive Director

## RULE

### Department of Economic Development Office of Financial Institutions

Under authority granted by R.S. 6:121B(1) and 242A(15), the commissioner of financial institutions intends to adopt the following rule for the purpose of increasing fees or charges for exercising regulatory and supervisory authority over state-chartered banks and bank holding companies domiciled in the state of Louisiana as provided for in Act 13 of the First Extraordinary Session of the 1988 Legislature, and all other authority previously granted by state law affecting state-chartered banks and bank holding companies domiciled in the state of Louisiana.

Notice is hereby given in compliance with Act 13 of the First Extraordinary Session of the 1988 Legislature, that the Office of Financial Institutions, pursuant to written approval from the Division of Administration, has increased fees and charges currently assessed by the Office of Financial Institutions for the reservation of a corporate name of a state bank; application for a state bank charter, merger, or consolidation; application for branch office; application for electronic financial terminal machines; application for conversion or merger of a state bank into a national bank; application for organizing or merger of a one-bank holding company for an already existing bank (phantom bank); relocation of main office or branch; special examination fee for state-chartered banks; quarterly assessment at floating rate; annual assessment for bank holding companies domiciled and/or operating in Louisiana; and, examination fee for each bank holding company domiciled in and/or operating in Louisiana, as authorized by Act 13 of the First Extraordinary Session of 1988 Louisiana Legislature, and all authority previously granted by state law affecting state-chartered banks and bank holding companies.

This rule will become effective upon being published in the *Louisiana Register*.

**Title 10  
BANKS AND SAVINGS AND LOANS**

**Part I. Banks**

**Chapter 1. General Provisions**

**§110. Assessments**

**A. Fees and Charges**

Each state bank and bank holding company regulated and supervised by the Office of Financial Institutions shall pay the following increases in fees and charges currently assessed or to be assessed by the Office of Financial Institutions pursuant to the authority granted by Act 13 of the First Extraordinary Session of the 1988 Legislature.

FEE

1. For the reservation of a corporate name of a state bank pursuant to R.S. 6:212(C)(1) \$100
2. Application for a state bank charter, merger, or consolidation pursuant to R.S. 6:331(B)(1) \$10,000
3. Application for a branch office pursuant to R.S. 6:331(B)(2) \$1,000
4. Application for an electronic financial terminal machine pursuant to R.S. 6:331(B)(3) \$500
5. Application for a conversion or merger of a state-chartered bank into a national bank pursuant to R.S. 6:331(B)(4) \$5,000
6. Application for organizing or merger of a one-bank holding company for an already existing bank (phantom bank) pursuant to R.S. 6:331(B)(1) \$1,000
7. Relocation of main office or branch \$1,000
8. Special examination fee pursuant to R.S. 6:331(C)(1); not currently billed (per hour) \$30
9. Quarterly assessment at floating rate to be assessed no later than September 30 of each year, to be determined by the total consolidated assets as of June 30 \$2,658,295
10. Annual assessment for all bank holding companies domiciled and/or operating in Louisiana, to be assessed no later than September 30 of each year to be based upon its total consolidated assets as of June 30 in accordance with the following schedule:
  - a. assets less than \$100,000,000 . . . . . \$350
  - b. assets of \$100,000,000 to \$149,999,999 \$500
  - c. assets greater than \$150,000,000 . . . . . \$650
11. Examination fee for each bank holding company domiciled in and/or operating in Louisiana, pursuant to R.S. 6:515(B)(3). \$30/hour or \$500  
(whichever is greater)

See Exhibit "A" for a list of fees and charges currently assessed by the Office of Financial Institutions in accordance with R.S. 6:212(C)(1), 6:331, and 6.5.15(B)(3) as amended.

**B. Statement of Anticipated Costs and Proceeds**  
The fees to be imposed by the commissioner consist of the following:

Type of fee imposed	Amount generated in FY '88-89	Costs to be offset by increase
Bank name reservation	1,700	1,700
Relocation/application/merger fees	104,000	104,000
Special examination fees	129,000	129,000
Holding company assessment	61,750	61,750
Holding company examination fee	75,000	75,000
Quarterly bank assessment	2,658,295	2,658,295

Cost figures are based on actual expenditures to date plus projected expenditures.

**C. Administration**

1. The commissioner of financial institutions shall administer and carry out the provisions of this Chapter and may issue such regulations and orders that may be necessary to discharge this duty and to prevent evasions of this Chapter.
2. The commissioner may promulgate reporting, examination, and regulations for state-chartered banks and bank holding companies domiciled in the state of Louisiana in accordance with the Administrative Procedure Act.
3. The Commissioner hereby certifies that he has received the requisite written approval to adopt this rule from the commissioner of administration on June 27, 1988.

**Exhibit "A"**

1. Fee increase pursuant to R.S. 6:212(C)(1) from \$5 to \$100.
2. Fee increase pursuant to R.S. 6:331(B)(1) from \$5,000 to \$10,000.
3. Fee increase pursuant to R.S. 6:331(B)(2) from \$500 to \$1,000.
4. Fee increase pursuant to R.S. 6:331(B)(3) from \$200 to \$500.
5. Fee increase pursuant to R.S. 6:331(B)(4) from \$1,000 to \$5,000.
6. Fee increase pursuant to R.S. 6:331(B)(1) from \$250 to \$1,000.
7. Fee increase from \$500 to \$1,000.
8. The special assessment fee has been previously authorized but has not been currently billed pursuant to R.S. 6:331(C)(1).
9. Quarterly assessment at floating rate is in lieu of current semi-annual assessment at fixed rate pursuant to R.S. 6:331(A).
10. The annual assessment for all bank holding companies domiciled and/or operating in Louisiana is a new assessment.
11. Examination fee for bank holding companies is increase in fee set by R.S. 6:515(B)(3) from \$500 to the greater of \$500 or \$30 per hour.

Fred C. Dent  
Commissioner

**RULE**

**Board of Elementary and Secondary Education**

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published June 20, 1988 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the



1979 Regular Session, adopted the rule listed below:

Rule 3.01.51.ww -

The board adopted an amendment to Bulletin 741 to include the revised definition of "Instructional Time" as follows:

"Instructional time: includes scheduled time within the normal school day approved by local systems for teaching courses outlined in the Program of Studies, for parent/teacher conferences wherein the progress of the student or the student's program of study is assessed, and semester or quarterly testing and evaluation of the student according to the adopted school calendar."

Em Tampke  
Executive Director

#### **RULE**

##### **Board of Elementary and Secondary Education**

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published June 20, 1988 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:

Rule 4.01.50(5)

The board adopted the Nonpublic School Standards 6.037.10 and 6.037.11 to read the same as the public school standards on instructional time as follows:

"Two or more partial days may be combined to meet the minimal school year requirement of 175 days of 330 minutes of instructional time."

"The class schedule must be abbreviated in order to ensure that all classes are taught during partial days."

Em Tampke  
Executive Director

#### **RULE**

##### **Board of Elementary and Secondary Education**

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published June 20, 1988 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:

Rule 3.01.51.yy

The board deleted the procedural blocks in Bulletin 741 which refer to SACS standards on private piano instruction. (See pages 85 and 87 of Bulletin 741.)

Em Tampke  
Executive Director

#### **RULE**

##### **Board of Elementary and Secondary Education**

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

June 20, 1988 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:

Rule 3.01.70.mm

The board amended Latin certification requirements (Bulletin 746) with the following amendment for elementary foreign language teachers:

"A passing score on the ACTFL/ETS Oral Proficiency Interview is not required for certification in Latin."

Em Tampke  
Executive Director

#### **RULE**

##### **Board of Elementary and Secondary Education**

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published June 20, 1988 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:

Rule 4.00.72.e

The board adopted an amendment to Bulletin 1196, Louisiana Food and Nutrition Programs Policies of Operation, page 31 to read:

"A program serving 500 or more meals daily may have a Food Production Manager."

Em Tampke  
Executive Director

#### **RULE**

##### **Board of Elementary and Secondary Education**

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published June 20, 1988 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:

Rule 4.00.04.j

The board suspended Part B, II-A Teacher Aides in Bulletin 1706 for self-contained classrooms for gifted students until such time as revisions in the regulations are proposed or funds are appropriated for this purpose.

Em Tampke  
Executive Director

#### **RULE**

##### **Board of Elementary and Secondary Education**

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

June 20, 1988 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:

Rule 4.05.00

Teacher Certification Fee Schedule

Effective July 1, 1988

All Certification Fees are Nonrefundable

Initial Certificate Application Fee	In-State	Out-of-State
Teaching Certificates	\$25	\$40
Type C certificate		
Temporary Certificate		
(Initial certificate only)		
Emergency permit		
Temporary employment permit		
Ancillary Certificate	\$25	\$40
VTIE	\$25	
Additional Certification Endorsement/Transactions		\$15
Additional endorsement to certificate		
Higher Certificate		
Name Change		
Adding degree		
Extension		
Written evaluation (limit 2)		
Reissuance of temporary certificate (no charge)		
Initial Certificate Application Fee	In-State	Out-of-State
Duplicate Certificate		\$15
Copies of Material in Folder		\$ 5
Letters - per letter		
Transcripts - each university		
NTE scores		
Bulletin 746, Louisiana Standards for State Certification of School Personnel		
Part A - Teachers, Administrators and Ancillary Personnel		\$ 6
Part B - Vocational-Technical Personnel		\$ 2
Certified Check or Money Order to be made payable to the Louisiana Department of Education.		
Fee Valid for one year pending completion of transaction or request. Effective, July 1, 1988.		

Em Tampke  
Executive Director

## RULE

### Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published June 20, 1988 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:

Rule 4.03.01

The board adopted the Program Plan for the Administration of Vocational Education for one year.

Em Tampke  
Executive Director

## RULE

### Department of Environmental Quality Air Quality Division

In accordance with the provisions of Act 13 of the 1988 First Extraordinary Session of the Louisiana Legislature, and with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.), the Department of Environmental Quality, Air Quality Division announces the adoption of the revised permanent fee schedule effective July 1, 1988:

### Title 33 ENVIRONMENTAL QUALITY

#### Part III. Air

#### Chapter 65. Rules and Regulations for the Fee System of the Air Quality Control Programs

##### §6501. Scope and Purpose

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1084.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division in LR 13:741 (December 1987); amended LR 14: (September 1988).

##### §6503. Authority

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1084.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division in LR 13:741 (December 1987); amended LR 14: (September 1988).

##### §6505. Definitions

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1084.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division in LR 13:741 (December 1987); amended LR 14: (September 1988).

##### §6507. Application Fees

Each application or amendments thereto for which a fee is prescribed shall be accompanied by a remittance in the full

amount of the fee. No application or amendments thereto shall be accepted or processed prior to payment of the full amount specified. No permit, license, registration, or variance, unless otherwise authorized by the secretary, shall be issued until such check or draft has been accepted by the bank or drawee and the department's account has been credited with the amount of the fee.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:1084.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division in LR 13:741 (December 1987); amended LR 14: (September 1988).

**§6509. Annual Fees**

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

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:1084.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division in LR 13:741 (December 1987); amended LR 14: (September 1988).

**§6511. Methodology**

**A. Formula to apportion fees**

Annual Maintenance Fee (based on type of facility and on rated production capacity/throughput)	Variable
New Application Fee (based on type of facility and on rated production capacity/throughput)	Variable
Major and Minor Modification Modified Permit Fee (based on type of facility and on rated production capacity/throughput)	Variable
PSD Application Fee (based on type of facility and on rated production capacity/throughput)	Surcharge of 50% of the application fee
"NESHAP" Maintenance Fee (based on type of facility and on rated production capacity/throughput)	surcharge of 25% of the Annual Maintenance Fee for that particular process/plant
"NSPS" Maintenance Fee (based on type of facility and on rated production capacity/throughput)	surcharge of 25% of the permit application fee
Research fee for alternate disposal of hazardous waste	Surcharge of 6.1% of the annual maintenance fee for those facilities that generate hazardous waste

**B. Fee Methodology**

1. All persons required to obtain a new or modified permit shall be subject to a permit fee (see fee schedule). This fee shall be submitted with any application for a new or modified permit. The annual maintenance fee for a new or modified source shall be paid during the fiscal year in which the process specified in the permit comes on line.

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

3. The permit fee for multiple source permits shall be

equal to the total amounts required by the individual processes involved, as listed in the Table.

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

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

6. If a process is not listed in the Fee Schedule and is not a source type exempted from fees by this regulation, then the department shall assign a fee based on the most similar processes and negotiated separately. The Air Quality Division (AQD) shall analyze each permit request to determine the number of processes involved and the permit fee associated with each.

7. Periodically, the Air Quality Division (AQD) shall re-evaluate the permit fee schedule based upon the previous fiscal year's reasonable costs involved in the operation of the permit system and shall adjust fees in the Table, so as to recover the reasonable costs, and submit such revised schedule to the secretary for approval.

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

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

10. Annual maintenance fees (AMF) are not prorated. If a facility operates any part of a year or at a reduced rate during the year, the full annual maintenance fee is still charged. In order for the annual maintenance fee to be cancelled, the facility must not operate at all during the year and the permit to operate for the facility must be cancelled. This action would require that a new permit be issued before the facility could be operated again. Failure to pay the annual maintenance fee will cause the permit for the facility covered by the fee to be cancelled.

11. When a permanent shutdown occurs and a company properly notifies the Air Quality Division, by official change in the Emission Inventory Questionnaire (EIQ) and permit, the maintenance fee will be dropped for that shutdown portion of

the process/plant in the appropriate fiscal year only if that portion of the process/plant does not operate at any time during that fiscal year.

12. For most fees listed in these regulations, the minor modification fee is equal to the annual maintenance fee (AMF), the major modification fee is three times the AMF, and the new application fee is five times the AMF. Minimum and maximum permit fees shall apply to all categories that have minimum and maximum AMF according to the following table.

<b>Permit Fees</b>		<b>Minimum</b>	<b>Maximum</b>
Minor modification	=	min. AMF	max. AMF
Major modification	=	3 × min. AMF	3 × max. AMF
New application	=	5 × min. AMF	5 × max. AMF

If the above ratio was not used to establish the major modification and new application fees for a category, then the actual ratio of major modification and new application fee to AMF shall be used.

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

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

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

- i. a new facility is added;
- ii. a new operation in an existing facility is added;
- iii. an existing operation is expanded by more than 80 percent in capacity.

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

- i. the modification will trigger PSD review;
- ii. the modification would have triggered PSD review without the use of contemporaneous emission reductions or banked emissions;
- iii. the modification will increase 25 tons/yr. or more of non-attainment pollutant;
- iv. the modification will change emissions over 100 tons/yr.;
- v. the modification will increase capacity of an existing operation by 40 percent.

c. Minor modification fee (based on existing capacity) applies when a modification is not qualified under new application fee or major modification fee.

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1084.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division in LR 13:741 (December 1987); amended LR 14: (September 1988).

**§6513. Determination of fee**

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1084.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division in LR 13:741 (December 1987); amended LR 14: (September 1988).

**§6515. Method of Payment**

Fee payment shall be made by check, draft or money order payable to the Department of Environmental Quality and mailed to the following address: State of Louisiana, Department of Environmental Quality, Air Quality Division, Box 94381, Baton Rouge, LA 70804-9381.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1084.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division in LR 13:741 (December 1987); amended LR 14: (September 1988).

**§6517. Late Payment**

Unless otherwise provided herein, annual fees or other charges not received by 15 days after the due date will be subject to a late charge of an additional 10 percent per month.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1084.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division in LR 13:741 (December 1987); amended LR 14: (September 1988).

**§6519. Failure to Pay**

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1084.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division in LR 13:741 (December 1987); amended LR 14: (September 1988).

**§6521. Effective Date**

A. The application fees prescribed herein shall be effective upon publication in the *Louisiana Register* as adopted.

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1084.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division in LR 13:741 (December 1987); amended LR 14: (September 1988).

§6523. Fee Schedule Listing

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY  
AIR QUALITY DIVISION  
\* FEE SCHEDULE LISTING

APRIL 21, 1988

	AIR CONTAMINANT SOURCE	SICC	ANNUAL COMPLIANCE DETERMINATION	NEW PERMIT APPLICATION	MODIFIED PERMIT FEES		COMMENTS
					MAJOR	MINOR	
0010	COTTON GIN PER BALE GINNED IMMEDIATE PAST SEASON	0724	0.00	0.35	0.21	0.05	
0020	BITUMINOUS COAL AND LIGNITE MINING	1211	506.00	2526.00	1517.00	506.00	
0030	COAL PREPARATION	1211	1264.00	6317.00	3790.00	1264.00	
0040	CRUDE OIL AND NATURAL GAS PRODUCTION (100 - 249 T/YR SOURCE)	1311	101.00	506.00	304.00	101.00	
0041	CRUDE OIL AND NAT GAS PRODUCTION (250 - 499 T/YR SOURCE)	1311	312.00	1560.00	936.00	312.00	
0042	CRUDE OIL AND NAT GAS PROD GREATER THAN 500 T/YR SOURCE	1311	520.00	2080.00	1560.00	520.00	
0050	NATURAL GAS LIQUIDS PER UNIT	1321	253.00	1264.00	758.00	253.00	
0060	CONSTRUCTION SAND AND GRAVEL	1442	101.00	506.00	304.00	101.00	
0070	INDUSTRIAL SAND	1446	101.00	506.00	304.00	101.00	
0080	SALT MINING	1476	1264.00	6317.00	3790.00	1264.00	
0090	SULFUR MINING	1477	1264.00	6317.00	3790.00	1264.00	
0100	COMMERCIAL RICE MILLING	2044	506.00	2526.00	1517.00	506.00	
0110	ANIMAL FEED PREPARATION	2048	506.00	2526.00	1517.00	506.00	
0120	CANE SUGAR, EXCEPT REFINING ONLY	2061	1264.00	6317.00	3790.00	1264.00	
0130	CANE SUGAR REFINING PER 1,000 LB/HR RATED CAPACITY	2062	10.10 MIN. 1248.00	50.54 6240.00	30.32 3744.00	10.10 1248.00	
0140	COTTONSEED OIL MILL	2074	253.00	1264.00	758.00	253.00	
0150	SOYBEAN OIL MILL	2075	178.00	885.00	531.00	178.00	
0160	ANIMAL & MARINE FATS AND OIL (RENDERING) 10,000 OR MORE TON/YR	2077	606.00	3032.00	1819.00	606.00	
0170	ANIMAL & MARINE FATS & OIL (RENDERING) LESS THAN 10,000 TON/YR	2077	304.00	1517.00	910.00	304.00	
0180	SHORTENING, TABLE OILS, MARGARINE AND OTHER EDIBLE FATS AND OILS	2079	126.00	632.00	379.00	126.00	
0190	MALT BEVERAGES	2082	126.00	632.00	379.00	126.00	
0200	COFFEE ROASTING PER 1,000,000 LB/YR RATED CAPACITY	2095	101.06 MIN. 240.00 MAX. 6344.00	505.33 1200.00 31720.00	303.20 720.00 19032.00	101.06 240.00 6344.00	
0210	SAWMILL AND/OR PLANING LESS THAN 25,000 BD FT/SHIFT	2421	253.00	1264.00	758.00	253.00	* NOTE 9 *
0220	SAWMILL AND/OR PLANING MORE THAN 25,000 BD FT/SHIFT	2421	758.00	3790.00	2274.00	758.00	* NOTE 9 *
0230	HARDWOOD MILL	2426	454.00	2274.00	1365.00	454.00	* NOTE 9 *
0240	SPECIAL PRODUCT SAWMILL N.E.C.	2429	454.00	2274.00	1365.00	454.00	* NOTE 9 *
0250	MILLWORK WITH 10 EMPLOYEES OR MORE	2431	454.00	2274.00	1365.00	454.00	
0260	HARDWOOD VENEER AND PLYWOOD	2435	1011.00	5053.00	3032.00	1011.00	
0270	SOFTWOOD VENEER AND PLYWOOD	2436	1011.00	5053.00	3032.00	1011.00	
0280	WOOD PRESERVING	2491	253.00	1264.00	758.00	253.00	

	AIR CONTAMINANT SOURCE	SICC	ANNUAL COMPLIANCE PERMIT DETERMINATION	NEW PERMIT APPLICATION	MODIFIED PERMIT FEES		COMMENTS
					MAJOR	MINOR	
0290	PARTICLEBOARD/WAFERBOARD MANUFACTURE (O.S.B)	2492	1011.00	5053.00	3032.00	1011.00	
0300	HARDBOARD MANUFACTURE	2499	758.00	3790.00	2274.00	758.00	
0310	FURNITURE AND FIXTURES A) 100 OR MORE EMPLOYEES	2511	320.00	1600.00	960.00	320.00	
0320	FURNITURE AND FIXTURES B) MORE THAN 10 & LESS THAN 100 EMPLOYEES	2511	152.00	758.00	454.00	152.00	
0330	PULP MILLS PER TON DAILY RATED CAPACITY	2611	3.78	18.94	11.38	3.78	
		MIN.	2600.00	13000.00	7800.00	2600.00	
0340	PAPER MILL PER TON DAILY RATED CAPACITY	2621	3.78	18.94	11.38	3.78	
	* NOTE 1 *	MIN.	2600.00	13000.00	7800.00	2600.00	
0350	PAPERBOARD MILLS PER TON DAILY RATED CAPACITY	2631	3.78	18.94	11.38	3.78	
		MIN.	2600.00	13000.00	7800.00	2600.00	
0360	PAPER COATING	2641	152.00	758.00	454.00	152.00	
0365	PAPER BAG MANUFACTURE	2643	192.00	960.00	576.00	192.00	
0370	INSULATION MANUFACTURE	2649	253.00	1264.00	758.00	253.00	
0375	FOLDING PAPER BOARD BOXES PER PACKAGING PRESS LINE	2651	253.00	1264.00	758.00	253.00	
		MIN.	1248.00	6240.00	3744.00	1248.00	
0380	CORRUGATED BOXES - CONVERTERS (WITH BOILERS)	2653	379.00	1894.00	1138.00	379.00	
0381	CORRUGATED BOXES - SHEET PLANT	2653	160.00	800.00	480.00	160.00	
0390	BUILDING BOARD AND TILE	2661	1264.00	6317.00	3790.00	1264.00	
0400	COMMERCIAL PRINTING - BLACK AND WHITE PER PRESS	2752	151.60	758.00	454.80	151.60	
		MIN.	728.00	3640.00	2184.00	728.00	
0410	COMMERCIAL PRINTING - COLOR PER PRESS	2752	252.67	1263.34	758.00	252.67	
		MIN.	1248.00	6240.00	3744.00	1248.00	
0420	CAUSTIC/CHLORINE PER 1,000,000 LB/YR RATED CAP BASED ON CHLORINE	2812	2.53	12.64	7.58	2.53	
	* NOTE 2 *	MIN.	1248.00	6240.00	3744.00	1248.00	
0440	INDUSTRIAL GASSES	2813	506.00	2526.00	1517.00	506.00	
0450	INORGANIC PIGMENTS	2816	506.00	2526.00	1517.00	506.00	
0460	ALUMINUM SULFATE PRODUCTION PER 100 TON/YR RATED CAPACITY	2819	1.26	6.32	3.78	1.26	
		MIN.	1040.00	5200.00	3120.00	1040.00	
0470	ALUMINA PER 1,000,000 LB/YR RATED CAPACITY	2819	5.04	25.26	15.15	5.04	
		MIN.	1040.00	5200.00	3120.00	1040.00	
0480	CATALYST MFG & CAT REGENERATION PER LINE	2819	1264.00	6317.00	3790.00	1264.00	
0490	FLUOSILICATES	2819	758.00	3790.00	2274.00	758.00	
0500	INDUSTRIAL INORGANIC CHEMICALS MFG N.E.C. PER 1,000,000 LB/YR	2819	1.26	6.32	3.78	1.26	
		MIN.	728.00	3640.00	2184.00	728.00	
0510	INDUSTRIAL INORGANIC ACIDS N.E.C. PER 1,000,000 LB/YR RATED CAPACITY	2819	12.64	63.17	37.90	12.64	
		MIN.	1248.00	6240.00	3744.00	1248.00	
0520	NITRIC ACID MANUFACTURE PER 1,000 TON/YR RATED CAPACITY	2819	5.04	25.26	15.15	5.04	
		MIN.	1248.00	6240.00	3744.00	1248.00	
0530	PHOSPHORIC ACID MFG PER TON DAILY RATED CAP	2819	1.26	6.32	3.78	1.26	
		MIN.	1040.00	5200.00	3120.00	1040.00	

	AIR CONTAMINANT SOURCE	SICC	ANNUAL COMPLIANCE DETERMI- NATION	NEW PERMIT APPLI- CATION	MODIFIED PERMIT FEES		COMMENTS
					MAJOR	MINOR	
0540	SULPHURIC ACID MANUFACTURE PER TON DAILY RATED CAPACITY	2819	1.26	6.32	3.78	1.26	
		MIN.	1040.00	5200.00	3120.00	1040.00	
0550	POLYETHYLENE/POLYPROPYLENE MANUFACTURE PER 1,000,000 LB/YR RATED CAPACITY	2821	10.10	50.54	30.32	10.10	
		MIN.	1248.00	6240.00	3744.00	1248.00	
0560	PVC MANUFACTURE PER 1,000,000 LB/YR RATED CAPACITY	2821	12.64	63.17	37.90	12.64	
		MIN.	1248.00	6240.00	3744.00	1248.00	
0570	SYNTHETIC RESINS MANUFACTURE N.E.C. PER 1,000,000 LB/YR RATED CAPACITY	2821	12.64	63.17	37.90	12.64	
		MIN.	1248.00	6240.00	3744.00	1248.00	
0580	RUBBER MFG PER 1,000,000 LB/YR RATED CAPACITY	2822	12.64	63.17	37.90	12.64	
		MIN.	1248.00	6240.00	3744.00	1248.00	
0585	PAINT MANUFACTURING AND BLENDING	2851	470.00	2350.00	1410.00	470.00	
0590	CHARCOAL PER OVEN	2861	253.00	1264.00	758.00	253.00	
0600	GUM AND WOOD CHEMICALS PER UNIT	2861	758.00	3790.00	2274.00	758.00	
0610	STYRENE MONOMER PER 1,000,000 LB/YR RATED CAPACITY	2865	5.04	25.26	15.15	5.04	
		MIN.	1248.00	6240.00	3744.00	1248.00	
0620	HALOGENATED HYDROCARBONS PER 1,000,000 LB/YR RATED CAP.	2869	7.58	37.90	22.74	7.58	
		MIN.	1248.00	6240.00	3744.00	1248.00	
0630	ORGANIC OXIDES, ALCOHOLS, GLYCOLS PER 1,000,000 LB/YR RATED CAPACITY	2869	5.04	25.26	15.15	5.04	
		MIN.	1248.00	6240.00	3744.00	1248.00	
0635	OLEFINS & AROMATICS N.E.C. PER 1,000,000 LB/YR RATED CAPACITY	2869	5.04	25.26	15.15	5.04	
		MIN.	1248.00	6240.00	3744.00	1248.00	
0640	AMMONIA MANUFACTURE PER TON DAILY RATED CAPACITY	2873	2.52	12.64	7.58	2.52	
		MIN.	1248.00	6240.00	3744.00	1248.00	
0650	FERTILIZER MANUFACTURE PER 1,000 TON/YR RATED CAPACITY	2873	1.26	6.32	3.78	1.26	
		MIN.	728.00	3640.00	2184.00	728.00	
0660	UREA AND UREAFORM PER 1,000 TON/YR RATED CAPACITY	2873	2.52	12.64	7.58	2.52	
		MIN.	728.00	3640.00	2184.00	728.00	
0670	PESTICIDES MFG PER TRAIN	2879	1011.00	5053.00	3032.00	1011.00	
0680	CARBON BLACK MANUFACTURE PER 1,000,000 LB/YR RATED CAPACITY	2895	15.15	75.79	45.49	15.15	
		MIN.	1248.00	6240.00	3744.00	1248.00	
0690	CHEMICAL AND CHEMICAL PREP. N. E. C. PER 1,000,000 LB/YR	2899	12.64	63.17	37.90	12.64	
		MIN.	1040.00	5200.00	3120.00	1040.00	
0695	CHEMICAL AND CHEMICAL PREP. N.E.C. WITH OUTPUT LESS THAN 1,000,000 LBS/YR	2899	720.00	3600.00	2160.00	720.00	
0700	DRILLING MUD-STORAGE AND DISTRIBUTION	2899	253.00	1264.00	758.00	253.00	
0710	DRILLING MUD-GRINDING	2899	1011.00	5053.00	3032.00	1011.00	
0715	SALT PROCESSING & PACKAGING PER 1,000,000 LB/YR	2899	0.21	1.04	0.62	0.21	
		MIN.	312.00	1560.00	936.00	312.00	
0720	PETROLEUM REFINING PER 1,000 BBL/DAY RATED CAP. CRUDE THRUPUT	2911	63.17	315.84	189.50	63.17	* NOTE 3 *
		MIN.	1248.00	6240.00	3744.00	1248.00	
0730	ASFHALTIC CONCRETE PAVING PLANTS PER TON/HR RATED CAPACITY	2951	1.90	9.50	5.70	1.90	* NOTE 4 *
		MIN.	520.00	2600.00	1560.00	520.00	
0740	ASFHALT BLOWING PLANT (NOT TO BE CHARGED SEPARATELY IF IN REFINERY)	2951	758.00	3790.00	2274.00	758.00	

	AIR CONTAMINANT SOURCE	SICC	ANNUAL COMPLIANCE	NEW PERMIT APPLI-	MODIFIED PERMIT FEES		COMMENTS
			DETERMI-NATION	CATION	MAJOR	MINOR	
0760	BLENDING, COMPOUNDING, OR REFINING OF LUBRICANTS PER UNIT	2992	758.00	3790.00	2274.00	758.00	* NOTE 5 *
0770	PETROLEUM COKE CALCINING PER 1,000 TON/YR RATED CAPACITY	2999	10.10 MIN. 1248.00	50.54 6240.00	30.32 3744.00	10.10 1248.00	
0775	PLASTICS INJECTION MOULDING & EXTRUSION PER LINE	3079	253.00	1264.00	758.00	253.00	
0780	GLASS AND GLASS CONTAINER MFG NATURAL GAS FUEL PER LINE	3229	379.00	1894.00	1138.00	379.00	
0790	CEMENT MANUFACTURE PER 1,000 TON/YR RATED CAPACITY	3241	7.58 MIN. 1040.00	37.90 5200.00	22.74 3120.00	7.58 1040.00	
0800	GLASS AND GLASS CONTAINER MFG FUEL OIL PER LINE	3241	758.00	3790.00	2274.00	758.00	
0810	BRICK MANUFACTURE PER 1,000 TON/YR RATED CAPACITY	3251	3.78 MIN. 520.00	18.94 2600.00	11.38 1560.00	3.78 520.00	
0815	CONCRETE PRODUCTS	3272	256.00	1280.00	768.00	256.00	
0820	READY-MIX CONCRETE	3273	632.00	1920.00	1264.00	632.00	* NOTE 12 *
0830	LIME MANUFACTURE PER 1,000 TON/YR RATED CAPACITY	3274	7.58 MIN. 728.00	37.90 3640.00	22.74 2184.00	7.58 728.00	
0840	GYPSUM MANUFACTURE PER 1,000 TON/YR RATED CAPACITY	3275	7.58 MIN. 728.00	37.90 3640.00	22.74 2184.00	7.58 728.00	
0850	ASBESTOS PRODUCTS PER SITE OR PER PRODUCTION UNIT	3292	1517.00	7581.00	4549.00	1517.00	
0860	CLAY KILN	3295	304.00	1517.00	910.00	304.00	
0870	ROCK CRUSHER	3295	278.00	1390.00	834.00	278.00	
0880	GRAY IRON AND STEEL FOUNDRIES A) 3,500 OR MORE TON/YR PRODUCTION	3321	405.00	2021.00	1213.00	405.00	
0890	GRAY IRON AND STEEL FOUNDRIES B) LESS THAN 3,500 TON/YR PRODUCTION	3321	202.00	1011.00	606.00	202.00	
0900	MALLEABLE IRON FOUNDRIES A) 3,500 OR MORE TON/YR PRODUCTION	3322	405.00	2021.00	1213.00	405.00	
0910	MALLEABLE IRON FOUNDRIES B) LESS THAN 3,500 TON/YR PRODUCTION	3322	202.00	1011.00	606.00	202.00	
0920	STEEL INVESTMENT FOUNDRIES A) 3,500 OR MORE TON/YR PRODUCTION	3324	405.00	2021.00	1213.00	405.00	
0930	STEEL INVESTMENT FOUNDRIES B) LESS THAN 3,500 TON/YR PRODUCTION	3324	202.00	1011.00	606.00	202.00	
0940	STEEL FOUNDRIES NOT ELSEWHERE CLASSIFIED A) 3,500 OR MORE TON/YR PRODUCTION	3325	405.00	2021.00	1213.00	405.00	
0950	STEEL FOUNDRIES NOT ELSEWHERE CLASSIFIED B) LESS THAN 3,500 TON/YR PRODUCTION	3325	202.00	1011.00	606.00	202.00	
0960	PRIMARY SMELTING AND REFINING OF COPPER PER 100,000 LB/YR RATED CAPACITY	3331	5.04 MIN. 1248.00	25.26 6240.00	15.15 3744.00	5.04 1248.00	
0970	ALUMINUM PRODUCTION PER POT	3334	25.26 MIN. 1248.00	126.34 6240.00	75.79 3744.00	25.26 1248.00	
0980	REFINING OF NON-FERROUS METALS N.E.C. PER 1,000 LB/YR RATED CAPACITY	3339	0.03 MIN. 1248.00	0.24 6240.00	0.14 3744.00	0.03 1248.00	
0990	SECONDARY SMELTING OF NON-FERROUS METALS PER FURNACE	3341	758.00 MIN. 1560.00	3790.00 7800.00	2274.00 4680.00	758.00 1560.00	
1000	WIRE MANUFACTURE	3357	506.00	2526.00	1517.00	506.00	
1010	ALUMINUM FOUNDRIES (CASTINGS) PER UNIT	3361	202.00	1011.00	606.00	202.00	



	AIR CONTAMINANT SOURCE	SICC	ANNUAL	NEW	MODIFIED PERMIT		COMMENTS
			COMPLIANCE DETERMI- NATION	PERMIT APPLI- CATION	FEES MAJOR	MINOR	
1020	BRASS/BRONZE/COPPER-BASED ALLOY FOUNDRY PER FURNACE	3362	253.00	1264.00	758.00	253.00	
1030	METAL HEAT TREATING INCLUDING SHOTPEENING	3398	152.00	758.00	454.00	152.00	
1040	METAL CAN MANUFACTURE	3411	506.00	2526.00	1517.00	506.00	
1050	DRUM MANUFACTURING AND/OR RECONDITIONING	3412	758.00	3790.00	2274.00	758.00	
1059	FABRICATED STRUCTURAL STEEL WITH 5 OR MORE WELDERS	3441	506.00	2526.00	1517.00	506.00	
1060	FABRICATED PLATE WORK WITH 5 OR MORE WELDERS	3443	640.00	3200.00	1920.00	640.00	
1070	ELECTROPLATING, POLISHING AND ANODIZING WITH 5 OR MORE EMPLOYEES	3471	152.00	758.00	454.00	152.00	
1080	SANDBLASTING OR CHEM. CLEANING OF METAL A) 10 OR MORE EMPLOYEES	3471	758.00	3790.00	2274.00	758.00	
1090	SANDBLASTING OR CHEM. CLEANING OF METAL B) LESS THAN 10 EMPLOYEES	3471	379.00	1894.00	1138.00	379.00	
1100	COATING, ENGRAVING, AND ALLIED SERVICES A) 10 OR MORE EMPLOYEES	3479	278.00	1390.00	834.00	278.00	
1110	COATING, ENGRAVING, AND ALLIED SERVICES B) LESS THAN 10 EMPLOYEES	3479	152.00	758.00	454.00	152.00	
1120	GALVANIZING AND PIPE COATING EXCLUDING ALL OTHER ACTIVITIES	3479	304.00	1517.00	910.00	304.00	
1130	PAINTING TOPCOAT PER LINE	3479	253.00	1264.00	758.00	253.00	
1140	POTTING PER LINE	3479	152.00	758.00	454.00	152.00	
1150	SOLDERING PER LINE	3479	152.00	758.00	454.00	152.00	
1160	WIRE COATING PER LINE	3479	506.00	2526.00	1517.00	506.00	
1170	OIL FIELD MACHINERY AND EQUIPMENT	3533	253.00	1264.00	758.00	253.00	
1180	POWER CHAIN SAW MANUFACTURE PER LINE	3546	379.00	1894.00	1138.00	379.00	
1190	COMMERCIAL GRAIN DRYER	3559	304.00	1517.00	910.00	304.00	
1195	ELECTRIC TRANSFORMERS PER 1000 UNITS/YEAR	3612	117.52	587.60	352.56	117.52	
		MIN.	320.00	1600.00	960.00	320.00	
1200	ELECTRODE MANUFACTURE PER LINE	3624	354.00	1768.00	1061.00	354.00	
1210	TELEPHONE MANUFACTURE PER LINE	3661	885.00	4422.00	2653.00	885.00	
1220	ELECTRICAL CONNECTOR MANUFACTURE PER LINE	3678	454.00	2274.00	1365.00	454.00	
1230	BATTERY MANUFACTURE PER LINE	3691	506.00	2526.00	1517.00	506.00	
1240	ELECTRICAL EQUIPMENT PER LINE	3694	304.00	1517.00	910.00	304.00	
1245	AUTOMOBILE, TRUCK AND VAN ASSEMBLY PER 1000 VEHICLES PER YEAR CAPACITY	3711	126.34	631.66	378.99	126.34	
		MIN. MAX.	800.00 25272.00	4000.00 126360.00	2400.00 75816.00	800.00 25272.00	
1250	SHIP AND BOAT BUILDING A) 5001 OR MORE EMPLOYEES	3732	3790.00	18950.00	11370.00	3790.00	
1260	SHIP AND BOAT BUILDING B) 2501 TO 5000 EMPLOYEES	3732	2526.00	12634.00	7581.00	2526.00	
1270	SHIP AND BOAT BUILDING C) 1001 TO 2500 EMPLOYEES	3732	1264.00	6317.00	3790.00	1264.00	
1280	SHIP AND BOAT BUILDING D) 201 TO 1000 EMPLOYEES	3732	758.00	3790.00	2274.00	758.00	

SICC	AIR CONTAMINANT SOURCE	SICC	ANNUAL COMPLIANCE	NEW PERMIT APPLI-	MODIFIED PERMIT FEES		COMMENTS
			DETERMI-NATION	CATION	MAJOR	MINOR	
1290	SHIP AND BOAT BUILDING E) 200 OR LESS EMPLOYEES	3732	253.00	1264.00	758.00	253.00	
1300	PLAY GROUND EQUIPMENT MANUFACTURE PER LINE	3949	379.00	1894.00	1138.00	379.00	
1310	GRAIN ELEVATORS A) 20,000 OR MORE TON/YR	4221	808.00	4043.00	2426.00	808.00	
1320	GRAIN ELEVATORS B) LESS THAN 20,000 TON/YR	4221	405.00	2021.00	1213.00	405.00	
1330	A) PETROLEUM,CHEMICAL BULK STORAGE & TER- MINAL(OVER 3,000,000 BBL CAPACITY) * NOTE 6 *	4226	7581.00	37901.00	22741.00	7581.00	
1340	B)PETROLEUM, CHEMICAL BULK STORAGE & TER- MINAL(1,000,000-3,000,000BBL CAP) * NOTE 6 *	4226	5053.00	25267.00	15160.00	5053.00	
1350	C)PETROLEUM,CHEMICAL BULK STORAGE & TER- MINAL(500,001-1,000,000BBL CAP) * NOTE 6 *	4226	2526.00	12634.00	7581.00	2526.00	
1360	D)PETROLEUM,CHEMICAL BULK STORAGE & TER- MINAL(500,000BBL CAP OR LESS) * NOTE 6 *	4226	1264.00	6317.00	3790.00	1264.00	
1361	WHOLESALE DISTRIBUTION OF COKE AND OTHER BULK GOODS PER 1000 TONS/YR CAP. * NOTE 8 *	4463	0.51	2.53	1.50	0.51	
		MIN.	1248.00	6240.00	3744.00	1248.00	
1362	CRUDE OIL PIPELINE - FACILITY WITH LESS THAN 100,000 BBLs STORAGE CAPACITY	4612	560.00	2800.00	1680.00	560.00	
1363	CRUDE OIL PIPELINE - FACILITY WITH 100,000 TO 500,000 BBLs STORAGE CAPACITY	4612	800.00	4000.00	2400.00	800.00	
1364	CRUDE OIL PIPELINE - FACILITY WITH OVER 500,000 BBLs STORAGE CAPACITY	4612	1120.00	5600.00	3360.00	1120.00	
1366	REFINED OIL PIPELINE - FACILITY WITH LESS THAN 100,000 BBLs STORAGE CAPACITY	4613	480.00	2400.00	1440.00	480.00	
1367	REFINED OIL PIPELINE - FACILITY WITH 100,000 TO 500,000 BBLs STORAGE CAPACITY	4613	640.00	3200.00	1920.00	640.00	
1368	REFINED OIL PIPELINE - FACILITY WITH OVER 500,000 BBLs STORAGE CAPACITY	4613	960.00	4800.00	2880.00	960.00	
1370	RAILCAR/BARGE/TANK TRUCK CLEANING HEAVY FUELS ONLY	4742	253.00	1264.00	758.00	253.00	
1380	RAILCAR AND BARGE CLEANING OTHER THAN HEAVY FUELS	4742	1264.00	6317.00	3790.00	1264.00	
1390	TANK TRUCK CLEANING OTHER THAN HEAVY FUELS	4742	758.00	3790.00	2274.00	758.00	
1400	A)ELEC. POWER GEN PER MW (OVER 0.7% S IN FUEL)	4911	11.74	58.75	35.25	11.74	
		MIN.	2392.00	11960.00	7176.00	2392.00	
1410	B)ELEC POWER GEN PER MW(0.7% S OR LESS IN FUEL) * NOTE 7 *	4911	7.04	35.25	21.15	7.04	
		MIN.	1144.00	5720.00	3432.00	1144.00	
1420	C)ELEC. POWER GEN. PER MW (NATURAL GAS FIRED)	4911	3.54	17.63	10.58	3.54	
		MIN.	832.00	4160.00	2496.00	832.00	
1430	NAT. GAS COMP PER 100 H.P. (TURBINES) * NOTE 11 *	4922	5.04	25.26	15.15	5.04	
1440	RECIP. NAT GAS COMP PER 100 H.P. A) ) 50,000 H.P. * NOTE 11 *	4922	22.75	113.71	68.22	22.75	
1450	RECIP. NAT GAS COMP. PER 100 H.P. B) 20,000 TO 50,000 H.P. * NOTE 11 *	4922	25.26	126.34	75.79	25.26	
1460	RECIP. NAT GAS COMP. PER 100 H.P. C)5,000 TO 20,000 H.P. * NOTE 11 *	4922	30.32	151.60	90.94	30.32	
1470	RECIP NAT GAS COMP PER 100 H.P. D) 2,500 TO 5,000 H.P. * NOTE 11 *	4922	35.38	176.85	106.11	35.38	
1480	RECIP. NAT GAS COMP. PER 100 H.P. E) 1,000 TO 2,500 H.P. * NOTE 11 *	4922	37.90	189.50	113.71	37.90	
1490	RECIP. NAT. GAS COMP. F) ( 1,000 H.P. * NOTE 11 *	4922	506.00	1264.00	506.00	506.00	
1500	COAL GASSIFICATION PER \$100,000 CAPITAL COST * NOTE 10 *	4925	5.04	25.26	15.15	5.04	
		MIN.	800.00	4000.00	2400.00	800.00	
		MAX.	40456.00	202280.00	121368.00	40456.00	

	AIR CONTAMINANT SOURCE	SICC	ANNUAL COMPLIANCE DETERMI-NATION	NEW PERMIT APPLI-CATION	MODIFIED PERMIT FEES		COMMENTS
					MAJOR	MINOR	
1510	CO-GENERATION PER \$100,000 CAPITAL COST	4939	5.04	25.26	15.15	5.04	
	* NOTE 10 *		MIN. 800.00 MAX. 25272.00	4000.00 126360.00	2400.00 75816.00	800.00 25272.00	
1520	INCINERATORS A) 1,000 LB/HR AND GREATER CAPACITY	4953	320.00	1600.00	960.00	320.00	
1521	INCINERATORS B) LESS THAN 1,000 LB/HR CAPACITY	4953	104.00	520.00	312.00	104.00	
1530	MUNICIPAL INCINERATORS	4953	2526.00	12634.00	7581.00	2526.00	
1532	COMMERCIAL HAZARDOUS WASTE INCINERATOR PER 1,000,000 BTU PER HOUR THERMAL CAPACITY	4953	145.60 MIN. 3200.00	728.00 16000.00	436.80 9600.00	145.60 3200.00	
1533	NON COMMERCIAL HAZARDOUS WASTE INCINERATOR (PER 1,000,000 BTU/HR THERMAL CAPACITY)	4953	72.80 MIN. 2080.00	364.50 10400.00	218.40 6240.00	72.80 2080.00	
1534	COMMERCIAL HAZARDOUS WASTE DISP FACILITY, N.E.C.	4953	20800.00	104000.00	62400.00	20800.00	
1535	COMMERCIAL HAZARDOUS WASTE UNDERGROUND INJECTION (SURFACE FACILITIES) PER LOCATION	4953	4160.00	20800.00	12480.00	4160.00	
1536	RECOVERABLE/RE-USABLE MATERIALS PROC. FACILITY (PER 1,000,000 BTU/HR THERMAL CAPACITY)	4953	72.80 MIN. 2080.00 MAX. 10400.00	364.00 10400.00 52000.00	218.40 6240.00 31200.00	72.80 2080.00 10400.00	
1540	STEAM GEN UNITS PER 1000 LBS/HR STEAM CAP-NAT GAS OR COMB NON-FOSSIL FUELS	4961	1.26 MIN. 208.00	6.32 1040.00	3.78 624.00	1.26 208.00	
1550	STEAM GEN UNITS PER 1000 LBS/HR STEAM CAP-FUELS WITH 0.7% S OR LESS	4961	2.53 MIN. 520.00	12.64 2600.00	7.58 1560.00	2.53 520.00	
1560	STEAM GEN UNITS PER 1000 LBS/HR STEAM CAP-FUELS WITH MORE THAN 0.7% S	4961	3.78 MIN. 728.00	18.94 3640.00	11.38 2184.00	3.78 728.00	
1570	CEMENT(BULK DISTRIBUTION)	5052	1011.00	5053.00	3032.00	1011.00	
1580	WHOLESALE DISTRIBUTION OF COAL PER 1,000 TON/YR THROUGHPUT	5052	0.24 MIN. 728.00	1.26 3640.00	0.74 2184.00	0.24 728.00	
1590	AUTOMOBILE RECYCLING SCRAP PER 1000 TONS/YR	5093	10.40 MIN. 520.00 MAX. 25272.00	52.00 2600.00 126360.00	31.20 1560.00 75816.00	10.40 520.00 25272.00	
1600	FLOATING BULK LOADER A) OVER 100,000 TON/YR THROUGHPUT	5153	2526.00	12634.00	7581.00	2526.00	
1610	FLOATING BULK LOADER B) 100,000 OR LESS TON/YR THROUGHPUT	5153	1264.00	6317.00	3790.00	1264.00	
1611	DRY BULK TRANSFER DERRICK CRANE BARGE UP TO 25% ANNUAL GRAIN TRANSFER	5153	720.00	3600.00	2160.00	720.00	
1612	DRY BULK TRANSFER DERRICK CRANE BARGE NO GRAIN TRANSFER	5153	480.00	2400.00	1440.00	480.00	
1620	GRAIN ELEVATORS-TERMINAL PER 10,000 BU/YR THROUGHPUT	5153	0.24 MIN. 1144.00	1.26 5720.00	0.74 3432.00	0.24 1144.00	
1630	WHOLESALE DISTRIBUTION OF CHEMICALS AND ALLIED PRODUCTS PER FACILITY	5161	632.00	2526.00	1894.00	632.00	
1640	PETROLEUM BULK PLANTS	5171	51.00	253.00	152.00	51.00	
1650	PETROLEUM BULK TERMINAL	5171	506.00	2526.00	1517.00	506.00	
1660	PETROLEUM BULK STATION	5171	51.00	253.00	152.00	51.00	
1670	STORAGE TANK	5171	0.00	506.00	253.00	253.00	
1680	CRUDE OIL DISTRIBUTION	5172	758.00	3790.00	2274.00	758.00	
1690	TIRE RECAPPING PLANT	7534	104.00	520.00	312.00	104.00	

	AIR CONTAMINANT SOURCE	SICC	ANNUAL COMPLIANCE	NEW PERMIT APPLI-	MODIFIED PERMIT FEES		COMMENTS
			DETERMI-NATION	CATION	MAJOR	MINOR	
1700	CHEMICAL WASTE DISPOSAL FACILITY FOR NONHAZARDOUS WASTE	9998	2350.00	11752.00	7051.00	2350.00	
1710	NEGOTIATED FEE	9999	0.00	0.00	0.00	0.00	
1711	RESEARCH FEE FOR ALTERNATE DISPOSAL OF HAZARDOUS WASTE	9999	0.00	0.00	0.00	0.00	

ADDITIONAL PERMIT FEES AND ADVF FEES

- A. COMPANY NAME CHANGE AND/OR TRANSFER OF AN EXISTING PERMIT - \$100.00
- B. THE ISSUANCE OR DENIAL OF VARIANCES AND EXEMPTIONS - \$200.00
- C. THE ISSUANCE OF AN ASBESTOS DEMOLITION VERIFICATION FORM - \$ 25.00

EXPLANATORY NOTES FOR FEE SCHEDULE

- NOTE: 1 - THIS CATEGORY DOES NOT INCLUDE BUILDING PAPER
- NOTE: 2 - THIS CATEGORY IS CONSIDERED ONE PROCESS WITH THE FEE BASED ON THE RATED YEARLY CHLORINE CAPACITY.
- NOTE: 3 - THE FEE FOR THIS CATEGORY IS BASED ON CRUDE THROUGH PUT OF THE REFINERY. THROUGHPUT INCLUDES ADDITIONAL PURCHASED CHARGE STOCKS
- NOTE: 4 - THE FEES FOR THIS CATEGORY APPLY TO BOTH BATCH AND CONTINUOUS PROCESSES.
- NOTE: 5 - THIS FEE APPLIES TO LUBRICANTS MEANING LUBRICATING OILS AND GREASES. THIS FEE IS NOT TO BE CHARGED FOR UNITS WHICH ARE PART OF A FACILITY FOR WHICH THE PETROLEUM REFINERY FEE WAS PAID.
- NOTE: 6 - THE FEES FOR THIS CATEGORY ARE BASED ON THE ORGANIC COMPOUND STORAGE CAPACITY OF THE FACILITY
- NOTE: 7 - FOR AN ELECTRIC POWER GENERATION UNIT TO BE PLACED IN THIS CATEGORY IT MUST BURN FUEL OIL OR COAL OF LESS THAN .7% SULPHUR
- NOTE: 8 - WHOLESALE GRAIN DISTRIBUTION IS NOT INCLUDED IN THIS CATEGORY
- NOTE: 9 - FACILITIES WITH NO FUEL OR WASTE BURNING EQUIPMENT ARE EXEMPTED FROM BOTH THE ANNUAL COMPLIANCE AND PERMIT FEES. POWER MUST BE SUPPLIED BY ELECTRIC MOTORS OR INTERNAL COMBUSTION ENGINES
- NOTE: 10 - FOR COAL GASIFICATION AND COGENERATION PROJECTS WHEN COMPUTING APPLICATION FEES, THE CAPITAL COST FOR THE CONTROL EQUIPMENT THAT REDUCES EMISSIONS TO A LEVEL BELOW THE APPLICABLE NSPS REGULATIONS SHOULD BE DEDUCTED FROM THE CAPITAL COST.

- NOTE: 11 - THE MAXIMUM FEE FOR CATEGORIES 1430 THRU 1490 IS NOT TO EXCEED \$25,272.00 TOTAL FOR ANY ONE GAS TRANSMISSION COMPANY
- NOTE: 12 - THE MAXIMUM ANNUAL MAINTENANCE FOR ONE LOCATION WITH TWO OR MORE PLANTS SHALL BE \$1144.00

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1084.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division in LR 13:741 (December 1987); amended LR 14: (September 1988).

Paul H. Templet, Ph.D.  
Secretary

**RULE**

**Department of Environmental Quality  
Ground Water Division**

In accordance with the provisions of Act 13 of the 1988 First Extraordinary Session of the Louisiana Legislature, and with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.), the Department of Environmental Quality, Ground Water Division announces the adoption of the new permanent fee schedule effective July 1, 1988.

**Title 33  
ENVIRONMENTAL QUALITY**

**Part V. Hazardous Waste and Hazardous Materials  
Subpart 1. Department of Environmental Quality -  
Hazardous Waste**

**Chapter 33. Ground Water Protection**

**§3325. Fees**

A. Ground Water Fee Proposals

1. Annual Report Review Fee - to cover the cost of reviewing the ground water annual report required by both the Hazardous and Solid Waste Regulations.

Hazardous Waste Facilities	\$1,000 X 48 = \$ 48,000
Solid Waste Facilities	\$ 250 X 212 = \$ 53,000
<b>SUBTOTAL</b>	<b>\$101,000</b>

2. Permit Review Fee - to cover the cost of reviewing permits for geology, geotechnical design, and ground water protection aspects.

Hazardous Waste Facilities	
(1 time)	\$5,000 X 40 = \$200,000
Permit Modifications (each)	\$ 750 X 25 = \$ 18,750
Solid Waste Facilities (1 time)	
Permit Modifications -	\$2,000 X 60 = \$120,000
Major (each)	\$ 500 X 25 = \$ 12,500
Permit Modifications -	
Minor (each)	\$ 200 X 30 = \$ 6,000
<b>SUBTOTAL</b>	<b>\$375,250</b>

3. Corrective Action Oversight (Annual) - to cover the cost of review and approval of plans and actions to clean-up ground water that has been contaminated by a facility.

Hazardous Waste Facilities	\$10,000 X 45 = \$450,000
Solid Waste Facilities	\$ 5,000 X 25 = \$125,000
<b>SUBTOTAL</b>	<b>\$575,000</b>

4. Facility Inspection Fee (Annual) - to cover the cost of inspecting the various facilities to assure compliance with the ground water protection aspects of the facilities' permits.

Hazardous Waste Facilities	
with sampling	\$1,000 X 33 = \$ 33,000
	\$7,500 X 15 = \$112,000
Solid Waste Facilities	
with sampling	\$ 500 X 140 = \$ 70,000
	\$1,500 X 72 = \$108,000
<b>SUBTOTAL</b>	<b>\$323,500</b>

5. Monitoring Well Installation Permit - to cover the cost of reviewing the geology and design of proposed ground water monitoring wells to insure compliance with DEQ specifications.

Each Well \$500 X 275 = \$137,500

6. Monitoring Well Inspection Fee (Annual) - to cover the cost of inspecting monitoring wells to insure that they are functioning properly and continue to maintain their integrity.

Each well \$250 X 2,000 = \$500,000

7. Oversight of Monitoring Well Abandonment - to cover the cost of reviewing plans to plug and abandon ground water monitoring wells to insure that they do not pose a potential threat to ground water.

Casing pulled \$100 X 50 = \$5,000

Casing reamed out \$200 X 35 = \$7,000

Casing left in-place \$500 X 15 = \$7,500

SUBTOTAL \$ 19,500

GRAND TOTAL \$2,013,750

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1136 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Ground Water Division, LR 14: (September 1988).

Paul H. Templet, Ph.D.  
Secretary

## RULE

### Department of Environmental Quality Hazardous Waste Division

#### Title 33

#### ENVIRONMENTAL QUALITY

#### Part V. Hazardous Waste and Hazardous Materials

#### Subpart 1. Department of Environmental Quality -- Hazardous Waste

#### Chapter 51. Fee Schedules

#### §5113. Provision for Collection of Additional Fees Should Application Fees Paid be Less Than Program Costs

Operators who paid an application fee of \$15,000 will be assessed an additional fee equalling the deficit, apportioned equally, provided that no operator pays more than the calculated fee of LAC 33:V.5111.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1051 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 11:533 (May 1985), LR 12:676 (October 1986), LR 14: (September 1988).

#### §5115. Provision of Funds Collected in Excess of Program Costs

Excess funds over program cost generated by this fee shall be credited to the following year's budget.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1051 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 11:533 (May 1985), LR 12:676 (October 1986), LR 14:

(September 1988).

#### §5117. Annual Maintenance Fees - Treaters, Storers, and/or Disposers

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1052 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 11:533 (May 1985), LR 12:676 (October 1986), LR 13:433 (August 1987), LR 14: (September 1988).

#### §5119. Calculation of Annual Maintenance Fees

A. Formula to apportion fees:

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

Off-site Disposer (Commercial) \$48,800

Off-site Disposer (Non-commercial) \$ 9,760

On-site Disposer \$ 4,880

B. Fee Per Hazardous Waste Facility Type

Unit Type	New Fee
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Container/Storage Tanks	\$1,273
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Incinerators	2,270
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Landfills/Treatment, etc.	3,270
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C. Fee Based on Volume:

Less than 1,000 tons	\$1,952
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Less than 10,000 tons	\$3,904
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Less than 100,000 tons	\$5,856
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Less than 1,000,000 tons	\$7,808
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More than 1,000,000 tons	\$9,760
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D. Annual Research and Development Fee

(Fee per site + fee per facility + fee based on volume)

× 0.25 = Annual Research and Development Fee

E. Administrative Cost Fee

(Fee per site + fee per facility + fee based on volume) ×

0.30 = Administrative Cost Fee

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1051 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 11:533 (May 1985), LR 12:318 (May 1986), LR 12:676 (October 1986), LR 13:433 (August 1987), LR 14: (September 1988).

#### §5121. Generators of Hazardous Waste

A. All generators of hazardous waste must file or have on file a notification of that facility, using Notification Form HW-1 available from the administrative authority (See LAC 33:303.A) >

B. For generators of hazardous waste, the Notification Form HW-1 shall be deemed a registration upon acceptance and approval by the administrative authority.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1051 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended

LR 11:533 (May 1985), LR 12:676 (October 1986), LR 14: (September 1988).

**§5123. Registration Fees - Generators**

A. An initial and annual monitoring and maintenance fee is charged for each generator registration. There is no fee for modifying an existing registration based on any change of information submitted on Notification Form HW-1.

Initial Fee \$9.46

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1051 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 11:533 (May 1985), LR 12:319 (May 1986), LR 12:676 (October 1986), LR 13:433 (August 1987), LR 14: (September 1988).

**§5135. Transporter Fee**

A. All transporters of hazardous waste with a facility in Louisiana shall pay a fee of \$200 per year to the department. There will be only one fee regardless of the number of vehicles in the service of the transporter.

B. All transporters of hazardous waste which do not have a facility in Louisiana shall pay a fee of \$10 per vehicle when traveling through or into the state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1051.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 14: (September 1988).

**§5137. Small Quantity Generator Fee**

Small quantity generators (see §3901) shall pay a fee of \$50 per year to the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1051.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 14: (September 1988).

Paul H. Templet, Ph.D.  
Secretary

**RULE**

**Department of Environmental Quality  
Nuclear Energy Division**

In accordance with the provisions of Act 13 of the 1988 First Extraordinary Session of the Louisiana Legislature, and with provisions of the Administrative Procedure Act (R.S. 49:950 et seq.), the Department of Environmental Quality, Nuclear Energy Division announces the adoption of the revised permanent fee schedule effective July 1, 1988.

**Title 33  
ENVIRONMENTAL QUALITY  
Part XV. Nuclear Energy**

**Chapter 25. Fee Schedule  
Appendix A. Nuclear Energy Program Fee Schedule**

**CHAPTER 25**

**APPENDIX A**

**NUCLEAR ENERGY PROGRAM FEE SCHEDULE**

	Initial Application Fee	Annual Mainte Fee
<b>Radioactive Material Licensing</b>		
<b>A. Medical Licenses:</b>		
<b>1. Therapy</b>		
a. Teletherapy	390	390
b. Brachytherapy	390	390
2. Nuclear Medicine Group I, II & III or Group II and/or Group III	430	430
3. Nuclear Medicine Non-group License	290	290
4. Nuclear Pacemaker Implantation	195	195
5. Eye Applicators	195	195
6. Group I only or <u>in vitro</u> studies or radioimmunoassays or calibration sources	195	195
7. Processing or manufacturing and distribution of radio-pharmaceuticals	765	575
8. Mobile Nuclear Medicine Services	765	575
9. "Broad Scope" Medical Licenses	765	575
10. All others	195	195
<b>B. Source Material Licenses:</b>		
1. For Mining, Milling, or Processing Activities, or Utilization which results in Concentration or Re-distribution of Naturally-Occurring Radioactive Material	3,320	3,320
2. For the concentration and recovery of uranium from phosphoric acid as "yellow cake" ( <u>powdered solid</u> )	1,910	1,910
3. For the concentration of uranium from or in phosphoric acid	960	960
4. All other specific "source material" licenses	195	195
<b>C. Special Nuclear Material (SNM) Licenses:</b>		
1. For use of SNM in sealed sources contained in devices used in measuring systems	290	290
2. SNM used as calibration or reference sources	195	195

	Initial Application Fee	Annual Maintenance Fee		Initial Application Fee	Annual Maintenance Fee
3. All other licenses for use of SNM in quantities not sufficient to form a critical mass, except as in I.A.4., I.C.1., I.C.2.	195	195	8. Operation of a Nuclear Laundry	3,320	1,910
<b>D. Industrial Radioactive Material Licenses:</b>			9. Industrial research and development of radioactive materials or products containing radioactive materials	480	480
1. For processing or manufacturing for commercial distribution	3,320	2,870	10. Academic research and/or instruction	390	390
			11. Licenses of broad scope:		
			a. Academic, Industrial, Research and Development, total activity equal to or greater than 1 Curie	960	960
			b. Academic, Industrial, Research and Development, total activity not greater than 1 Curie	575	575
2. For Industrial Radiography operations performed in a shielded radiography installation(s) or permanently designated areas at the address listed in the license	575	390			
				<u>Initial Application Fee</u>	<u>Annual Maintenance Fee</u>
3. For Industrial Radiography operations performed at temporary jobsite(s) of the license	1,910	1,440	12. Gas chromatographs, sulfur analyzers, lead analyzers, or similar laboratory devices	195	195
4. For possession and use of radioactive materials in sealed sources for irradiation of materials where the source is not removed from the shield and is less than 10,000 Curies	960	480	13. Calibration sources equal to or less than 1 Curie per source	195	195
5. For possession and use of radioactive materials in sealed sources for irradiation of materials when the source is not removed from the shield and is greater than 10,000 Curies, or where the source is removed from the shield	1,910	960	14. Level or Density Gauges	290	290
6. For distribution of items containing radioactive material	960	960	15. Pipe Wall Thickness Gauges	390	390
7. Well-logging and subsurface tracer studies			16. Soil Moisture and Density Gauges	290	290
a. Collar markers, nails, etc. for orientation	195	195	17. All other specific industrial licenses except as otherwise noted	390	390
b. Sealed sources less than 10 Curies and/or tracers less than or equal to 500 mCi	575	575	<b>E. Radioactive Waste Disposal Licenses:</b>		
c. Sealed sources of 10 Curies or greater and/or tracers greater than 500 mCi but less than 5 Ci	960	960	1. Commercial waste disposal involving burial	500,000	500,000
d. Field Flood studies and/or tracers equal to or greater than 5 Curies	1,440	1,440	2. Commercial waste disposal involving incineration of vials containing liquid scintillation fluids	3,320	1,910
			3. All other commercial waste disposal involving storage, packaging and/or transfer	1,910	1,910
			<b>F. Civil Defense licenses</b>		
			<b>G. Teletherapy Service Company License</b>		
			<b>H. Consultants who:</b>		
			1. do not possess sources	95	55
			2. possess calibration sources equal to or less than 500 mCi each	140	95
			3. possess calibration sources greater than 500 mCi	195	140
			<b>Electronic Product Registration</b>		
			A. 1. Medical diagnostic x-ray (per x-ray registration)	65	60

NOTE: Any licensee in paragraph D.1, D.2, D.3 or D.7 possessing, storing, or using radioactive material at more than one (1) permanent location under a single license shall be assessed annually an additional fee of 10% of the annual maintenance fee for each such location within the State of Louisiana. Such additional fee shall not exceed an amount equal to the annual maintenance fee.

	<u>Initial Application Fee</u>	<u>Annual Maintenance Fee</u>
2. Medical therapeutic x-ray (per registration)		
a. Below 500 kVp	140	140
b. 500 kVp to 1 MeV (including accelerator and Van de Graaff)	290	290
c. 1 MeV to 10 MeV	390	390
d. 10 MeV or greater	575	575
3. Dental x-ray (per registration)	55	55
4. Veterinary x-ray (per registration)	55	55
5. Educational institution x-ray (teaching unit, per registration)	95	55
6. Electron Microscope	55	55
7. All other medical x-ray (per registration) except as otherwise noted	65	60
B. 1. Industrial Accelerator (includes Van de Graaff machines and neutron generators)	290	290
2. Industrial Radiography (per registration)	95	95
3. All other x-ray (per registration) except as otherwise noted	65	65
Storage - same fee		
General license which requires registration	55	0
Reciprocal Recognition		
The fee for reciprocal recognition of a license or registration from another state or USNRC is the annual fee of the applicable category. The fee covers activities in the State of Louisiana for 1 year from the date of receipt.		
Shielding Evaluation (per room)		
A. Diagnostic	55	•
B. Therapeutic (below 500 kVp)	95	•
C. Therapeutic (500 kVp to 1 MeV)	140	•
D. Therapeutic (1 MeV to 10 MeV)	195	•
E. Therapeutic (10 MeV or greater)	290	•
F. Industrial and industrial radiography	195	•

Device, Product, or Sealed Source Evaluation		
A. Device evaluation (each)	430	•
B. Sealed source design evaluation (each)	195	•
C. Update	95	•
Testing to determine qualifications of employees, per test administered	95	•
Laboratory samples	195-960 (charges depend on type of analyses per- formed)	
Nuclear Electric Generating Station (per site)		
Located in Louisiana		210,000
Located near Louisiana (Plume Exposure Pathway Emergency Planning Zone - includes area in Louisiana)		152,600

(\*-Certain charges are one time and do not recur)

Paul H. Templet, Ph.D.  
Secretary

## RULE

### Department of Environmental Quality Solid Waste Division

In accordance with the provisions of Act 13 of the 1988 First Extraordinary Session of the Louisiana Legislature, and with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.), the Department of Environmental Quality, Solid Waste Division announces the adoption of the revised permanent fee schedule effective July 1, 1988:

### Title 33 ENVIRONMENTAL QUALITY Part VII. Solid Waste

#### Chapter 11. Solid Waste Management System §1107. Permit Application Process

- A. - D. ...
- E. Solid Waste Fee System
1. Permit Application Fee
- a. Applicants for standard permits shall pay a \$2080 permit application fee.
- b. Payment of the permit application fee shall be due upon submission of the permit application and shall accompany each permit application submitted after promulgation of these revised regulations.
2. Annual Monitoring and Maintenance Fee
- a. Operators of all solid waste disposal facilities with a permit shall be charged an annual monitoring and maintenance fee for each facility.



b. Calculation of Annual Monitoring and Maintenance Fee

Base fee per permit + fee based on volume = annual monitoring and maintenance fee

i. Base fee per permit for industrial solid waste sites - \$4160.

ii. Base fee per permit for non-industrial solid waste sites - \$1040.

iii. Fee will be based on volume as reported in the previous year Disposer Annual Report.

(a). Industrial Waste - \$ .42/ton or  
\$.54/cubic yard

(b). Non-Industrial Waste  
Amts. exceeding 75,000 tons \$ .10/ton or,  
Amts. exceeding 250,000 cu. yd. \$ .06/cubic yard

iv. Maximum annual monitoring and maintenance fee per permit for industrial solid waste sites - \$41,600.

v. Maximum annual monitoring and maintenance fee per permit for non-industrial solid waste sites - \$10,400.

vi. Surface impoundments will be assessed the base fee per permit only.

vii. Public operated water supply treatment plant sludge and domestic sewage sludge facilities will be assessed the base fee per permit only.

viii. Sites which are permitted to handle both industrial solid waste and non-industrial solid waste will be assessed the base fee for industrial solid waste disposal sites. In addition, these sites will be assessed the volume fee for any industrial solid waste received, plus the volume fee for any non-industrial solid waste exceeding the limits as provided in LAC 33:VII.1107.E.2.b.iii(b).

ix. Solid Waste Management systems with multiple disposal facilities which are scheduled for closure shall be assessed at a maximum the following maintenance and monitoring fees:

Industrial facilities	\$8,000
Non-Industrial facilities	\$2,000

This does not include facilities which are operating under or seeking a standard permit.

c. The annual maintenance period shall be from July 1 through June 30, commencing upon promulgation of these revised regulations and terminating upon closure of the site in accordance with the permit or order of the administrative authority.

d. Payment of annual permit maintenance fee shall be due within 45 days of operator's receipt of invoice from the administrative authority.

e. Late Payment - Unless otherwise provided herein, annual fees or other charges not received within 15 days of the due date will be subject to a late charge at an additional 10 percent per month.

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

g. The annual fees prescribed herein shall be effective retroactive for the state fiscal year in which these fee regulations are published in the *Louisiana Register* as adopted, and each state fiscal year thereafter.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:1051 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Natural Resources, Office of Environmental Affairs, Solid Waste Division in LR 9:473 (July, 1983), amended in LR 9:690 (October, 1983), LR 9:847 (December, 1983), amended by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division on July 1, 1985, in LR 11:533 (May, 1985), LR 14: (September, 1988).

Paul H. Templet, Ph.D.  
Secretary

## **RULE**

### **Department of Environmental Quality Underground Storage Tank Division**

In accordance with the provisions of Act 13 of the 1988 First Extraordinary Session of the Louisiana Legislature, and with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.), the Department of Environmental Quality, Underground Storage Tank Division announces the adoption of the revised permanent fee schedule effective July 1, 1988.

#### **Title 33**

#### **ENVIRONMENTAL QUALITY**

#### **Part XI. Underground Storage Tanks**

#### **Chapter 3. Underground Storage Tank Regulations**

#### **§311. Fees**

These rules and regulations provide for the imposition and collection of a registration fee and an annual monitoring and maintenance fee.

##### **A. Registration Fee**

The owners of operational or non-operational underground storage tanks containing regulated substances must submit with the registration form the payment of the registration fee for each underground storage tank according to the following schedule:

1. For any substance defined in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (but not including any substance regulated as a hazardous waste under subtitle C of the Solid Waste Disposal Act as amended by RCRA)-\$125.

2. For petroleum, including crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure (60° Fahrenheit and 14.7 pounds per square inch absolute)-\$20.

B. In no case shall one owner be required to pay an aggregate registration fee in excess of \$2000.

##### **C. Annual Monitoring and Maintenance Fee**

On or before May 8 of each year commencing on May 8, 1987, an annual monitoring and maintenance fee per tank shall be paid by the owner according to the following fee schedule:

1. For any substance defined in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (but not including any substance regulated as a hazardous waste under subtitle C of the Solid Waste Disposal Act as amended by RCRA)-\$125.

2. For petroleum, including crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure (60° Fahrenheit and 14.7 pounds per square inch ab-

solite, as follows:

Capacity of tank (gallons)	Fee
less than 2000	\$10
2,000 - 9,999	20
greater than 9,999	50

The volume of the underground pipes need not be considered for the purpose of determining the fee.

**D. Method of Payment**

Fees shall be paid by check or money order payable to the Department of Environmental Quality and mailed to the attention of the Underground Tank Program at the following address: Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Tank Program, Box 94381, Baton Rouge, LA 70804-9381.

**E. Late Payment**

Fees not received within 15 days after the due date will be subject to a late charge of an additional 10 percent per month.

**F. Failure to Pay**

Failure to pay the prescribed registration or annual fee as provided herein will constitute a violation of these regulations and shall subject the owner to applicable enforcement actions under the Louisiana Environmental Quality Act.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:1051.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, LR 11:1141 (December 1985), amended LR 14: (September 1988).

Paul H. Templet, Ph.D.  
Secretary

**RULE**

**Department of Environmental Quality  
Water Pollution Control Division**

In accordance with the provisions of Act 13 of the 1988 First Extraordinary Session of the Louisiana Legislature, and with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.), the Department of Environmental Quality, Water Pollution Control Division announces the adoption of the revised permanent fee schedule effective July 1, 1988.

**Title 33**

**ENVIRONMENTAL QUALITY**

**Part IX. Water Quality Regulations**

**Chapter 13. Water Pollution Control Fee System**

**§1309. Fee System**

**A. Applicability**

Fees established by these regulations shall be applicable to all water discharge permits, including no discharge and/or closed system permits, issued under the provisions of the Act (LRS 30:1051 et seq.), or any federal NPDES permit where permitting authority has been delegated to the department.

**B. Annual Fee**

1. The annual fee shall be calculated by multiplying the rating points times the rate factor.

2. The rating points shall be computed using the Annual Fee Rating Worksheet.

3. The rate factor shall be \$170.63 per rating point.

4. The annual fee shall be paid each year a facility has a water discharge permit. The year shall correspond with the state's fiscal year, July 1 through June 30. For new facilities, the annual fee may be prorated to correspond to the start-up date.

**C. New, Modified, or Reissued Permit Fee**

1. A new, modified, or reissued permit fee shall be paid for any permit action which requires the implementation of the public notice procedure.

2. The new, modified, or reissued permit fee shall be assessed subsequent to the receipt and review of an application or other request for permit action.

3. This fee shall be 20 percent of the calculated annual fee but not less than \$227.50.

**D. Minimum and Maximum Annual fee**

1. The minimum annual fee shall be \$227.50.

2. The maximum annual fee shall be \$50,000.

**E. General Permit Fee**

At the discretion of the administrative authority, an annual fee may be assessed for facilities regulated by a general permit. In deciding to establish an annual fee for facilities covered by a general permit, the administrative authority should consider the resources involved in administering the general permit, the economic impact on the regulated community, and the economic impact on the fee program. If the decision is made to assess an annual fee for an activity covered by a general permit, then each facility involved in that activity and covered by the general permit shall be assessed the fee.

**F. Due Date**

Fees shall be due within 30 days of receipt of the billing.

**G. Late Payment Penalty**

Fees not received within 15 days of the due date will be subject to a late penalty of an additional 10 percent per month of the assessed fee. The late penalty shall be calculated from the date of receipt of the billing.

**H. Rate Factor**

The rate factor shall be \$170.63 per point.

**I. Refunds**

1. There shall be no refunds of new, modified or reissued permit fees.

2. The annual fee may be prorated and/or refunded should a facility relinquish its discharge permit.

**J. Annual Fee Rating Worksheet**

The annual fee shall be computed using the Annual Fee Rating Worksheet provided in LAC 33:IX.1313. Instructions for completing the Annual Fee Rating Worksheet are provided in LAC 33:IX.1311.

**K. Facility Complexity Designation**

1. The Facility Complexity Designation shall be based on the SIC code as established in the tables in LAC 33:IX.1315.

2. If a facility is not specifically covered by an SIC code, the administrative authority may assign an SIC code and/or Facility Complexity Designation on a case-by-case basis.

3. When it is demonstrated that factors associated with processes and waste generation are fundamentally different from those considered in assignment of a Complexity Designation, the administrative authority, on a case-by-case basis, may assign a minor facility a different Complexity Designation than that indicated in LAC 33:IX.1315. Such assignment shall consider:

- a. type and quantity of wastewaters discharged, the ultimate avenue of disposal, and the potential to discharge; and
- b. complexity of the permitting procedure and the inspec-

tion requirements for this type of facility.

L. Method of Payment

1. All fee payments except annual fee payments shall be made by check, draft or money order payable to the Department of Environmental Quality and mailed to: Department of Environmental Quality, Office of Water Resources, Water Pollution Control Division, Box 44091, Capitol Station, Baton Rouge, LA 70804-4091.

2. All annual fee payments shall be made by check, draft, or money order payable to the Department of Environmental Quality and mailed to: Department of Environmental Quality, Accounting Section, Box 44381, Capitol Station, Baton Rouge, LA 70804-9381.

M. Research and Development Fees

As required by the Environmental Quality Act (R.S. 30:1051 et seq.) and in particular R.S. 30:1065 (C) an additional research and development fee shall be charged for all facilities who are presently invoiced by this office and who are also currently listed by the Office of Solid and Hazardous Waste as generators, treaters, storers, and/or disposers of hazardous wastes. These fees shall be assessed in order to provide funding for theoretical and practical research and development of alternative methods and technologies of destroying, reducing, recycling, neutralizing, and to the least extent possible, disposing of hazardous waste. Self-generated revenue collected from these fees will be placed in the Alternate Technologies Research and Development Trust Fund and shall be calculated using the following formula:

Annual Research and Development Fee = Annual Maintenance and Surveillance Fee \_\_\_\_\_ × 3.5% = \_\_\_\_\_ .

Initial Fee = New, Modified, or Reissued Permit Fee \_\_\_\_\_ × 3.5% = \_\_\_\_\_ .

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1051 et seq., and in particular Section 1065(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources in LR 11:534 (May 20, 1985), amended LR 14: (September 1988).

**§1311. Instructions for Completing Annual Fee Rating Worksheet**

A. Facility Complexity Designation

1. Determine the specific industrial category applicable to the facility.

2. From the permit application, determine SIC codes. Also determine processes and products reported. Compare this information to LAC 33:IX.1315 to determine the applicable industrial category and the related complexity designation. When more than one category applies, select the one with the highest complexity designation. Record the SIC code applicable to the category selected in the first SIC code blank and all other reported SIC codes in the second blank. Record the SIC title.

3. Check the applicable complexity designation and record the associated points in the complexity points blank. NOTE: Any industrial category not listed in LAC 33:IX.1315 is automatically assigned a Complexity Designation I except under the circumstances noted in LAC 33:IX.1309.L.3.

4. The SIC codes listed in the tables are not exhaustive, and any questions concerning the appropriate SIC code or complexity designation for a particular facility will be decided by the administrative authority.

B. Flow Volume And Type

1. Determine the wastewater type and average discharge volume.

2. Review the permit application to determine the composition of the wastewater discharge(s). If there are multiple discharges, the composite of all discharges should be used. Compare the relative magnitudes of process wastewater, non-contact cooling water and other wastewaters with the definitions of wastewater types in Table I below, and select the appropriate wastewater type (select only one type).

Table 1. Types of Wastewater

Wastewaters are divided into three types based on their relative pollution potential.

Description

Type I. Type I wastewaters are relatively uncontaminated. They include non-contact cooling water only, or mixed flows which contain at least 90 percent non-contact cooling water and not more than one mgd of process wastewaters.

Type II. Type II wastewaters are the most contaminated. They include process wastewater flows or any mixed wastewaters containing more than 10 percent process wastewaters or containing more than one mgd of process wastewaters.

Type III. Type III wastewaters include sanitary wastewater, boiler blowdown, recirculating cooling system blowdown, water treatment wastewaters and relatively uncontaminated surface run-off (contaminated surface runoff should be considered process wastewater). Any mixture of these wastewaters is considered Type III. A mixture which includes non-contact cooling water is also Type III unless the non-contact cooling water exceeds 90 percent of the flow (Type I).

3. Determine the total daily average wastewater discharge to the receiving water based upon the information supplied to this office in the permit application. If there are multiple discharges, the total of all daily average discharges should be used. Under the selected wastewater type, answer yes or no and, where applicable, complete the formula.

C. Traditional Pollutants

1. Review the permit to determine if BOD, COD, TSS and/or ammonia are limited. Points should only be assigned for these four parameters if they are limited in the permit. The permit limits used to determine pollutant loads should be those limits currently in effect. Add the daily average load limit for each parameter for all discharges.

2. Check the applicable load range for BOD and/or COD and record the highest associated points in the BOD or COD points blank. In some cases, oxygen demand may be limited by some parameter other than BOD or COD [i.e., ultimate oxygen demand (UOD), total organic carbon (TOC), or total oxygen demand (TOD)]. If this is the case, check the applicable load range in the BOD criterion and record the alternate parameter used in the blank indicated.

3. Check the applicable TSS and ammonia load ranges and record the associated points. An alternate nitrogen load parameter may be used in some cases when ammonia is not limited. If another nitrogen parameter is limited in the permit, check the appropriate load range in the ammonia criterion and record the alternate parameter used in the blank indicated.

4. Sum the totals A, B, and C and record the total pollution points in the space provided.

D. Temperature (Heat Load)

1. A heat load should be computed for large thermal discharges. Such discharges are usually indicated by temperature limits in the permit. Computation for a flow less than 10 mgd is

unnecessary as it will receive no heat load points.

2. Use maximum temperature limit in the permit (maximum temperature reported in application if not limited in the permit) and subtract 70° to compute Δ T in °F, then determine the daily average heat load during the most critical conditions. This is usually during the summer months when stream temperature and cooling water flow rates are the highest.

3. If larger heat loads are discharged at other time periods because of seasonal operations, the daily average heat load for those periods should be used. The summer flow rate may not be indicated in the permit application. It can be determined from Discharge Monitoring Reports.

4. Compute the heat load using the computed Δ T and the selected flow rate. Check the applicable heat load range and record the associated points in the heat load points blank.

E. Potential Public Health Points

1. Determine if the receiving water is used for a municipal water supply.

2. Review the complexity designation assigned in LAC 33:IX.1311.A. If groups I or II were assigned, check the first complexity designation blank, record 0 points in the public health points blank and go to the next instruction.

3. If a higher complexity designation (III, IV, V, or VI) was assigned, then a determination if the receiving water is used as a drinking water supply source must be made. To qualify for points under this criterion, either the receiving water to which wastewater is discharged or a water body to which the receiving water is tributary must be used as a drinking water supply source within 50 miles downstream.

4. Check the appropriate complexity designation blank and record associated points in the public health points blank.

F. Major/Minor Facility Designation

1. Determine if the facility has been designated a major facility by the administrative authority. If the answer is YES, then check the appropriate blank and assign 25 points. If the answer is NO, then proceed to the next part.

2. Determine if the permitted effluent limitations assigned were based on water quality factors in the receiving water. Check the appropriate answer and assign the points required.

G. Total Rating Points

Sum the rating points assigned to each of the six sections and record the total in the total rating points blank.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1051 et seq., and in particular, Section 1065(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources in LR 11:534 (May 20, 1985), amended LR 14: (September 1988).

§1313. Annual Fee Rating Worksheet

Invoice No. \_\_\_\_\_

ANNUAL FEE RATING WORKSHEET  
PERMIT NO. \_\_\_\_\_

1. FACILITY COMPLEXITY DESIGNATION

Primary SIC \_\_\_\_\_ Other SIC \_\_\_\_\_  
Complexity Designation = \_\_\_\_\_ I ( 0 points)  
\_\_\_\_\_ II (10 points)  
\_\_\_\_\_ III (20 points)  
\_\_\_\_\_ IV (30 points)  
\_\_\_\_\_ V (40 points)  
\_\_\_\_\_ VI (50 points)

COMPLEXITY DESIGNATION POINTS \_\_\_\_\_

2. FLOW VOLUME AND TYPE

A. Wastewater Type I

Is total Daily Average Discharge greater than 60 mgd?

\_\_\_\_\_ Yes, then points = 30

\_\_\_\_\_ No, then

Points = 0.5 × Total Daily Average Discharge (mgd)

Points = 0.5 × \_\_\_\_\_ = \_\_\_\_\_

Total points = \_\_\_\_\_

B. Wastewater Type II

Is total Daily Average Discharge greater than 5 mgd?

\_\_\_\_\_ Yes, then points = 50

\_\_\_\_\_ No, then

Points = 10 × Total Daily Average Discharge (mgd)

Points = 10 × \_\_\_\_\_ = \_\_\_\_\_

Total points = \_\_\_\_\_

C. Wastewater Type III

Is total Daily Average Discharge greater than 25 mgd?

\_\_\_\_\_ Yes, then points = 50

\_\_\_\_\_ No, then

Points = 2 × Total Daily Average Discharge (mgd)

Points = 2 × \_\_\_\_\_ = \_\_\_\_\_

Total points = \_\_\_\_\_

FLOW VOLUME AND TYPE POINTS \_\_\_\_\_

3. TRADITIONAL POLLUTANTS

A. BOD or \_\_\_\_\_

Daily Average Load = \_\_\_\_\_ < 50 lb/day ( 0 points)  
\_\_\_\_\_ > 50 - 500 ( 5 points)  
\_\_\_\_\_ 500 - 1000 (10 points)  
\_\_\_\_\_ > 1000 - 3000 (20 points)  
\_\_\_\_\_ > 3000 - 5000 (30 points)  
\_\_\_\_\_ > 5000 lb/day (40 points)

COD or \_\_\_\_\_

Daily Average Load = \_\_\_\_\_ < 100 lb/day ( 0 points)  
\_\_\_\_\_ > 100 - 500 ( 5 points)  
\_\_\_\_\_ 500 - 1000 (10 points)  
\_\_\_\_\_ > 1000 - 5000 (20 points)  
\_\_\_\_\_ > 5000 - 10,000 (30 points)  
\_\_\_\_\_ > 10,000 lb/day (40 points)

BOD OR COD DEMAND POINTS \_\_\_\_\_

(whichever is greater)

Invoice No. \_\_\_\_\_

ANNUAL FEE RATING WORKSHEET  
PERMIT NO. \_\_\_\_\_

B. TSS

Daily Average Load = \_\_\_\_\_ < 100 lb/day ( 0 points)  
\_\_\_\_\_ 100 - 500 ( 5 points)  
\_\_\_\_\_ > 500 - 1000 (10 points)  
\_\_\_\_\_ > 1000 - 5000 (20 points)  
\_\_\_\_\_ > 5000 - 10,000 (30 points)  
\_\_\_\_\_ > 10,000 lb/day (40 points)

TSS POINTS \_\_\_\_\_

C. AMMONIA or \_\_\_\_\_ (Alternative nitrogen parameter used)

Daily Average Load = \_\_\_\_\_ < 200 lb/day ( 0 points)  
\_\_\_\_\_ 200 - 500 ( 5 points)  
\_\_\_\_\_ > 500 - 1000 (10 points)  
\_\_\_\_\_ > 1000 - 5000 (20 points)  
\_\_\_\_\_ > 5000 - 10,000 (30 points)  
\_\_\_\_\_ > 10,000 lb/day (40 points)

AMMONIA POINTS \_\_\_\_\_

TOTAL POLLUTANT POINTS \_\_\_\_\_

4. TEMPERATURE (HEAT LOAD)

Heat Load = Average Summer flow (mgd) x Δ T x 0.00834 where Δ T = Permit Limit (Max. Temp.) -70°

- Heat load = \_\_\_ (mgd) x \_\_\_ x 0.00834 = \_\_\_ Billion BTU
Heat load = \_\_\_ < 4 billion BTU ( 0 points)
\_\_\_ 4 - 20 billion BTU ( 5 points)
\_\_\_ > 20 - 100 billion BTU (10 points)
\_\_\_ > 100 - 200 billion BTU (15 points)
\_\_\_ > 200 billion BTU (20 points)

HEAT LOAD POINTS \_\_\_\_\_

5. POTENTIAL PUBLIC HEALTH IMPACTS

Is the receiving water to which the wastewater is discharged or a water body to which it is a tributary used as a drinking water supply source within 50 miles downstream?

- \_\_\_ No (0 points) Complexity Designation
\_\_\_ Yes, then... \_\_\_ I, II ( 0 points)
\_\_\_ III ( 5 points)
\_\_\_ IV (10 points)
\_\_\_ V (20 points)
\_\_\_ VI (30 points)

POTENTIAL PUBLIC HEALTH IMPACT POINTS \_\_\_\_\_

6. MAJOR/MINOR FACILITY DESIGNATION

Has your facility been designated a Major Facility by the Administrative Authority?

- \_\_\_ Yes, then Points = 25
\_\_\_ No, then

Were effluent limitations assigned to the discharge based on water quality factors in the receiving stream?

- \_\_\_ No, then Points = 0
\_\_\_ Yes, then Points = 5

TOTAL MAJOR/MINOR POINTS \_\_\_\_\_

TOTAL RATING POINTS ASSIGNED \_\_\_\_\_

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1051 et seq. and in particular Section 1065(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources in LR 11:534 (May 20, 1985), amended LR 14: (September 1988).

Appendix C, Table 1 and 2 which contains the Complexity Groups for SIC Codes may be viewed at the Department of Environmental Quality, Water Pollution Control Division, State Lands and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA.

Paul H. Templet, Ph.D.
Secretary

RULE

Office of the Governor
Division of Administration

Because of the dire fiscal problems the state of Louisiana is presently experiencing, it is imperative that all cost saving ideas be implemented as soon as possible to avoid severe statewide cutbacks in programs or personnel. The Division of Administration under the authority granted by R.S. 39:231, has amended

LAC 4:V.1553 (PPM No. 49. General Travel Regulations) in the following respect:

Title 4
ADMINISTRATION

Part V. Policy and Procedure Memoranda

Chapter 15. General Travel Regulations -- PPM No. 49
Subchapter G. Reimbursement for Transportation, Lodging, Meals, and Other Expenses

§1553. General Provisions

The traveler is expected to exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business.

A. Funds for Travel Expense

Persons traveling on official business will provide themselves with sufficient funds for all routine expenses. Advances of funds for travel shall be made only for extraordinary travel and should be punctually repaid when submitting the travel voucher covering the related travel, not later than the fifteenth day of the month following the completion of travel. Advances of funds for travel shall be made only as approved by the commissioner of administration.

B. State Agency Credit Cards

Credit cards used in the name of the state agency are not to be used for the purpose of securing transportation, lodging, meals, or telephone and telegraph service, unless prior written permission has been obtained from the commissioner of administration. Such permission must be renewed by July 1 of each fiscal year.

C. Individual Charges on Corporate Cards

The state encourages but does not require the use of the individual corporate charge card competitively awarded. However, the state accepts absolutely no liability for charges made on these cards.

D. Authorized Travel Agency

Effective July 1, 1988, all travel arrangements for lodging, conference facilities, and/or transportation (commercial or chartered airline, train, road vehicle rental, etc.) covered by these regulations shall be made through the authorized travel agency and its affiliates unless an exception has been granted by the commissioner of administration, or an emergency has been certified by the department head. Services are available 24 hours a day, every day of the year. All other regulations applicable to such services, such as receiving bids for conference arrangements under executive order governing small purchases shall be followed, using the travel agency as negotiator with and for the state. Procedural details will be issued from time to time by the commissioner.

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

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:410 (August 1982), LR 14: (September 1988).

Dennis Stine
Commissioner

## RULE

### Department of Health and Hospitals Office of Community Services Division of Children, Youth, and Family Services

Effective September 20, 1988, the Department of Health and Hospitals, Office of Community Services will discontinue providing day care services to children through the Purchase of Service (POS) contracts payment system. All day care services will be provided through the Vendor Day Care Program administered by the Division of Children, Youth and Family Services (DCYFS). Priority for receipt of services will be given to the need for day care for protection of children at risk of abuse and/or neglect. This action is essential to avoid automatically curtailing day care services to children participating in either POS contracted day care programs or vendor programs and thereby placing the health, safety, and welfare of these children in imminent peril. This action is critical to assure that a gradual reduction is accomplished in overall day care services as children exit day care in order to comply with budget reductions while maintaining a transition period for shifting available day care funding through attrition to the geographic area of greatest need for children at risk of abuse and/or neglect. A declaration of emergency rule-making concerning this change was published in the June 20, 1988 issue of the *Louisiana Register*.

Day care placement slots will not be allotted to specific service providers, but will be instead reallocated regionally based on overall service needs of eligible recipients. Client eligibility for day care services will be based on Title XX criteria which assesses family income and basis of need for day care. Eligibility is determined by staff in the parish offices of DCYFS. Families whose children are eligible for day care services will be allowed to select a center from among those in their area participating in the Vendor Day Care Program, which would include the former Purchase of Service Program. Exceptions to this policy may be made by the secretary of the Department of Social Services during fiscal year 1988-89 only.

A maximum payment of \$7 per day, per child, or \$154 per month will be made to vendor day care centers offering full-time care to participants in this program.

Day care centers currently operating under Purchase of Service contracts were converted to the vendor program payment system effective July 1, 1988. A local DCYFS representative will work with each former Purchase of Service provider to insure a smooth transition for payments and to minimize disruption in overall available day care services in each region of the state. Children enrolled in those centers on July 1, 1988 will continue to receive services until their next eligibility redetermination in order to allow a period of transition for these programs. If they are found ineligible at that redetermination or if a slot is no longer available because children in need of protection due to risk of abuse and/or neglect require all available slots, their services will be curtailed.

For any newly authorized day care placement, the DCYFS will:

- a. apply the uniform Title XX eligibility criteria to each potential recipient.
- b. afford first priority for funding to protection of children at risk of abuse and/or neglect, and
- c. allow the family freedom of choice in selecting from the

day care centers in their geographic area.

Brenda L. Kelley  
Deputy Assistant Secretary

## RULE

### Department of Health and Hospitals Office of Eligibility Determinations

The Department of Health and Hospitals, Office of Eligibility Determinations, has adopted the following rule which was published as a notice of intent in the *Louisiana Register*, Vol. 14, No. 7 dated July 20, 1988.

The appropriate income levels for the maintenance of the spouse at home and minor children at home must be protected in computing patient liability when an individual enters a Long Term Care Facility. Currently, the protected income level for the spouse at home is \$186.80. The protected income level for each dependent child is in accordance with Aid to Families with Dependent Children (AFDC) Payment Standards. Under this rule, the protected income level for the spouse at home with a minor child/children shall be in accordance with the monthly Medically Needy Income Eligibility Standards (MNIES) for the total number of family members excluding the Long Term Care recipient. The change is necessary to assure compliance with 42 CFR 435.725 and 42 CFR 435.831. The protected income level for the spouse at home who does not have dependent children is not affected by this rule.

## RULE

Effective October 1, 1988, the protected income level for the spouse at home with a minor child/children shall be in accordance with the monthly Medically Needy Income Eligibility Standards (MNIES) for the total number of family members excluding the Long Term Care recipient.

David L. Ramsey  
Secretary

## RULE

### Department of Health and Hospitals Office of Public Health

The Department of Health and Hospitals, Office of Public Health has amended Chapter XII (Water Supplies) of the Sanitary Code, State of Louisiana. This rule change amends Chapter XII to make the needed revisions.

This amendment is necessary to allow incorporation of all the new requirements mandated by amendments to the Safe Drinking Water Act (42.U.S.C. 300f et seq.). These rules may be viewed at the Office of the State Register, 900 Riverside North, Baton Rouge, LA or they may be viewed and purchased at the Department of Health and Hospitals, Office of Public Health, 325 Loyola, Room 403, New Orleans, LA.

David L. Ramsey  
Secretary

**RULE**

**Department of Wildlife and Fisheries  
Office of Wildlife**

**Title 76**

**WILDLIFE AND FISHERIES**

**Part V. Wild Quadrupeds and Wild Birds**

**Chapter 3. Wild Birds**

**§303. Non-Resident Preserve Hunting License**

The Louisiana Wildlife and Fisheries Commission has established a special non-resident preserve hunting license which can be purchased for use on a specific preserve in lieu of the regular resident small game hunting license. The fee for the special non-resident preserve hunting license is \$15.

Virginia Van Sickle  
Secretary

**RULE**

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

This commission regulation established general requirements, minimum pen specifications and animals that will be permitted under the Game Breeder's License to read as follows:

For more detailed information contact the address listed below: Louisiana Department of Wildlife and Fisheries, Game Division, Game Breeder's License, Box 98000, Baton Rouge, LA 70898-9000

**Minimum Pen Specifications and Requirements for Game Quadrupeds and Birds for Which a Game Breeder's License is Required**

The dimensions and specifications described herein are considered as basic minimum standards for permanent exhibit facilities for the well-being of the animals and birds specified. It must be emphasized that these are minimum standards and the optimum conditions for most animals and birds would include dimensions at least several times greater than those cited.

**1. WATERFOWL**

Single Bird: 100 square feet with 25 percent in water areas; increase pen size by 25 percent for each additional bird with one-fourth of this increase being in water area.

**2. DOVES**

Single Bird: 3 feet x 2 feet x 5 feet high

Community Group: Large enough to fly or at least 8 feet in diameter.

**3. PHEASANTS, QUAIL, CHUKARS**

**A. Exhibit Purposes:**

Single Bird: 20 square feet; add 20 square feet for each additional bird.

**B. Commercial Operation:**

**Extension Service Recommendations:**

**Quail**

1-10 days old: 9 chicks per square foot

10 days - 6 weeks old: 6 chicks per square foot;

6 weeks and older: 3 birds per square foot;

1 breeding pair per square foot.

**Pheasants**

1-10 days old: 4 chicks per square foot;

10 days - 6 weeks old: 6 chicks per square foot;

6-14 weeks old: 1 bird per 4 square feet;

1 breeding pair per 8 square feet.

**Chukars**

Same as pheasant

**4. HAWKS, FALCONS**

Refer to Federal raptor facilities specifications

**5. SQUIRRELS**

A. Single Animal: 3 feet long x 3 feet wide x 4 feet high;

Additional Animals: add 6 inches more in length per additional animal; several limbs, nest box.

B. Due to the inherent tendency of these animals to bite people and in an attempt to cooperate with Chapter II of the State Sanitary Code under authority of Act 601 of the 1974 Louisiana Legislature, specifically Section 2.05, it is further required that applicants provide a certificate from a licensed veterinarian stating that squirrels are free of rabies.

**6. RABBITS**

Single Animal: 6 feet long x 3 feet wide x 3 feet high;

Additional Animals: add 1 foot in length per animal; gnawing logs; den or retreat.

**7. WHITETAIL DEER, FALLOW DEER OR OTHER IMPORTED DEER**

A. No license will be issued in metropolitan or urban areas. A rural environment is the first requirement to keep these animals.

**B. Exhibit Purposes:**

Single Animal: 5000 square feet paddock or corral (50 feet wide x 100 feet long); increase corral size by 50 percent of that size for each additional animal; shelter required.

Sturdy Corral Fence: 9 gauge chain link or other satisfactory woven wire, 8 feet high minimum.

**C. Commercial Operation:**

Same fence construction but 15 acre minimum.

**8. \*BEAR (LICENSE WILL NOT BE ISSUED)**

Single Animal: Sturdy pen (chain link wire) not less than 9 gauge with top cover 25 feet long x 12 feet wide x 10 feet high;

Pair: 30 feet x 15 feet x 10 feet high;

Pool: 6 feet x 4 feet x 18 inches deep, with facilities for spraying or wetting bears;

Den: 6 feet long x 4 feet wide x 4 feet high, per animal.

**10. \*WOLVES AND WOLF CROSSES (PERMITS WILL NOT BE ISSUED)**

Single Animal: 15 feet long x 8 feet wide x 6 feet high; double cage area for each additional animal; secluded den area required, 4 feet x 4 feet for each animal, sturdy wire required.

**11. \*COUGAR, MOUNTAIN LION (LICENSE WILL NOT BE ISSUED)**

Single Animal: 10 feet long x 8 feet wide x 8 feet high, covered roof;

Pair: 15 feet long x 8 feet wide x 8 feet high;

Materials: not less than 9 gauge chain link or equivalent and safety perimeter rail; danger sign, claw long; 24-inch wide shelf, 8 feet long, 40 inches off floor.

\*NOTE: Current valid Game Breeder's License holders for these species will be "grandfathered" and renewed annually until existing captive animals expire, or are legally sold, traded, etc. out of state or to a suitable public facility. This position by the department is necessary due to the ability of these specific animals to cause serious physical injury to the owner, or other innocent bystanders. Qualified educational institutions, zoos or scientific organizations will be excepted to this provision on a case-by-case basis.

#### 12. GENERAL REQUIREMENTS:

A. Game animals and birds cannot be taken from the wild nor released into the wild except as provided on shooting preserves. (The only exception to this policy is that hawks and falcons may be taken from the wild by falconers, as provided for in their federal regulations). Applicants are required to have a bill of sale for each animal acquired, as well as keeping records of all birds and animals sold or transferred, and the names and addresses to whom they were sold or transferred. These records shall be subject to inspection at any time by Wildlife and Fisheries employees.

B. Additionally, it is the responsibility of the applicant to comply with pen specifications. In addition to the described pen dimensions all bird and animal pens must include adequate feeding and watering facilities necessary for the well-being of the animal. Applicants for waterfowls, doves, pheasants, quail, chukars, squirrels and rabbits must submit a form verifying their facilities meet or exceed the described pen specifications, along with a copy of the bill of sale. Their facilities may require inspection at the biologist's discretion. All deer and potentially dangerous animals' pens must be inspected for security.

C. Game Breeders can only keep those species for which they have been approved to keep. If applicant desires to keep additional species, the facilities for those species must be inspected and approved prior to obtaining the new species.

D. All new applicants for a Game Breeder's License as well as renewal applicants for all deer and the previously specified potentially dangerous animals must submit (1) a signed waiver statement holding the Department of Wildlife and Fisheries and its employees harmless of liability as a result of issuing a Game Breeder's License. License will only be issued to those applicants whom are willing to accept full responsibility and liability for any damages or injuries resulting from their animals or activities as a licensed game breeder of domesticated wildlife in Louisiana; (2) a written plan of action for recapture of an escaped animal must be submitted and approved by the Department before the application is processed. The plan of action should include (a) equipment, (b) personnel, (c) recovery techniques, and (d) method of mitigation payments for damages caused by the escaped animal. This information is necessary because the Department of Wildlife and Fisheries will not provide these services.

Virginia Van Sickle  
Secretary

# Notices of Intent

## NOTICE OF INTENT

### Department of Culture, Recreation and Tourism Office of State Parks

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., notice is hereby given that the Office of State Parks intends to revise the following rules which will have an economic impact or benefit. The revisions and changes herein refer to rules published in LAC 25:IX. Chapters 5 and 7.

#### Title 25 CULTURAL RESOURCES Part IX: Office of State Parks

#### Chapter 5. Procedures and Fees

#### §501. Operating Schedule

##### A. State Parks

1. ...
2. Winter schedule (1 October-31 March): Parks open 8 a.m.-7 p.m. daily (exceptions: south landing of Chicot State Park, Lake Bistineau State Park, and North Toledo Bend State Park, 7 a.m. to 7 p.m.; the north landing gate of Chicot State Park is open from 3 p.m. Friday to 7 p.m. Sunday.) Note: On Fridays and Saturdays, a park attendant is on duty for camper registration until 10 p.m. Cypremort Point State park is closed during the winter season (1 October-31 March).

##### B. State Commemorative Areas

1. Museums: Year-round schedule--Open 9 a.m.-5 p.m. Wednesday-Sunday, closed Christmas Day, New Year's Day, Thanksgiving Day.

##### 2. Day-use Facilities and Grounds

- a. Summer schedule (1 April-30 September): Open 9 a.m.-7 p.m. Wednesday through Sunday.
- b. Winter schedule (1 October-31 March): Open 9 a.m.-5 p.m. Wednesday through Sunday.

#### §503. General Admission Fees

##### A. ...

##### B. State Commemorative Areas General Admission Fees

1. An admission fee of \$2 per adult is charged for all state commemorative areas (exception: Locust Grove State Commemorative Area, which has no admission charge). There is no admission charge for children age 12 and under. Admission entitles visitors to all facilities and regular programs which may be offered at the commemorative area. Special programs and events may include special admission rates.

##### 2. - 3. ...

4. Buses used as public conveyances are charged \$40 per day, entitling riders to all facilities and programs of the commemorative area.

##### C. - H. ...



I. Conference Rooms

1. - 2. ...

3. Conference rooms are available at North Toledo Bend State Park and Chemin-A-Haut State Park.

4. Groups reserving 50 percent or more of the cabins at North Toledo Bend State Park and Chemin-A-Haut State Park may use the conference room at those parks free of charge subject to availability.

J. ...

1. b. Repeal

K. Annual Permits

1. Annual Day-Use Permits allow a single, private non-commercial vehicle and its occupants entry to all state parks and state commemorative areas at a cost of \$30 per year. The permit, to be permanently affixed to the vehicle, may be obtained by application and payment to the Office of State Parks, Box 44426, Baton Rouge, LA 70804. Permit applications are available at all state parks and state commemorative areas. The permit is valid for a period of one year beginning January 1 and ending December 31.

**§505. Overnight and Day Use**

A. Camping Fee

1. Improved campsites rent for \$12 per night. Unimproved campsites rent for \$10 per night. Reservations for campsites are accepted only at Fontainebleau State Park and Lake Bistineau State Park. For further information on campsite reservations, see Reservation Policy, §505. G.

2. - 4. ...

B. 1. ...

2. a. A fee of \$30 per night is assessed to the group for the exclusive use of the area and each individual camper rig is also charged the improved campsite rate.

**Chapter 7. Facilities**

**§701. Office of State Parks' Operating Units**

L. Fort Jesup State Commemorative Area is located just off LA 6, formerly the original El Camino Real. This site features an original kitchen/mess building and a museum. The site was selected by Zachary Taylor in 1822 and the fort existed for 26 years as one of the strongest garrisons in Louisiana. Fort Jesup is a National Historic Landmark. Transferred to the Sabine River Authority, Many, Louisiana, through a Cooperative Endeavor Agreement.

M. - U. ...

V. Los Adaes State Commemorative Area is located on LA 6, east of Robeline in Natchitoches Parish. Originally built in 1721, the fort protected Spanish territory from the French. Despite official friction, the Spanish of Los Adaes and the French of Fort St. Jean Baptiste maintained friendly relations. Important archaeological site. Included on the National Register of Historic Places. Transferred to the Sabine River Authority, Many, Louisiana, through a Cooperative Endeavor Agreement.

W. ...

X. Mansfield State Commemorative Area is located four miles south of the town of Mansfield. This park is the site of the most important battle of the Civil War fought west of the Mississippi. The 44 acre site includes a museum noted for its variety of military artifacts. The interpretive program explains how the badly outnumbered Rebels defeated the Union, ending the Red River Campaign. The facility is included on the National Register of Historic Places. Transferred to the Sabine River Authority, Many, Louisiana, through a Cooperative Endeavor Agreement.

Y. - Z. ...

A.A. Plaquemine Locks State Commemorative Area is located in downtown Plaquemine about 15 miles south of Baton Rouge. This five acre site interprets the history of the Mississippi River and its traffic. Included on the site are the original lock structure, lockhouse, huge viewing tower and a pavilion. The Plaquemine Locks, built in 1909, provided the only link to waterways west of the Mississippi River. The facility is included on the National Register of Historic Places. Transferred to the Iberville Parks and Recreation District, Plaquemine, Louisiana, through a Cooperative Endeavor Agreement.

Interested parties may submit written comments on the proposed rules through October 15, 1988, to Linton Ardoin, Assistant Secretary, Office of State Parks, Box 44426, Baton Rouge, LA 70804.

Linton Ardoin  
Assistant Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Rule Title: Fee and Schedule Changes  
State Parks and State Commemorative Areas**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

These rules provide for a reduction in operating hours of all state commemorative areas and one state park and for the transfer of four state commemorative areas, which is in accordance with the Office's budget for the current fiscal year. The rule changes will result in cost savings of \$360,083 for FY 88-89.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

A net increase of \$59,603 in revenues to the state for the current fiscal year is estimated as a result of implementing the proposed rules. These revenues are dedicated to the Bond Security and Redemption Fund for payment of capital outlay debt service.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

Campers will pay \$3 more for a campsite. A bus tour fee (\$40/bus) will be established for all state commemorative areas resulting in savings for tour operators, except for senior citizen bus tours which will be charged the regular rate. Children aged 6-12 will no longer be charged an admission fee at any state commemorative area. Entrance fees (\$2/adult) will be charged at all state commemorative areas (three are currently free). Annual day use entrance permits will be extended to include state commemorative areas. Cypremort Point State Park will be closed for the winter season (six months). State commemorative areas will operate five days per week instead of seven.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The adoption of these rules will have no effect on competition and employment.

Linton Ardoin  
Assistant Secretary

John R. Rombach  
Legislative Fiscal Officer

## NOTICE OF INTENT

### Department of Culture, Recreation and Tourism Office of State Parks

In accordance with the provisions of R.S. 49:950, et seq., notice is hereby given that the Office of State Parks intends to revise the following rules in LAC 25:IX. Chapters 3 through 7. These rule changes will have no economic impact or benefit and will not affect revenues collected by this office.

### Title 25 CULTURAL RESOURCES Part IX. Office of State Parks

#### Chapter 3. Rules and Regulations

##### §305. Vehicle Use

A. ...

B. Vehicles, including recreational vehicles, motorcycles, and boat trailers, shall be parked only in designated parking areas unless otherwise authorized by the park manager.

C. - G. ...

H. Repealed

##### §311. Overnight Use

A. - V. ...

W. All overnight facilities have a check-in time of 4 p.m. and a check-out time of 2 p.m., except Sundays, when the check-out time is 4 p.m. and the check-in time is 6 p.m. No overnight facility will be available to the user before the check-in time, unless it has already been prepared for new occupancy.

##### §313. Fishing, Hunting, Trapping, and the Use of Firearms or Fireworks

A. - F. ...

G. The use of historic weapons or reproduction historic weapons in a park is allowed only pursuant to policies and procedures established by the assistant secretary.

##### §315. Livestock, Animals and Pets

A. Horseback riding is allowed only as part of special program events approved in advance by the assistant secretary.

B. Dogs or pets are not allowed to run at liberty in the parks. Any dog or pet brought within the park area must be leashed, caged or crated, and under no circumstances be permitted within buildings or other enclosed structures of the park (the leash is not to exceed five feet in length). Only seeing-eye dogs will be permitted near designated swimming areas. Owners of pets causing any injury or damage will be fully responsible.

##### §317. Sanitation and Health

A. - F. ...

G. Burial of garbage, litter, or dead animals on park property is prohibited.

#### Chapter 5. Procedures and Fees

##### §501. Operating Schedule

A. State Parks

1. Summer schedule (1 April-30 September): Parks open 7 a.m.-10 p.m. daily (exceptions: Chicot State Park, South Landing, 5 a.m.-10 p.m.; Grand Isle State Park, North Toledo Bend State Park, and Lake Bistineau State Park, 6 a.m.-10 p.m.).

2. ...

3. Pools and enclosed beach areas are usually operated from Memorial Day through Labor Day, subject to an operating schedule per individual park. All pools and enclosed beach areas are closed on Mondays, except holidays.

B. State Commemorative Areas

1. 2. ...

3. Repeal

C. ...

D. Temporary Operating Schedule. Some areas are not fully operational pending completion of programs or facilities. Also, because of budgetary or legislative mandates, operational schedules may change. Visitors should contact the site manager or administrative office for specific information regarding sites with part-time operating schedules and special group tour arrangements. Group rental shelters are available at Chemin-A-Haut, Chicot, Cypremort Point, Fairview-Riverside, Fontainebleau, Lake Bistineau, North Toledo Bend, Bayou Segnette, and Lake Fausse Pointe State Parks for a daily rental fee of \$30. The large picnic pavilion at Lake Fausse Pointe State Park rents for \$50 per day. Such shelters, when rented, are reserved exclusively for the use of the group or individual who is permitted for such use.

##### §503. General Admission Fees

A. ...

B. State Commemorative Areas General Admission Fees

1. ...

2. Repeal

3. - 4. ...

C. - D. ...

E. Repeal

F. ...

##### §505. Overnight and Day Use

A. - D. ...

E. Cabins and Lodges

1. Cabins

Cabin Classification and Park Location	Overnight Rate and Required Deposit	Bedding Accommodations	Maximum Capacity
Type I Lake Bistineau SP Bayou Segnette SP Lake Fausse Pointe SP North Toledo Bend SP	\$50	6 persons-Deluxe	8
Type II Lake Bistineau SP Chicot SP Sam Houston Jones SP	\$45	6 persons-Standard	8
Type III Chemin-A-Haut SP	\$40	4 persons-Deluxe	6
Type IV Chemin-A-Haut SP Chicot SP	\$35	4 persons-Standard	6

In each case where the bedding accommodations are specified, the maximum overnight occupancy of the cabin cannot be more than two people over the lodging accommodation number. Bedding accommodations will vary and may include a combination of double beds, single beds, bunk beds or sofa sleepers. Visitors must contact the park for information regarding specific bedding arrangements and accommodations.

F. Group Camps

These are available at certain parks for organized group

use. The capacity, type of facility, rate and location are as follows:

Park Location	Type of Facility	Capacity (No. Persons)	Overnight Use/ Minimum Rate and Deposit	Day-Use Rate
Bayou Segnette	3 Dormitories	120	\$180	\$150
Chemin-A-Haut	1 Dormitory	40	\$ 75	\$ 50
Chicot Area No. 1	1 Dormitory, 5 Cabins	160	\$250	\$150
Chicot Area No. 2	1 Dormitory, 6 Cabins	48	\$ 75	\$ 50
Fontainebleau No. 1 (west end - large)	1 Dormitory	150	\$225	\$150
Fontainebleau No. 2 (west end - small)	1 Dormitory	30	\$ 50	\$ 50
Fontainebleau No. 3 (east end)	2 Dormitories	65	\$100	\$ 50
Lake Bistineau Area No. 1	20 Cabins	160	\$250	\$150
Lake Bistineau Area No. 2	6 Cabins	48	\$ 75	\$ 50
Longfellow-Evangeline	1 Dormitory	60	\$100	\$ 50
North Toledo Bend	5 Dormitories	150	\$225	\$150

**G. Reservation Policy**

1. - 2. ...

3. An advance deposit is required to reserve any facility. The appropriate deposit must be received at the park site within 10 days of the request (except regular campsite reservations) and the reservation will be cancelled. A person may also make a deposit by giving his VISA or Mastercard number and date of expiration. If the desired date of use is within 10 days of the date the request is made, then the deposit must be made by VISA or Mastercard, or paid in person at the park site.

4.a. A reservation may be cancelled with full refund if requested at least 14 days prior to the reservation date (except for regular campsite reservations). If a person is not in compliance with this procedure, nor follows the refund guidelines (see Refunds), his/her advance deposit will be forfeited.

b. A change in the date of a reservation may be made without forfeiting an advance deposit, if the change is requested at least 14 days prior to the original reservation date. Date changes are dependent upon facility availability.

**5. Overnight Reservations**

a. - d. ...

e. An advance deposit equal to the appropriate one night fee is required to reserve any overnight facility (except regular campsites). This deposit will be applied to the first night's use.

f. ...

**g. Reservations for Regular Campsites**

i. An advance deposit equal to one night's regular campsite rental fee plus a surcharge of \$3 is required to make an advance reservation for a regular campsite. Normal camping fees apply after the first night. Senior citizen discounts do not apply to the surcharge.

ii. Advance reservations for regular campsites are non-refundable and non-transferrable.

iii. If a user wishes to change campsite location after confirmation of the advance reservation, the advance reservation fee (one night's deposit plus \$3) shall be forfeited. A user may select a new site outside the campsite reservation area; however, such use will be considered a new permit and all applicable fees will be charged at the regular rate.

iv. Advance reservations may be made by VISA or Mastercard, personal check, or paid by cash in person. If made

by personal check, the reservation can only be confirmed if the check is received at least 14 days prior to the desired reservation date. If a check is returned for non-sufficient funds within the 14-day period, the reservation is automatically cancelled.

v. A camper may reserve up to five campsites for a particular date. However, a camper may reserve campsites for only one date in any 24-hour period.

**6. Day-Use Reservations**

a. Day-use reservations may be made for group camps, rally campgrounds, conference rooms and group shelters (where available).

b. Reservations of conference rooms and group shelters for day use from April 1 through September 30 are accepted by phone or in writing beginning January 2 annually at the individual park where the reservation is desired. Reservations of conference rooms and group shelters for day use from October 1 through March 31 are accepted beginning July 1.

c. Reservations of group camps and rally campgrounds for day use only from April 1 through September 30 are accepted by phone or in writing beginning February 1 annually at the individual park where the reservation is desired. Reservations of group camps and rally campgrounds for day use only from October 1 through March 31 are accepted beginning August 1. Such reservations can be made for a single day period.

d. An advance deposit equal to the appropriate day-use rate is required to reserve conference rooms, group camps, group shelters or rally campgrounds. This deposit will be applied to the first day's use.

**H. Special Facilities (overnight) - Poverty Point SCA Dormitory**

1. - 2. ...

3. Application Process--Requests for use of the dormitory must be made by letter addressed to the Assistant Secretary, Louisiana Office of State Parks, Box 44426, Baton Rouge, LA 70804-4426.

...

**§507. Special Uses and Restrictions**

**A. Special Use**

Any function requiring special or restricted use of any facility or area within a state park holding must be approved by the assistant secretary and the fee for such will be computed on the same basis as the use for conference rooms. Written request for special use of a facility must be received at the Office of State Parks, Box 44426, Baton Rouge, LA 70804-4426 at least 30 days prior to the scheduled event. No telephone requests are accepted.

...

**Chapter 7. Facilities**

**§701. Office of State Parks' Operating Units**

A. ...

B. Bayou Segnette State Park (7777 Westbank Expressway, Westwego, LA 70094, 504-436-1107) is located in Westwego off U. S. 90 near its intersection with Drake Avenue, across the Mississippi River from New Orleans. The 580-acre park includes a large boat launch, 20 vacation cabins, a camping area, group camp, and picnic area.

C. Repealed

C. - G. ...

H. Earl K. Long State Commemorative Area is located in the city of Winnfield. It was established as a memorial to the man

who served three terms as governor. The symmetrical design of the park, from its eight-foot bronze statue at the apex of a partially hedged, circular walk to its pavilion is enhanced by effective landscaping throughout. Transferred to the City of Winnfield through a Cooperative Endeavor Agreement.

I. - J. ...

K. Fontainebleau State Park (Box 152, Mandeville, LA 70448, 504-624-4443) is located southeast of Mandeville in St. Tammany Parish on U.S. 190. The park embraces over 2800 acres on the north shore of Lake Pontchartrain. The ruins of a plantation brickyard and sugar mill and an alley of live oaks lining the entrance road are popular assets of the park. The park offers swimming, fishing, camping and picnicking. A nature trail is very popular.

L. - M. ...

N. Fort St. Jean Baptiste State Commemorative Area (Box 1127, Natchitoches, LA 71458, 318-357-3101) is located in downtown Natchitoches, oldest town in the Louisiana Purchase. The reconstructed facility is an exact replica of the fort as it existed in 1732. It includes a long barracks building, small warehouse, chapel, mess hall and several Indian huts. The fort was a strategic outpost for the French to prevent the Spanish from advancing further in Louisiana. Park personnel wear period dress as part of the interpretive program.

O. - Y. ...

Z. Repealed

AB. Port Hudson State Commemorative Area (756 West Plains-Port Hudson Road, Zachary, LA 70791, 504-654-3775) is located on U. S. Highway 61, 14 miles north of Baton Rouge. The 640-acre site includes original Civil War earthworks which were the site of the 1863 siege of Port Hudson, a struggle for control of the Mississippi River. The commemorative area features a museum, outdoor displays, viewing towers, a picnic area, and over six miles of walking trails. Port Hudson is a National Historic Landmark.

AC. ...

AD. Rebel State Commemorative Area (Box 127, Marthaville, LA 71450, 318-472-6255) is located in Natchitoches Parish three miles north of Marthaville just off LA 1221. The site features the Louisiana Country Music Museum, which explores the development of country music in Louisiana. Also on site are an amphitheatre where performances are held periodically, and a picnic area.

Interested parties may submit written comments on the proposed rules through October 15, 1988, to Linton Ardoin, Assistant Secretary, Office of State Parks, Box 44426, Baton Rouge, LA 70804.

Linton Ardoin  
Assistant Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: General Rule Changes**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There are no associated implementation costs or savings to state or local government because the impact of these rules can be handled by existing staff.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

These rules include the notification of fees for three new state parks which opened during the last fiscal year. Annual revenues from these three parks are estimated to be \$438,536. These revenues are dedicated to the Bond Security & Redemption Fund for payment of capital outlay debt service.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

No costs or economic benefits to affected persons or groups are anticipated.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

No effect on competition and employment is anticipated.

Linton Ardoin  
Assistant Secretary

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Economic Development  
Racing Commission**

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to amend the following rule.

**Title 35  
HORSE RACING  
Part XIII. Wagering**

**Chapter 112. Twin Trifecta**

**§11201. Twin Trifecta**

A. - D. . . .

E. After wagering closes for the first half of the twin trifecta, the commissions will be deducted from the pool in accordance with laws of the state. The remaining pools will then be divided into two separate pools of 70 percent and 30 percent.

F. The monies in the 30 percent of the divided pool shall be distributed to the holders of the twin trifecta tickets selecting the first three horses in order, on the first designated twin trifecta race, in accordance with established pari-mutuel practice.

G. The 70 percent portion of the divided pool shall be placed in a separate pool to be distributed to the holders of the second half twin trifecta tickets selecting the first three horse in order, on the second designated twin trifecta race, in accordance with established pari-mutuel practice.

H. - R. . . .

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149.

HISTORICAL NOTE: Promulgated by the Louisiana State Racing Commission LR 12:419 (July, 1986), amended LR 14:227 (April, 1988).

PENDING ACTION: Notice of Intent to be announced August 25, 1988.

The office of the Louisiana State Racing Commission is open from 9 a.m. to 4 p.m. and interested parties may contact Alan J. LeVasseur, Executive Director or Tom Trenchard, Administrative Services Assistant at (504) 483-4000 or LINC 635-4000 holidays and weekends excluded, for more information. All interested persons may submit written comments relative to this rule through Friday, October 7, 1988 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Alan J. LeVasseur  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: LAC 35:XIII.11201 "Twin Trifecta"**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There are no costs to implement this rule change.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There is a positive effect on revenue collections, as a result of anticipated increase in patrons and wagering, however, it is not measurable.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
The proposed rule change would benefit the commission, association, horsemen and patrons by attracting additional patrons with a larger payoff in the second half of the twin trifecta as well as its carryover amount. More patrons, proportionately more wagering, revenue, as well as purses, etc.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There is no effect on competition nor employment.

Alan J. LeVasseur  
Executive Director

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Implementation of Eleventh Grade Graduation Test

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved an amendment to Bulletin 741 relative to implementation of the Eleventh Grade Graduation Test as follows:

Standard 2.099.00

In addition to completing a minimum of 23 Carnegie Units of credit, the student shall also be required to pass the Graduation Test, beginning with the 1991 graduating class. This shall first apply to students classified as sophomores in 1988-89 and thereafter.

The English language arts, writing, and mathematics components of the graduation test shall first be administered to students in the 10th grade.

The science and social studies components of the graduation test shall first be administered to students in the 11th grade.

Remediation and retake opportunities will be provided for students who do not pass the test.

Standard 2.099.01

All city and parish school systems shall notify each student, and parents or guardian of the requirement of passing the Graduation Test prior to or upon the student entering the 10th grade.

Students transferring to any high school of a city or parish school system shall be notified by that system of the requirement of passing the Graduation Test upon entering that school system.

This was also adopted as an emergency rule. Effective date of emergency rule is August 22, 1988. (This policy supersedes the policy advertised as a notice of intent in the June 20, 1988 issue of the *Louisiana Register*.)

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., November 8, 1988 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Em Tampke  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: High School Graduation Requirement**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
The estimated implementation costs of this rule are: 1988-89, \$137,500 (Louisiana Quality Education Support Fund); 1989-90, \$6,256,250 (State General Fund) 1990-91, \$12,402,813 (State General Fund). The remediation costs are based upon a 40 percent failure rate with \$50 and \$150 allowed per student depending upon the extent of remediation needed. The cost to administer the tests is estimated at \$2.50 per student.

Local school systems may provide additional funds for remediation; however, the supplements to be provided cannot be determined at this time. Local Education Agencies should incur no additional costs to administer the test in the classroom.

Cost of Remediation

Two remediation estimates are presented below. A "high estimate" is based on the assumption that the major remediation effort would occur during summer school at a cost of \$150 per student. The "low estimate" is based on the assumption the major effort would occur during the year by placing students in a remedial class in lieu of an elective at nominal cost. Also included are the costs for students who will need minor remediation and the cost of administering the tests.

The following table provides remediation cost estimates based upon the number of units failed. Each part of the four-part test (language arts, math, science, and social studies)

failed is one unit of remediation. Approximately 60 percent of the units failed will require extensive remedial assistance and 40 percent less extensive assistance. Remedial assistance may be provided during summer school, placing students in a remedial class in lieu of an elective, or some other alternative approved by the State Board of Elementary and Secondary Education.

**NUMBER OF TESTS ADMINISTERED AND  
UNITS TO BE REMEDIATED**

	1988-89		1989-90		1990-91	
	Tests	Units (2 Per Student)	Tests	Units (2 Per Student)	Tests	Units (2 Per Student)
Sophomores Tested and Units to be Remediated	55,000		55,000	44,000	55,000	44,000
1st Retake (40% of 55,000)	-0-	-0-	22,000	11,000	22,000	11,000
2nd Retake (25% of 22,000)	-0-	-0-	5,500		5,500	2,750
3rd Retake (50% of 5,500)	-0-	-0-	-0-		2,750	1,375
4th Retake (50% of 2,750)	-0-	-0-	-0-		-0-	2,750
Juniors (Retakes Only of 47,000 Tested)					18,800	37,600
1st Retake (40% of 47,000)	-0-	-0-	-0-		4,700	9,400
2nd Retake (25% of 18,800)	-0-	-0-	-0-			
Total Number Tested and Units to be Remediated	55,000	-0-	82,500	55,000	110,125	110,250

**COST TO ADMINISTER**

	1988-89	1989-90	1990-91
Total Cost to Administer at \$2.50 each	\$137,500	\$206,250	\$275,313

**COST OF REMEDIATION: HIGH ESTIMATE-SUMMER SCHOOL**

	1989-90	1990-91
60% of Units--Major Remediation 1989-90, 55,000 x .60 x \$150 1990-91, 110,250 x .60 x \$150	\$ 4,950.00	\$ 9,922.500
40% of Units--Minor Remediation 1989-90, 55,000 x .40 x \$50 1990-91, 110,250 x .40 x \$50	1,100,000	2,205,000
	<u>\$ 6,050,000</u>	<u>\$12,127,500</u>

**COST OF REMEDIATION--LOW ESTIMATE**

Major Remediation would be accomplished in lieu of an elective class during the regular school year COST--\$0.00	1989-90	1990-91
Minor Remediation--After School Tutoring 1989-90, 55,000 x .40 x \$50 1990-91, 110,250 x .40 x \$50	\$ 1,100,000	\$ 2,205,000

**TOTAL COSTS**

	1988-89	1989-90	1990-91
TOTAL HIGH COST INCLUDING ADMINISTRATION	<u>\$ 137,500</u>	<u>\$ 6,256,250</u>	<u>\$ 12,402,813</u>
TOTAL LOW COST INCLUDING ADMINISTRATION	<u>\$ 137,500</u>	<u>\$ 1,306,250</u>	<u>\$ 2,480,313</u>

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

Local school systems will receive appropriated funds for remediation, estimated at \$6,050,000 for 1989-90 and \$12,127,500 for 1990-91.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

The students remediated and successfully retaking the examination will have increased economic benefits over their lifetime.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

Remediation will probably result in additional job opportunities for instructional personnel.

Dr. Wilmer S. Cody  
Superintendent

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Extension of Board Policy 3.01.70.v(37)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved an extension of the BESE policy for hiring full-time/part-time noncertified school personnel with the exception of speech, language, and hearing specialists and for it to remain in effect until July 1, 1989. (This was also advertised as an emergency rule in the August, 1988 issue of the *Louisiana Register*.)

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., November 8, 1988 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Em Tampke  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Rule Title: Circular 665 (Policy for Hiring Full-time and Part-time Noncertified School Personnel)**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

No implementation cost to the Department of Education is anticipated.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

This policy will have no effect on revenue collections.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

This policy will allow school superintendents to fill vacant teaching positions and not necessitate combining classes.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

This policy will have no effect on employment and competition among certified teachers since the employing superintendent must verify that no certified teacher is available to fill the vacant position.

Graig A. Luscombe  
Assistant Superintendent

John R. Rombach  
Legislative Fiscal Officer

## NOTICE OF INTENT

### Board of Elementary and Secondary Education

#### Extension of Temporary Employment Permit

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved an extension of the Temporary Employment Permit for the 1988-89 school year for individuals seeking Louisiana teacher certification. (This was advertised as an emergency rule in the August, 1988 issue of the *Louisiana Register*.)

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., November 8, 1988 at the following address: State Board of Elementary and Secondary Education, Box 94064, Baton Rouge, LA 70804-9064.

Em Tampke  
Executive Director

### Fiscal and Economic Impact Statement For Administrative Rules

#### Rule Title: Temporary Employment Permit

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
The adoption of this policy will cost the Dept. of Education approximately \$25 for printing the temporary employment permits.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
The adoption of this policy should result in approximately \$1,535 being collected.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
Individuals applying for temporary employment permits will be required to submit an initial fee of \$25 for in-state applicants, \$40 for out-of-state applicants and \$15 renewal fee to the Louisiana Dept. of Education.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
Since many local school systems are experiencing difficulty in filling all vacancies in their schools, this should have no effect on competition among teachers across the state.

Graig A. Luscombe  
Assistant Superintendent

John R. Rombach  
Legislative Fiscal Officer

## NOTICE OF INTENT

### Board of Elementary and Secondary Education

#### Personnel Policies and Procedures for the Superintendent

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Ele-

mentary and Secondary Education approved the following policies relative to personnel appointments by the state superintendent of education:

The state superintendent of education shall exercise his responsibilities for personnel appointments in the following manner:

1. The superintendent may establish or abolish positions that direct the offices and bureaus and otherwise organize the major units of the department with the consent of the board.
  2. The superintendent shall determine the duties and responsibilities of all personnel assigned to positions in the department.
  3. The selection of appointees to classified positions in the department shall be in accordance with procedures approved by the Civil Service Department.
  4. Appointments of senior departmental personnel to unclassified positions shall be made by the superintendent with the prior consent of the board. They shall serve at the pleasure of the superintendent in accordance with the law.
  5. Appointments of personnel to unclassified positions in the vocational-technical schools, special schools and Special School District #1, shall be made by the superintendent with the prior approval of the board.
  6. The superintendent may delegate, subject to the approval of the board, the appointing authority conferred upon him to directors or administrative heads of vocational-technical schools, special schools, and other administrative units.
  7. The selection of appointees to all unclassified positions shall be based on professional, technical, and/or clerical qualifications appropriate to each position.
  8. No person shall, on the basis of race, color, religion, sex, age, national origin, handicap, veteran status or any other non-merit factor, be discriminated against in any employment practice.
  9. A monthly report on all new appointments and terminations will be provided to the members of the board.
  10. In addition to the above, the superintendent shall exercise his responsibilities for personnel matters in accordance with the constitution and laws of the state.
- Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., November 8, 1988 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Em Tampke  
Executive Director

### Fiscal and Economic Impact Statement For Administrative Rules

#### Rule Title: Department of Education Personnel Policies and Procedures

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
This policy will have no costs or savings to state or local governmental units. The personnel policy applies only to the State Department of Education and places into regulation practices which are currently being followed by the Department and the State Board of Elementary and Secondary Education.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

There will be no costs or economic benefits to directly affected persons or non-governmental units.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment resulting from this rule. The policy places into regulation current department and board practice.

Em Tampke  
Executive Director

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

**VTIE Tuition Exemption Program**

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the board approved the regulations for the VTIE Tuition Exemption Program. (This was also adopted as an emergency rule. See August, 1988 issue of the *Louisiana Register* for complete text of the regulations.)

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., November 8, 1988 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Em Tampke  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Rule Title: VTIE Tuition Exemption Program**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Implementation of this rule will permit full-time vo-tech or secondary teachers holding a VTIE Certificate to participate in a tuition exemption program. This program has been appropriated \$100,000 in 8(g) funds for 1988-89. It is estimated that implementation costs will not exceed the amount appropriated.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Public and nonpublic higher education institutions will receive payments (registration fee and building use fee per semester hour) in lieu of tuition.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

Vo-tech and secondary teachers holding a VTIE Certifi-

cate are eligible to receive a waiver for tuition. The amount paid by the state for any tuition imposed by or applicable to the nonpublic college shall be equal to, but not greater than, the highest tuition charged by a public college or university in this state.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Since the program is not open to preservice or potential teachers, there is no estimated effect on competition or employment.

Graig A. Luscombe  
Assistant Superintendent

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Elections and Registration  
Office of Management Information Services**

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and under the authority of R.S. 36:662, the Department of Elections and Registration hereby proposes to adopt the rule detailed below which provides a fee basis to be utilized in assessing parishes for 25 percent of the cost of the statewide voter registration system for fiscal year 1988-89. Interested persons may submit written comments on the proposed regulation until 4:30 p.m. on October 4, 1988 at the following address: Jerry M. Fowler, Commissioner, Department of Elections and Registration, Box 14179, Baton Rouge, LA 70898-4179. A public hearing on this proposed rule will be held on October 5, 1988 in the State Capitol Annex Building in Baton Rouge in the Committee Room on the third floor, beginning at 1:30 p.m. All interested persons will be afforded an opportunity to present their views orally at said hearing.

**Title 31  
ELECTIONS**

**Part II. Office of Management Information Services  
Chapter 3. Statewide Voter Registration System**

**§301. Purpose**

During the 1988 Regular Session of the Legislature, an amendment to the General Appropriations Bill, House Bill 626 (Act 19), was adopted which requires the Department of Elections and Registration to charge parishes for 25 percent of the cost of the operation and maintenance of the total statewide voter registration system for fiscal year 1988-89.

**§303. Usage Fee**

Parishes shall be charged a usage fee of 28.26 cents per registered voter in each parish for fiscal year 1988-89. This fee shall be based upon the total number of registered voters for each parish as of July 1, 1988.

Jerry M. Fowler  
Commissioner



**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Statewide Voter Registration System**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule will have no estimated implementation cost to state government. The department will utilize existing department personnel to perform the accounting functions required by this rule. The cost to local governments will be \$606,720 each fiscal year.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The effect on revenue collections for the Department of Elections and Registration will increase the department's self-generated revenues by approximately \$606,720. Act 19 of 1988 requires parishes to pay the Department of Elections and Registration for 25 percent of the cost of operating and maintaining the Statewide Voter Registration System.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

The proposed rule will result in a decrease in the amount of funds available for local governments and their constituents. The amount will vary depending on the total number of registered voters in each parish.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The proposed rule will not have any effect on competition and employment.

Jerry M. Fowler  
Commissioner

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

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

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:1051 et seq., and in particular Sections R.S.30:1139, R.S.30:1140, R.S.30:1141 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Louisiana hazardous waste regulations.

The purpose of the proposed amendments to the Louisiana hazardous waste regulations (LHWR) will be to correct existing citations only.

The proposed regulations are to become effective on November 21, 1988, or as soon thereafter as practical upon publication in the *Louisiana Register*.

A public hearing will be at 10 a.m. on October 7, 1988, in the Mineral Board Hearing Room, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA. Interested persons are invited to attend and submit oral comments on the proposed regulations.

All interested persons are invited to submit written comments on the proposed regulations. Such comments should be submitted no later than October 21, 1988 to Glenn Miller, Administrator, Hazardous Waste Division, Department of Environmental Quality, Box 44307, Baton Rouge, LA 70804-4307. He may be contacted at the above address or telephone (504) 342-9072. A copy of the proposed regulations may be obtained from the Hazardous Waste Division at the address provided. In addition, copies of the proposed regulations are also available for inspection at the following locations from 8 a.m. until 4:30 p.m.

State Land and Natural Resources Building, Room 615, Sixth Floor, 625 North Fourth Street, Baton Rouge, LA.

State Office Building, 1525 Fairfield Avenue, Shreveport, LA.

Department of Environmental Quality, 1155 Ryan Street, Second Floor, Lake Charles, LA.

Department of Environmental Quality, 804 31st Street, Monroe, LA.

Department of Environmental Quality, 3945 North I-10 Service Road/West, Metairie, LA.

Department of Environmental Quality, 100 Eppler Road, Lafayette, LA.

Paul H. Templet, Ph.D.  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Correction to Existing Rules**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There will be no implementation cost or savings to local governmental units because these amendments are corrections to existing rules.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There will be no effect on revenue collections of state or local governmental units.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

There will be no economic benefits nor any affected persons or non-governmental groups.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

There will be no effect on competition and employment.

Paul H. Templet  
Secretary

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

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

Under the authority of the Louisiana Environmental

Quality Act, R.S. 30:1051 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Louisiana Hazardous Waste Regulations (LAC, Volume 13, Title 33).

The proposed amendments to the Louisiana Hazardous Waste Regulations, Chapters 1, 35, 37, 43, and 49 are to conform to federal regulations.

The proposed amendments are to become effective on November 21, 1988, or as soon thereafter as practical upon publication in the *Louisiana Register*.

A public hearing will be at 10 a.m. on October 7, 1988, in the Mineral Board Hearing Room, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA. Interested persons are invited to attend and submit oral comments on the proposed amendments.

All interested persons are invited to submit written comments on the proposed amendments. Such comments should be submitted no later than October 21, 1988 to Glenn Miller, Administrator, Hazardous Waste Division, Department of Environmental Quality, Box 44307, Baton Rouge, LA 70804-4307. He may be contacted at the above address or telephone (504) 342-1227. A copy of the proposed amendments may be obtained from the Hazardous Waste Division at the address provided. In addition, copies of the proposed amendments are also available for inspection at the following locations from 8 a.m. until 4:30 p.m.

State Land and Natural Resources Building, Room 615, Sixth Floor, 625 North Fourth Street, Baton Rouge, LA.

State Office Building, 1525 Fairfield Avenue, Shreveport, LA.

Department of Environmental Quality, 1155 Ryan Street, Second Floor, Lake Charles, LA.

Department of Environmental Quality, 804 31st Street, Monroe, LA.

Department of Environmental Quality, 3945 North I-10 Service Road, Metairie, LA.

Department of Environmental Quality, 100 Eppler Road, Lafayette, LA.

Paul H. Templet, Ph.D.  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Conformity Regulations**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no implementation costs or savings to state or local governments as the proposed regulations will make corrections to the existing regulations to conform to federal regulations. There will be no impact on industry or any other segment of the private sector. The regulated community is already subject to the federal regulations to which these rule changes are intended to conform.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

There will be no cost or cost savings to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No effect on competition or employment.

Paul H. Templet  
Secretary

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

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

Under the authority of the Louisiana Environmental Quality Act, R. S. 30:1061 et seq., and in particular Section 1094 (A)(4) and (B)(6) and in accordance with the provisions of the Administrative Procedure Act, R. S. 49:950 et seq., the secretary of the Department of Environmental Quality, Paul H. Templet, Ph.D., gives notice that rulemaking procedures have been initiated to promulgate changes to the Municipal Facilities Revolving Loan Fund rules and regulations and to the state of Louisiana Construction Grants Priority System.

The proposed changes to the Municipal Facilities Revolving Loan Fund rules and regulations will slightly amend the comprehensive legal and administrative framework for implementing Act 349 of the 1986 Regular Session of the Louisiana Legislature pursuant to PL 100-4, the Water Quality Act of 1987. Included in these changes to the rules and regulations are the incorporation of the state environmental review process as well as the addition of definitions and other "housekeeping" changes. Generally, these rules and regulations will serve as a framework for municipalities in their applications to the Municipal Facilities Revolving Loan Fund program for financial assistance with the construction of their wastewater treatment facilities.

The proposed change to the State of Louisiana Construction Grants Priority System will allow funding under the Construction Grants program and the Municipal Facilities Revolving Loan Fund program for sewage collection systems and for rehabilitation to existing sewage collection systems. Funding for these categories of projects is not allowed under existing rules.

All interested persons are invited to comment orally or in writing at a public hearing to be held at 10 a. m. on Thursday, October 6, 1988, in the Mineral Board Hearing Room on the first floor of the State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA. Any additional written comments must be submitted no later than October 20, 1988, to Foster Budd, Department of Environmental Quality, 11720 Airline Highway Baton Rouge, LA 70817. He is also the agency contact responsible for responding to any questions concerning the proposed regulations.

Copies of the proposed regulations may be obtained by

contacting Diane Snyder at the above address or by telephone at (504) 295-8904 and are available for inspection at the following locations from 8 a. m. until 4:30 p. m. daily, Monday through Friday.

State Land and Natural Resources Building, Ninth Floor, Room 900, 625 North Fourth Street, Baton Rouge, LA.

Capital Regional Office, 11720 Airline Highway, Baton Rouge, LA.

Southwest Regional Office, 1155 Ryan Street, Lake Charles, LA.

Northwest Regional Office, 1525 Fairfield Street, Room 11, Shreveport, LA.

Lafourche Regional Office, 302 Barataria Street, Lockport, LA.

Alexandria Sub-Regional Office, c/o La. Department of Wildlife and Fisheries, Highway 71 North, Adjacent to Spring Hill Courts, Pineville, LA.

Northeast Regional Office, 804 North 31st Street, Monroe, LA.

Acadiana Regional Office, 100 Eppler Road, Lafayette, LA.

Southwest Regional Office, 3945 North I-10 Service Road West, Metairie, LA.

Paul H. Templet, Ph.D.  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: State of Louisiana Construction Grants  
Priority System**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There are no implementation costs or savings estimated to result from this rules change.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

Revenue collections are not expected to be affected by this rules change.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

This rules change allows grants funding for collection systems and for collection system rehabilitation, two purposes not originally funded. Grants will still be based on priorities, however, and the total amount of grant money has not changed. Therefore, total costs and/or economic benefits have not changed.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

Overall competition and employment are not expected to be affected by this rules change.

Cyril A. Buchert, Jr.  
Undersecretary

John R. Rombach  
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Municipal Facilities Revolving Loan Fund -  
Rules and Regulations**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

No implementation costs or savings to state or local governmental units are anticipated.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

Revenue collections are not expected to be affected.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

No costs or economic benefits are expected as a direct result of the anticipated rule changes.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

No effect on competition and employment is estimated as a direct result of these changes.

Paul H. Templet, Ph.D.  
Secretary

David W. Hood  
Legislative Fiscal Analyst

**NOTICE OF INTENT**

**Office of the Governor  
Office of Elderly Affairs**

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Governor's Office of Elderly Affairs (GOEA) intends to amend Section 1111 of the GOEA Policy Manual. The purpose of the amendment is to establish a rule which ensures the confidentiality of information obtained by the Governor's Office of Elderly Affairs in the process of monitoring and assessing Area Agencies on Aging and Service Providers. LAC 4:VII.1111(C) shall be revised to read as follows:

**Title 4  
ADMINISTRATION**

**Part VII. Governor's Office**

**Chapter 11. Elderly Affairs**

**Subchapter A. Authority, Organization, Functions**

**§1111. Governor's Office of Elderly Affairs Administration**

C. Confidentiality and Disclosure of State Agency Information.

1. .

2. The Governor's Office of Elderly Affairs maintains as confidential all information regarding problems identified in the process of monitoring and assessing area agencies on aging and/or service providers until such time as problems are resolved. Staff of the Governor's Office of Elderly Affairs shall not divulge to any individual or organization any information which exposes or makes liable to danger, suspicion, or disrepute, either the Office of Elderly Affairs or the agency in which the problem exists. Violation of this rule shall be considered cause for discipli-

nary action in accordance with Chapter 12 of the State Civil Service rules.

3. Subject to the confidentiality requirements of this Sub-section, the director of the Governor's Office of Elderly Affairs will make available at reasonable times and places to all interested parties information and documents developed or received by the Governor's Office of Elderly Affairs in carrying out its responsibilities.

Comments regarding this proposed rule change should be sent to Betty Johnson, Elderly Affairs Planning Manager, Governor's Office of Elderly Affairs, Box 80374, Baton Rouge, LA 70898-0374.

Vicky Hunt  
Director

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Rule Title: GOEA Policy Manual Revision**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There will be no implementation costs to state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
This proposed rule change will not affect revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
There will be no costs or economic benefits resulting from this rule change.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There will be no effect on competition and employment.

Vicky Hunt  
Director

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Health and Hospitals  
Board of Nursing**

The Louisiana State Board of Nursing hereby gives notice that the board at its November 17 - 18, 1988 meeting, intends to adopt revisions to LAC 46:XLVII.3307.B.

Public notification made herein indicates no final approval.

The public is made aware of the proposed changes in compliance with R. S. 49:950 et seq.

**Title 46  
PROFESSIONAL AND OCCUPATIONAL STANDARDS  
Part XLVII. Nurses  
Subpart 2. Registered Nurses**

**Chapter 33. General Rules**

**Subchapter A. Board of Nursing**

**§3307. Meetings of the Board**

A. . . .

B. A minimum of four regular meetings shall be held each year. The annual meeting shall be held at the May meeting, prior to the beginning of the fiscal year, July 1.

C. - G. . . .

Written comments may be addressed to Marjorie M. Luc, RN, Interim Executive Director, Louisiana State Board of Nursing, 907 Pere Marquette Building, 150 Baronne Street, New Orleans, LA 70112 until 4:30 p.m. on October 31, 1988.

Marjorie Luc, RN, MSH  
Interim Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Rule Title: Board Meetings**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There will be no cost or savings to the state or the Board of Nursing.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There will be no effect on revenue collections of state or Board of Nursing.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
There will be no costs and/or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There will be no effect on competition and/or employment

Marjorie M. Luc  
Interim Executive Director

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Health and Hospitals  
Office of Community Services  
Division of Rehabilitation Services**

The Department of Health and Hospitals, Office of Community Services, Division of Rehabilitation Services will change their Policy Manual regarding the merger with the Division of Blind Services.

The Louisiana Department of Health and Hospitals will conduct public hearings on this change in October, 1988, in four major metropolitan areas of the state.

Copies of the Policy Manual will be available at the Division of Rehabilitation Services' offices located in the public hearing sites listed below:

Public Hearings for the Policy Manual are scheduled as follows:

Tuesday, October 4, 1988	Shreveport	10 a.m. State Office Building Room 711 1525 Fairfield Avenue Shreveport, LA
Wednesday, October 5, 1988	Alexandria	10 a.m. State Office Building First Floor Conference Room 900 Murray Street Alexandria, LA
Thursday, October 6, 1988	Baton Rouge	10 a.m. Office of Community Services 1755 Florida Boulevard Third Floor Conference Room Baton Rouge, LA
Friday, October 7, 1988	New Orleans	10 a.m. Magnolia Room, Fourth Floor Avenue Building 2026 St. Charles Avenue New Orleans, LA

Interested persons may submit written comments on the proposed change prior to October 18, 1988, at the following address: Mrs. Brenda L. Kelley, Deputy Assistant Secretary, Office of Community Services, Box 44367, Baton Rouge, LA 70804.

David L. Ramsey  
Secretary

### **Fiscal and Economic Impact Statement For Administrative Rules**

#### **Rule Title: Merger of Blind Service Policy Manual with Division of Rehabilitation Services**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There is no implementation cost for state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
No effect is anticipated.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
Those clients formerly of the Division of Blind Services will be affected because of the implementation of the Economic Needs Test and the use of comparable services and benefits. A description of the cost cannot be given as the Division of Blind Services' Economic Needs Test was an income disregard and this information would not be available until the policy has been put into effect.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment.

Brenda Kelley  
Deputy Assistant Secretary

John R. Rombach  
Legislative Fiscal Officer

### **NOTICE OF INTENT**

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

The Department of Health and Hospitals, Office of Public Health intends to amend the Definitions and Standards, the General Requirements and Pasteurization requirements for frozen desserts as prescribed by Chapter VIII, Sec 8:001, Sec 8:013 (b) and Sec 8:015 of the Sanitary Code of the State of Louisiana.

The current requirements will be changed as follows:

#### **§8:001. Definitions and Standards of Identity Non-Pasteurized, Non-Dairy Frozen Desserts**

(A) Non-pasteurized, non-dairy frozen dessert is the food which is prepared by freezing, while stirring, a non-dairy frozen dessert mix composed of one or more of the optional characterizing ingredients specified in Paragraph (B) of this Section, sweetened with one or more of the optional sweetening ingredients specified in Paragraph (C) of this Section. The non-dairy product, with or without water added, may be seasoned with salt. One or more of the ingredients specified in Paragraph (D) may be used. Pasteurization is not required. The optional caseinates specified in Paragraph (D) (i) are deemed not to be dairy products.

(B) The optional flavoring ingredients referred to in Paragraph (A) are natural and artificial flavorings and characterizing food ingredients.

(C) The optional sweetening ingredients referred to in Paragraph (A) of this section are: Sugar (sucrose), dextrose, invert sugar (paste or syrup), glucose syrup, dried glucose syrup, corn sweetener, dried corn sweetener, malt syrup, malt extract, dried malt syrup, dried malt extract, maltose syrup and dried maltose syrup.

(D) Other optional ingredients referred to in Paragraph (A) of this section are:

(i) hydrogenated and partially hydrogenated vegetable oil;

(ii) dipotassium phosphate;

(iii) coloring, including artificial coloring;

(iv) monoglycerides, diglycerides or polysorbates;

(v) thickening ingredients such as agar-agar, algin (sodium alginate), egg white, gelatin, gum acacia, guar seed gum, gum karaya, locust bean gum, oat gum, gum tragacanth, hydroxypropyl, methyl cellulose, carrageenan, salts of carrageenan, furcelleran, salts of furcelleran, propylene glycol alginate, pectin, psyllium seed husk, sodium carboxymethylcellulose.

(E) Such non-dairy frozen desserts are deemed "processed" when manufactured as a dry powdered mix.

(F) Dry non-pasteurized, non-dairy frozen dessert mixes shall be reconstituted with potable tap water in a sanitary manner

and shall be rapidly cooled to a temperature of 45°F or below within four hours of reconstitution.

(G) The product shall meet the bacterial standards prescribed in Section 8:016 of this code.

(H) The name of the food is non-pasteurized non-dairy frozen dessert.

(I) The fact that the product offered for sale is a non-pasteurized, non-dairy frozen dessert shall be conspicuously displayed to the consumer.

#### **§8:013. General Requirements**

The processing, handling, and distribution of milk and milk products in the manufacture of frozen desserts shall conform to the minimum requirements for Grade A milk as prescribed in Chapter VII of the Louisiana State Sanitary Code. All milk and milk products shall be of quality approved by the state health officer. Counter freezer operations which freeze mixes and sell only at retail on the premises shall comply with the following requirements:

(a) Only mixes that have been processed and packaged in an approved plant shall be allowed;

(b) Counter freezers used for freezing mixes which contain milk solids, milk fat, or vegetable fat shall be located only in premises which meet the minimum requirements for eating and drinking establishments as prescribed in Chapter XXIII of this Code;

(c) The frozen dessert operator shall be a food handler other than the cashier of a grocery or convenience store.

#### **§8:015. Pasteurization**

All frozen dessert mixes except non-pasteurized, non-dairy frozen desserts shall be pasteurized. The term "pasteurized" means the process of heating every particle of the mix to at least 155° F, and holding at such temperature for at least 30 minutes in approved and properly operated equipment; provided, that nothing contained in this definition shall be construed as disbaring any other process demonstrated to be equally efficient and approved by the state health officer.

A public hearing is scheduled for October 11, 1988, at 10 a.m., in the Office of Family Security Building, 755 Riverside North, Second Floor Auditorium A, Baton Rouge, LA. All interested parties are invited to attend.

Interested persons may submit comments on the proposed changes to Mr. Joseph D. Kimbrell, Deputy Assistant Secretary, Department of Health and Hospitals, Office of Public Health, Box 60630, New Orleans, LA 70160.

David L. Ramsey  
Secretary

### **Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Chapter VIII Sec 8:001, Sec 8:013, Sec 8:015**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There will be no additional implementation costs (savings) to state or local governmental units.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There will be no direct effect on revenue collections of state or local governmental units.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

The private sector may experience economic benefits as a result of product sales.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

There will be no impact on competition or employment in governmental units and only minimal impact on the private sector.

Joseph D. Kimbrell  
Deputy Assistant Secretary

John R. Rombach  
Legislative Fiscal Officer

### **NOTICE OF INTENT**

#### **Department of Health and Hospitals Office of the Secretary**

The Department of Health and Hospitals, Office of the Secretary, Division of Medical Assistance, proposes to adopt the following rule.

Currently, applicants seeking enrollment as providers of Adult Day Health Care services must meet the following standards for participation in Title XIX reimbursement.

Enrolled Title XIX Adult Day Health Care Centers shall be licensed by DHH, Division of Licensing and Certification.

A Provider Agreement must be executed wherein the applicant agrees to comply with the Standards for Payment for Adult Day Health Care Centers.

The Division of Medical Assistance is revising the standards for participation to include an additional requirement for enrollment as an Adult Day Health Care provider. Under this requirement, applicants shall have completed two years as a Louisiana licensed health care provider. This requirement is being included in the agency's waiver request from the federal government to ensure compliance with the quality of care standards mandated under Title XIX of the Social Security Act.

#### **PROPOSED RULE**

The Standards for Participation for Adult Day Health Care shall include the following requirements:

1. Enrolled Title XIX Adult Day Health Care Centers shall be licensed by DHH, Division of Licensing and Certification.

2. A Provider Agreement must be executed wherein the applicant agrees to comply with the Standards for Payment for Adult Day Health Care Centers.

3. An applicant for enrollment shall have completed two years as a Louisiana licensed health care provider. Copies of applicable licenses must be provided to the Division of Medical Assistance.

Interested persons may submit written comments to the following address: J. Christopher Pilley, Acting Director, Division of Medical Assistance, Box 94065, Baton Rouge LA, 70804-4065. He is the person responsible for responding to inquiries regarding this proposed rule.

A public hearing on this proposed rule will be held on October 5, 1988 in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge LA, beginning at 9:30 a.m. All inter-

ested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

David L. Ramsey  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Adult Day Health Care Standards for  
Participation**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There is no projected impact resulting from this proposed rule. This rule is not expected to result in any increase in allowable costs for Adult Day Health Care services. Administrative costs associated with this proposed rule for providing copies of this change in policy to providers and other interested persons is estimated at \$100.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There is no projected impact on revenues resulting from this proposed rule.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)  
This rule will help improve the quality of care now received by recipients receiving Adult Day Health Care services. This rule will have no effect on provider reimbursement.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There is no known effect on competition and employment.

David L. Ramsey  
Secretary

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Justice  
Office of the Attorney General  
Electronic Video Bingo Panel**

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Attorney General's Electronic Video Bingo Panel intends to amend rules and adopt revised permanent rules relative to the operation of electronic video bingo machines. Permanent rules were adopted April 26, 1988. Emergency rules were adopted on July 8, 1988. (See: *Louisiana Register*, Vol. 14, No. 6, June 20, 1988 pp. 354-360; *Louisiana Register*, Vol. 14, No. 7, July 20, 1988 pp. 422-423).

The revised permanent rules to be adopted will be in the same form and substance as the permanent rules with the fol-

lowing exceptions:

1. there will be a nonrefundable fee of \$600 paid by permittee to the department for each machine permitted during a fiscal year;
2. no new permit fee will be assessed if a machine is moved to a new location during the fiscal year;
3. the permit fee will be paid in equal installments on July 1, October 1, January 1, and April 1 in each fiscal year;
4. the machines may be operated in commercial and noncommercial locations licensed for charitable bingo.

The proposed rules will be made available for public inspection between the hours of 8:30 a.m. and 5 p.m. on any working day after August 10, 1988 at the office of the Attorney General, 22nd Floor, State Capitol Building, Baton Rouge, LA.

Interested persons may submit their views and opinions to William J. Guste, Jr., Attorney General, 22nd Floor, State Capitol Building, Box 94005, Baton Rouge, LA 70804-9005.

The Attorney General's Electronic Video Panel will hold a public hearing on October 4, 1988, at a time and place established in a notice posted at least 24 hours in advance of the hearing.

The Electronic Video Bingo Panel shall, prior to the adoption of permanent rules, afford all interested parties reasonable opportunities to submit data, views or arguments, orally or in writing.

Inquiries concerning the proposed permanent rules shall be directed to Jenifer Schaye, Assistant Attorney General, 23rd Floor of the State Capitol, Baton Rouge, Louisiana 70804; Telephone: (504) 342-7013.

William J. Guste, Jr.  
Attorney General

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Electronic Video Bingo Machine Rules**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
Implementation of the proposed regulatory provisions will have no effect on cost nor will it cause any savings to the agency. The Department of Justice is not anticipating an increase nor decrease in the personnel or other expenses required to administer the program.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
The proposed rules call for a nonrefundable annual permit fee of \$600 per permitted machine. The attorney general estimates total revenues to be \$247,200 based upon the assumption that 412 machines will be permitted in 1988-89. The prior rule provided for an assessment fee of 3 percent and estimated that such a fee would generate approximately \$250,000. Therefore, the new rules will have no significant effect upon revenue collected by state or local governmental units.

The estimates of the attorney general are based upon an assumption that 412 machines will be permitted; however, because of substantive changes in the rules allowing machines to be placed at both commercial and non-commercial

halls the exact number of machines which will be placed in the state during the 1988-89 year may vary significantly from the estimates.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

Under the old regulations the cost to the industry through annual permit fees was estimated to be \$250,000. Under the new regulations the cost to the industry will remain at \$247,200; therefore, there will be no significant impact or change which will affect the industry. The charities will not be affected unless they are permittees under these rules. To date no charities are permittees.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Adoption of these regulations will not affect competition or employment in any appreciable way.

Jenifer Schaye  
Asst. Attorney General

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

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

The secretary of the Department of Natural Resources hereby gives notice that in accordance with the Administrative Procedure Act, R.S. 49:950 et seq. he intends to amend the Regulations for Return of the Bohemia Spillway Lands.

The Louisiana Department of Natural Resources  
Rules and Regulations for the Return  
of Bohemia Spillway Lands  
(Published in the *Louisiana Register*,  
Volume 13, No. 10, October 20, 1987.)

PARTS B., D. and G of SECTION III. APPLICATION PROCESSING AND CERTIFICATION are amended to read as follows:

B.1. Upon completion of the preliminary review, the department shall notify all applicants of the results of the review, and the requirement for an advance costs deposit. The written notification, with postmark date of mailing affixed by the department's postage meter, shall either state that the claim is being retained for further processing, or that it failed to satisfy one or more of the three criteria listed above. Applicants shall retain the envelope in which the notification is delivered by the U.S. Postal Service, and the notification shall include instructions on this point. The outside of the envelope shall bear instructions in bold face, "RETAIN THIS ENVELOPE." In the event of failure to satisfy one or more of the three criteria, the claim shall be returned to the applicant. Applicants filing rejected claims shall have 70 days from the postmark date affixed by the department's postage meter to file an amended claim and necessary supporting documents with the department. Amended claims filed more than the 70 days specified herein shall be invalid and no further processing by the department will be done. Documents attached to applications will be returned to applicant upon payment of photocopy and postage costs.

B.2. Prior to consideration of any claim beyond the preliminary review set forth above, an advance costs deposit in the amount of \$175 per claim shall be collected by the secretary. Failure by any applicant to deposit the full advance costs within 70 days of notification shall invalidate the claim upon which the deposit was due. The advance costs deposit shall be held by the secretary and be used to pay the costs of administering the claim. The actual costs shall be assessed by the secretary as hereinafter set forth. Additional advance costs may be required on a case by case basis, and no claim shall be processed without sufficient funds on deposit.

D. The secretary of the Department of Natural Resources shall designate a Special Master, who shall undertake the substantive evaluation of valid applications. The substantive evaluation of each application shall be based upon such information as is contained in the application, and generated pursuant to Subsections III B. & C., and any additional evidence the Special Master might require the applicant, the board or the department to furnish. Any request for additional evidence shall be satisfied in writing, within 70 days of written demand by the Special Master, as established by the postmarked date of mailing affixed by the department's postage meter. Applicants shall retain the envelope in which the notification is delivered by the U.S. Postal Service, and the notification shall include instructions on this point. The outside of the envelope shall bear instructions in bold face, "RETAIN THIS ENVELOPE." Applicants failing to timely and adequately respond either to any request of the Special Master or the department, or pay the advance costs deposit shall have their applications invalidated, unless good cause is shown why the request was not timely or adequately responded to.

G. Preceding transmittal of the documents described in Subsection F. above, the Special Master shall assess each application for the actual cost of administering the claim, pursuant to Act 644 of the 1987 Regular Session of the Louisiana Legislature. In those instances where the amount paid to the secretary as an advance costs deposit exceeds the actual cost of reviewing and administering the claim, the balance of the deposit shall be returned to the applicant who paid it. In all other instances, the full cost of reviewing and administering the claim shall be paid and received by the secretary prior to document transmittal. The costs shall be paid by one or more of the parties to the claim, or may be apportioned by the secretary among all the applicants for an individual tract of property located within the Bohemia Spillway.

Written comments regarding the amendments may be submitted no later than October 20, 1988, and may be mailed to the Department of Natural Resources, Legal Division, Box 94396, Baton Rouge, LA 70804.

Raymond W. Stephens, Jr.  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Amendments to Rules and Regulations for  
Return of Bohemia Spillway Lands**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)



The state will realize a savings of at least \$35,000. Approximately 20,000 letters will be mailed with basic postage of 25 cents (\$5000). Unless the regulation is amended, all letters must be sent certified mail (\$40,000). There would also be savings of clerical salaries for preparation of 20,000 certified mail cards and receipts.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

An advance costs deposit of \$175 will be levied on each of 26,000 applications for return of Bohemia Spillway lands. Payments of only 12,000 are expected, representing revenues of \$2,100,000. These revenues shall be applied to the actual costs of contract professional services for administering the claims. Unused portions of deposits will be refunded.

The funds are to be designated as Self-Generated Revenue and will be carried forward into the next fiscal year should the project not be completed during FY 88-89.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

While applicants are required to furnish cash deposits covering costs of reviewing claims and certifying valid applications, unused portions will be refunded. In some instances, claimants will be required to furnish additional deposits commensurate with actual costs incurred by the department in administering multiple claims to a particular tract of land.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment as this is a restitution project.

Mary Mitchell  
Undersecretary

David W. Hood  
Legislative Fiscal Analyst

### NOTICE OF INTENT

#### Department of Natural Resources Office of the Secretary

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Secretary of the Department of Natural Resources hereby gives notice of his intention to amend Phase II State Plan - Institutional Conservation Program. Schools, hospitals, units of local government and public care institutions are eligible for grants of Federal funds to be used to aid in the conduct of technical assistance programs in public and non-profit schools and hospitals, or of local government and public care buildings. Schools and hospitals are also eligible for grants to aid in the acquisition and installation of conservation measures. The Phase II State Plan contains all documents and instructions for institutions seeking to apply for either a Technical Assistance or Energy Conservation Measure grant under the Institutional Conservation Program.

Persons wishing to review the Phase II State Plan may do so during normal business hours in Room 329 of the Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA.

Written comments may be submitted, no later than Octo-

ber 20, 1988, to Gerald Duszynski, Program Supervisor, Department of Natural Resources, Box 44156, Baton Rouge, LA 70804. A copy of the Program may be obtained from this address.

Raymond W. Stephens, Jr.  
Secretary

#### Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Phase II State Plan Institutional Conservation Program

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no implementation costs to state or local governmental units as a result of this rule change.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change will have no effect on revenue collections of state and local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

The economic benefits will be additional funds furnished to school boards and hospitals throughout the state. The funds will assist the school boards and hospitals in energy studies and energy construction retrofit projects. This will stimulate local economics in the engineering, construction and materials areas as these are construction related projects.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The major effect will be in construction. We are unable to determine to what degree the effect will be.

Mary Mitchell  
Undersecretary

David W. Hood  
Legislative Fiscal Analyst

### NOTICE OF INTENT

#### Department of Public Safety and Corrections Office of State Police Transportation and Environmental Safety Section

The Department of Public Safety and Corrections announces its intent to adopt revisions of current rules to enforce the requirements of R.S. 30:1150.61 et seq., relating to the Hazardous Material Information Development, Preparedness and Response Act. This Act was passed in 1985 as the enabling legislation for the state's first "Right-to-Know" law. The passage by Congress in 1986 of the Superfund Amendments and Reauthorization Act (SARA) necessitated substantially amending Louisiana's "Right-to-Know" law, and existing rules in 1987. The purpose of these changes in 1988 is to further fine tune the state

rules and to make the state and federal requirements even more compatible.

### Title 33

#### ENVIRONMENTAL QUALITY

#### Part V. Hazardous Materials and Hazardous Waste

#### Subpart 2. Department of Public Safety and Corrections - Hazardous Materials

#### Chapter 101. Hazardous Material Information Development, Preparedness and Response Act.

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

A. The following rules are hereby promulgated pursuant to the authority provided in R.S. 30:1150.61-1150.79 regarding the Hazardous Materials Information Development, Preparedness and Response Act.

B. This Act was originally passed as Act 435 of the 1985 Legislative Session to implement the state's first "Right-to-Know" law. In 1986 the United States Congress passed the Superfund Amendments and Reauthorization Act (SARA). Title III of SARA required, among other things, that the governor of each state appoint an Emergency Response Commission to implement a hazardous materials information system regarding community Right-to-Know.

C. SARA had certain mandates which were in conflict with Louisiana's existing Right-to-Know law and vice-versa. Therefore, the existing Right-to-Know law was amended by Act 347 of the 1987 Legislative Session in an attempt to, where possible, parallel the state and federal laws.

D. In some cases, compliance with SARA will automatically attain compliance with Louisiana's Right-to-Know law and, accordingly, compliance with Louisiana's Right-to-Know law will often attain compliance with SARA. It is recommended that both laws be read to best determine how to attain compliance.

E. It should be noted that the Louisiana Emergency Response Commission, operating within the Department of Public Safety and Corrections, is the primary entity to which both SARA and state Right-to-Know responses are made. For facilities reporting under federal law, copies of annual inventory forms must also be submitted to the Local Emergency Planning Committee in the parish where a facility is located and to the local fire department having jurisdiction over the facility.

F. Since the chemical lists and threshold (inventory) quantities (TQ) in the federal legislation are subject to change, facility owners/operators should refer to the *Federal Register* to determine current reporting requirements before submitting their annual inventory forms and emergency release notifications.

G. It is the purpose of these rules to implement the informational system conceived of in the state's original Right-to-Know law by providing the citizens of this state, as well as emergency response personnel, with data on hazardous material storage necessary to make educated and responsible decisions.

#### §10103. Scope

A. Any facility which manufactures, uses, or stores any of the substances subject to these rules, in excess of the threshold (inventory) quantity (TQ) established for each substance, or any facility or transportation vehicle (including pipelines and maritime vessels) which releases any of these substances in a reportable quantity (RQ) as detailed hereafter, is subject to these rules.

#### §10105. Definitions

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

1. *Commission* means the Louisiana Emergency Response Commission appointed by the governor to implement the mandates of the Superfund Amendments and Reauthorization Act passed by the U.S. Congress in 1986. This commission is created within the Department of Public Safety and Corrections, Public Safety Services.

2. *Department* means the Department of Public Safety and Corrections.

3. *Deputy secretary* means the deputy secretary for Public Safety Services in the Department of Public Safety and Corrections.

4. *Environment* includes water, air, and land and the interrelationship which exists among and between water, air, and land and all living things.

5. *Facility* means the physical premises used by the owner or operator at which the hazardous materials are manufactured, used, or stored.

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

7. *Inventory form* means the reporting form adopted by the department and completed by owners and operators which contains certain requested information on hazardous materials and which is used in developing the information system mandated by this Chapter. This could also include electronic transmission of this data in the same format.

8. *Local governing authority* means the police jury, parish council, the mayor's office of the city of New Orleans or the city-parish of East Baton Rouge or other primary governmental body of a parish.

9. *Local Emergency Planning Committee* means the committee in each parish designated by the Emergency Response Commission to coordinate Right-to-Know activities.

10. *Owner or operator* means any person, partnership, or corporation in the state including, unless otherwise stated, the state and local government, or any of its agencies, authorities, departments, bureaus, or instrumentalities engaged in business or research operations which use, manufacture, release or store a hazardous material at a facility.

11. *Release* means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles) of any hazardous substance where such release escapes beyond the site of the facility. (This would not include any federal or state permitted releases.)

12. *Small business* means a single business establishment employing a maximum of nine employees and showing a maximum of \$2 million in average annual gross receipts. (If a business employs more than nine persons, it is not considered a

small business regardless of the amount of average annual gross receipts. Also, if a business employs nine or less persons, but grosses over \$2 million in average annual gross receipts, it is not considered a small business.)

13. *Trade secret* means any confidential formula, pattern, process, device, information or compilation of information (including chemical name or other unique chemical identifier) that is used in an employer's business, and that gives the employer an opportunity to obtain an advantage over competitors who do not know or use it.

#### §10107. Alternate Means of Compliance

A. The following non-exclusive list of facilities qualifies for alternate means of compliance under state law due to the nature of their respective operations as well as the fact that emergency response personnel can predict that hazardous materials should be present at these facilities. These alternate means of compliance may not exist under federal law and facilities subject to the federal law must determine their respective applicability.

1. oil and gas exploration and production facilities;
2. pipelines carrying any of the materials regulated by these rules;
3. certain facilities reporting to other state agencies;
4. gasoline service stations;
5. electrical transmission and distribution facilities;
6. hydrocarbon storage facilities other than at petroleum refineries;
7. transportation-related facilities.

B. The rules that follow in Subsection C are applicable to the state law. The reporting procedures outlined are the result of detailed consultation with the various regulated entities. These alternate compliance procedures will satisfy the mandates of the state's Right-to-Know law, but if any federal regulations require a more stringent reporting procedure, the federal procedure should be followed.

C. Reporting Procedures ( Alternate Means of Compliance)

1. Oil and Gas Production (wells already drilled)
  - a. These sites must be reported by field name, indicating the total number of wells in each field. This will be done on a separate inventory form for each field. The location of each field must be as detailed as possible with at least the parish given for each field.
  - b. The inventory form can be filled out showing a generic list of materials commonly associated with an oil/gas production facility.
  - c. Well heads not located in a reported field (wildcats) are each to be listed on a separate inventory form.
  - d. All releases must be reported immediately to the Local Emergency Planning Committee and the Emergency Response Commission.
2. Oil and Gas Exploration
  - a. If the exploration site is in an already reported field, a list of materials used in exploration will be shown on the inventory form for that field. This could be in the form of a generic list.
  - b. Wildcat drilling operations (not in previously reported fields) anticipated to exceed 30 days will require written notification to the Emergency Response Commission via the Office of State Police-Transportation and Environmental Safety Section, as well as written notification to the Local Emergency Planning Committee in the respective parish, detailing the location and anticipated duration of the drilling operation. This notification

will contain the names and telephone numbers of facility personnel to contact in case of an emergency. A generic list of materials associated with exploration will be furnished to the Local Emergency Planning Committee in the parish in which the drilling occurs.

c. All releases must be reported immediately to the Local Emergency Planning Committee and the Emergency Response Commission.

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

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

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

c. All releases must be reported immediately to the Local Emergency Planning Committee and the Emergency Response Commission.

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

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

4. Facilities Reporting to Other State Agencies

a. Facilities licensed by the Liquefied Petroleum Gas Commission must complete an inventory form and comply with all other applicable parts of these rules with the exception that if liquefied petroleum gas is the only material being reported, no reporting fee is required.

5. Electrical Transmission and Distribution Facilities

a. All oil-filled electrical equipment (transformers, capacitors, etc.) which has been identified as containing Polychlorinated Biphenyls (PCB's) in concentrations exceeding 500 parts per million (ppm) shall be reported on the inventory form, by the reporting deadline, as applicable in these rules if the weight of the solution containing the PCB's meets or exceeds 500 pounds.

b. Any release from, or accident involving, oil-filled electrical equipment which has been identified as containing PCB's in concentrations exceeding 500 ppm will be reported immediately as applicable in the release reporting procedures detailed in these rules.

c. All fixed-site facilities where transformers are stored, cleaned or processed, or where other materials regulated in the rules are used or stored, will be reported on individual inventory forms for each separate site.

d. Fixed-site oil-filled electrical equipment that is associated with a facility must meet all area marking requirements under EPA and OSHA regulations.

## 6. Transportation-Related Industries

a. Regulated materials which are under active shipping papers (i.e., have not reached their final destination) are exempt from inventory reporting requirements contained in these rules.

b. Transportation related industries, including but not limited to trucking companies, railroads, maritime wharves and warehouses (including Foreign Trade Zones), that store, incidental to transportation and still under active shipping papers, any of the materials regulated by these rules will, on an annual basis (by March 1 of each year), send to the Emergency Response Commission, the Local Emergency Planning Committee, and the local fire department in their respective areas a letter detailing the emergency contact personnel and emergency telephone numbers. The letter will also indicate where shipping papers can be found by emergency response personnel.

c. Any hazardous materials regulated under these rules and stored on site but not under active shipping papers must be reported on an inventory form as applicable.

d. Shipping documents must be readily accessible to emergency response personnel and proximate to the regulated material.

e. All regulated materials must be properly marked and placarded according to applicable U.S. Department of Transportation regulations as listed in 49 CFR Part 172 Subparts B, C, D, E, and F.

f. All releases must be reported immediately to the Local Emergency Planning Committee and the Emergency Response Commission.

### §10109. Reportable Materials

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

1. Any release of an extremely hazardous substance must be reported if the release meets or exceeds the (release) reportable quantity (RQ) shown for that substance and impacts off-site. However, facilities must report immediately any on-site incidents involving injury (requiring hospitalization) or any death resulting from an accident involving any of the materials regulated under these rules. This must be reported to the Louisiana State Police Transportation and Environmental Safety Section using the Hazardous Materials Hotline 504/925-6595 and to the Local Emergency Planning Committee in the parish where the release occurs.

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

C. All releases of materials regulated by Subsection A of this Section will be reported immediately if said release exceeds the reportable quantity and escapes beyond the site of the facility. All releases of materials regulated under Subsection B of this Section must be reported if they escape beyond the site of the facility. In other words, a release of any of these materials must have off-site impact to be reportable. However, facilities must report immediately any on-site incidents involving injury (requiring hospitalization) or any death resulting from an accident involving any of the materials regulated under these rules. This must be reported to the Louisiana State Police Transportation and Environmental Safety Section using the Hazardous Materials Hotline 504/925-6595 and to the Local Emergency Planning Committee in the parish where the release occurs.

D. NOTE: Certain materials regulated by Part B above of these rules are also regulated under the inventory reporting provision of Section 312 of Title III of the Superfund Amendments and Reauthorization Act. Incorporated in the Federal reporting provisions, as of this writing, is a declining threshold for reporting quantities of these materials such that, for the first and second year inventory quantities which meet or exceed 10,000 pounds are reportable, with the tentative reportable threshold for the third and subsequent years being 500 pounds. In this area, the Louisiana law and Federal law differ. The state law requires reporting of all regulated materials at the 500 pound level unless the threshold quantity for an extremely hazardous substance is lower.

E. Mixtures will be reported as follows: If a chemical is part of a mixture, you have the option of reporting either the weight of the entire mixture or only the portion of the mixture that is a particular hazardous chemical (e.g., if a hazardous solution weighs 100 pounds but is composed of only 5 percent of a particular hazardous chemical, you can indicate either 100 pounds of the mixture or five pounds of the chemical).

### §10111. Release Reporting

A. All releases as defined in these rules must be reported immediately. They must be reported to:

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

2. Local Emergency Planning Committee with jurisdiction over a facility.

3. Depending on the nature of the material and medium into which the release occurs, other agencies such as the state Department of Environmental Quality (DEQ), National Response Team (NRT), Environmental Protection Agency (EPA), Coast Guard, etc., may need to be notified. Facilities and transporters are responsible for determining the appropriate parties to be contacted.

B. Facilities must also make follow-up written reports for all releases within five days after the release occurs. This report

must be made to the Local Emergency Planning Committee with jurisdiction over a facility and to the Emergency Response Commission via the Department of Public Safety and Corrections, Office of State Police - Transportation and Environmental Safety Section, Box 66614, Baton Rouge, LA 70896. The format for this report should as outlined in Title III of the Superfund Amendments and Reauthorization Act (SARA).

C. As per the authority granted in R.S. 30:1150.76, the Office of State Police - Transportation and Environmental Safety Section will coordinate emergency response activities arising as a result of releases of material regulated by these rules.

#### **§10113. Exemptions**

A. Certain persons and substances have been exempted from the inventory reporting requirements contained in these rules. There are no exemptions granted for release reporting of regulated substances.

B. Facilities exempted from reporting certain substances under state law as outlined in Subsection C below are cautioned to examine Title III of the Superfund Amendments and Reauthorization Act (SARA) because not all of these exemptions are applicable to federal law. If a substance is not exempt under federal law, in most cases it is reportable to the Emergency Response Commission (via Department of Public Safety and Corrections), the Local Emergency Planning Committee (one in each parish), and the local fire department having jurisdiction over a facility.

C. The following persons are exempt from the inventory reporting requirements of these rules:

1. residential users;
2. owners or operators of hotels, motels, restaurants, apartment buildings or office buildings which use only small quantities of air conditioning and cleaning supplies;
3. owners or operators of retail sales establishments which sell consumer products or food stuffs packaged for distribution to, and intended for use by, the general public and who have storage areas or storerooms in such establishments which are separated from shelf or display areas, but maintained within the physical confines of such retail establishments;
4. owners or operators of cosmetology salons, and barber salons.

D. The following materials are exempt from the inventory reporting requirements of these rules:

1. any hazardous waste as such term is defined by the Solid Waste Disposal Act as amended (42 U.S.C. 691 et seq.) when subject to regulations issued under that Act;
2. tobacco or tobacco products;
3. wood or wood products;
4. "articles" -
  - a. which are formed to a specific shape or design during manufacture;
  - b. which have end use function(s) dependent in whole or in part upon the shape or design during end use; and
  - c. which do not release, or otherwise result in exposure to a hazardous chemical under normal conditions of use;
5. food, drugs, cosmetics or alcoholic beverages in a retail establishment which are packaged for sale to consumers;
6. foods, drugs, or cosmetics intended for personal consumption by employees while in the workplace;
7. any consumer product or hazardous substance, as those terms are defined in the Consumer Product Safety Act (15 U.S.C. 1251 et seq.) respectively, where the employer can dem-

onstrate it is used in the workplace in the same manner as normal consumer use, and which use results in a duration and frequency of exposure which is not greater than exposures experienced by consumers;

8. any drug, as that term is defined in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) when it is in solid, final form for direct administration to the patient (i.e., tablets or pills);

9. any food, food additive, color additive, drug, or cosmetic regulated by the Food and Drug Administration;

10. any substance present as a solid in any manufactured item to the extent exposure to the substance does not occur under normal conditions or use;

11. any substance to the extent it is used for personal, family, or household purposes, or is present in the same form and concentration as a product packaged for distribution and use by the general public;

12. any substance to the extent it is used in a research laboratory or a hospital or other medical facility under the direct supervision of a technically qualified individual;

13. any substance to the extent it is used in routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate customer.

#### **§10115. Hazard Communication**

A. The Department of Public Safety and Corrections adopts the Hazard Communication Standard as detailed in Title 29 CFR Parts 1910.1200 et seq., as part of these rules. All facilities subject to these state rules (other than any federal, state, or political subdivisions of a state) must also comply with the Hazard Communication Standard as specified in the Occupational Safety and Health Administration (OSHA) rules listed in Title 29 CFR Parts 1910.1200 et seq. These standards refer to marking of the workplace, communicating to employees of any known hazardous properties of various substances, etc.

#### **§10117. Failure to Report; Penalties**

A. Failure to report any regulated material, as provided in these rules and under the authority of R.S. 30:1150.61 et seq., may result in the levying of Civil Penalties up to \$25,000 for each regulated hazardous material not reported and/or for each non-reported release of a regulated hazardous material.

B. The burden of proof shall be on the owner or operator of a facility to show that the failure to report a hazardous material or release was inadvertent.

C. Small businesses, as defined by these rules, which have any omission from the inventory reporting forms will receive, on first offense, a warning rather than a Civil Penalty.

#### **§10119. Inventory Form**

The "Tier Two - Emergency and Hazardous Chemical Inventory" form is the official inventory form for compliance with R.S. 32:1150.61 et seq.-Louisiana's Right-to-Know law, and is the form selected by the Louisiana Emergency Response Commission for inventory reporting as required under Section 312 of SARA. When filling out the Tier Two inventory form follow all applicable instructions printed on the form. The form has been slightly modified in Louisiana to accommodate certain materials regulated in this state that may not be regulated under federal law. See the supplemental instructions included with the Tier Two form for details. The inventory form can be obtained upon request to the Department of Public Safety and Corrections, Office of State Police, Transportation and Environmental Safety Section, Box 66614, Baton Rouge, LA 70896.

**§10121. Fees**

A. One of the major objectives of this law is to determine the specific locations of certain hazardous substances. Therefore, it is necessary that a separate inventory form be submitted for each reporting facility. An example would be that XYZ Dry-cleaners would submit a separate inventory form for each of its 10 stores located throughout Baton Rouge. Another example is that a very large facility would submit only one inventory form covering the entire facility if the material is stored on contiguous property.

B. For **each** inventory form submitted (**a form may be any number of pages**) except as otherwise exempted, a fee of \$50 must accompany it. If a facility must file more than one inventory form, there is a ceiling of \$300 per parish and \$1,000 statewide i.e., if a facility has eight sites in one parish it would submit only \$300. If these eight sites were in two parishes, with five in one and three in another, then a \$400 fee would be due, up to the maximum of \$1,000.

C. Small businesses, as defined in these rules, would submit a reduced fee of \$15 for each facility. The same ceilings on fees as detailed above would apply.

D. State, parish, and municipal governmental entities who must report under these rules are exempt from paying any fee.

E. All checks must be made payable to the Department of Public Safety and Corrections and submitted as applicable with the inventory form(s). If an inventory form is received without proper payment it cannot be processed, and compliance with the law is not attained.

**§10123. Trade Secret Claims; procedures; resolution**

The Department of Public Safety and Corrections adopts as its own the Trade Secrets provisions as found in Title III, Section 322 of the "Superfund Amendments and Reauthorization Act of 1986" as passed by the United States Congress.

For further information on these rules, please contact: Lieutenant Kendall J. Fellon, Transportation and Environmental Safety Section, Office of State Police, Box 66614, Baton Rouge, LA 70896, 504/925-6113.

Interested persons may comment on the proposed rules in writing or in person at the above address.

Kendall J. Fellon  
Lieutenant

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Rule Title: Right-to-Know**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

It is estimated that the implementation costs involved in these rule changes will be minimal (i.e., the cost of publishing additional rule booklets and reporting forms). Sufficient funds have been appropriated within this department to absorb the cost of implementing these rule changes. These funds are self-generated and result from collection of filing fees authorized by R.S. 30:1150.61 et seq.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

Because complete data regarding the number of businesses that will be impacted by these rule changes will not be available until everyone required to report under these rules has complied, information regarding the effect on revenue collections cannot be computed. R.S. 30:1150.61 et seq. provides for fees ranging from a minimum of \$15 for a small business operator to \$50 for larger businesses. These fees are capped at \$300 for multiple facilities within a parish and \$1,000 for state-wide operations.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

These rules provide for the exclusion of certain types of businesses under the provisions stipulated by R.S. 30:1150.61 et seq., however, under federal guidelines these previously exempt facilities will be required to report. Because complete data regarding the number of businesses that will be impacted under the federal guidelines will not be available until everyone required to report under these guidelines has complied, no information regarding the estimated costs can be computed. R.S. 30:1150.61 et seq. provides for the collection of fees involved with the submission of the reporting form required by state and federal statute. These fees range from a minimum of \$15 for a small business to \$50 for a larger business. The fees are capped at \$300 for multiple facilities within a parish and \$1,000 for state-wide operations.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

Amendment of these rules will have no effect on competition and employment.

Rex McDonald  
Undersecretary

David W. Hood  
Legislative Fiscal Analyst

**NOTICE OF INTENT**

**Department of Transportation and Development  
Office of Highways**

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq., notice is hereby given that the Louisiana Department of Transportation and Development intends to adopt the following schedule of tolls that will apply to vehicles and pedestrians using ferry crossings owned, operated and maintained by the Louisiana Department of Transportation and Development, all in accordance with the provisions of R.S. 48:25.

**Toll Schedule**

Louisiana Department of Transportation  
and Development Ferries

The following toll schedule applies to:

- |                                |                                  |
|--------------------------------|----------------------------------|
| 1. White Castle/Carville Ferry | Mississippi River<br>District 61 |
| 2. Edgard/Reserve Ferry        | Mississippi River<br>District 02 |
| 3. Plaquemine/Sunshine Ferry   | Mississippi River<br>District 61 |

- |                                     |  |
|-------------------------------------|--|
| 4. New Roads/St. Francisville Ferry | Mississippi River<br>District 61                   |
| 5. Duty/Enterprise Ferry            | Ouachita River<br>District 58                      |
| 6. Melville Ferry                   | Atchafalaya River<br>District 03                   |
| 7. Cameron/Ship Channel Ferry       | Calcasieu River and<br>Intercoastal<br>District 07 |
| 8. Cameron/Monkey Island Ferry      | Calcasieu River<br>District 07                     |
| 9. Angola Ferry                     | Mississippi River<br>District 61                   |

Each vehicle, its owner or operator, and all occupants of such vehicle shall be jointly and solidarily liable for payment of the prescribed toll. Each ferry passenger not crossing in a vehicle shall be liable for payment of the prescribed toll.

The funds thus generated will be applied to the construction, improvements, repairs, maintenance, and operations of those ferry facilities and properties.

**FERRY TOLL CLASSIFICATION  
RATE SCHEDULE**

	TOLL
A. Per Crossing Per Pedestrian Each Way	\$0.25
B. Per Crossing Per Every Vehicle Each Way	\$0.50

All interested persons so desiring shall submit oral or written data, views, comments or arguments no later than 30 days from the date of publication of this Notice of Intent to: Joseph L. Wax, Deputy Undersecretary, Department of Transportation and Development, Box 94245, Baton Rouge, LA 70804-9245.

Joseph L. Wax  
Deputy Undersecretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Toll Schedule, DOTD Ferries**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
 

All of the ferries at the nine different locations now meet Coast Guard Standards. The expenditures related to upgrading these ferries occurred in FY 1987-88. DOTD will have some expenses related to training and some expenses related to depositing the receipts daily at the different locations. These expenses will total \$75,000/year and sufficient funding is available within DOTD's current operating budget to provide for this expense.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
 

The net revenues for these nine locations are estimated at \$103,000 per month. These estimates were based on the calendar year 1987 actual ridership statistics, less 10 percent decrease for the economy and the anticipated decrease in ridership due to the tolls.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

The economic costs to individual riders will be as reflected on the attached fee schedule. Regular users of ferries could pay as much as \$20 per month but these costs are optional as riders can elect to ride the ferries or use alternate routes. It is estimated that annual fee collections will total approximately \$1.4 million. The benefits to riders are that the ferry will save time and expenses incurred by using alternate routes for river crossings.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

This rule will have no effect on competition or employment.

Joseph L. Wax  
Deputy Undersecretary

John R. Rombach  
Legislative Fiscal Officer

**NOTICE OF INTENT**

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

Notice is hereby given that the Louisiana Department of the Treasury, Board of Trustees of the State Employees Group Benefits Program intends to amend Article 5 of the Plan Document of Benefits entitled Claims Review and Appeal Sub-section V. as follows:

Section V.

The Chairman of the Board shall appoint a Claims Review Committee to sit in panels of not less than three members.

Comments or objections will be accepted, in writing, by the Executive Director of the State Employees Group Benefits Program until 4:30 p.m. on November 9, 1988, at the following address: Dr. James D. McElveen, Executive Director, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA 70804.

James D. McElveen  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Claims Review Committee Members**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
 

Implementation of this proposed rule change will not impact the costs nor will it generate any savings to state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
 

This proposed rule change will not affect the revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

There will be no costs or economic benefits to the directly affected persons, the plan members or this program, as a result of the implementation of this rule change. It will make it easier to conduct the business of the Claims Review Committee.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed rule change will not affect competition and/or employment.

James D. McElveen  
Executive Director

John R. Rombach  
Legislative Fiscal Officer

result of the implementation of this rule change. It will expedite the presentation of disputed claims to the Claims Review Committee.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed rule change will not affect competition and/or employment.

James D. McElveen  
Executive Director

John R. Rombach  
Legislative Fiscal Officer

## Potpourri

### NOTICE OF INTENT

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

Notice is hereby given that the Louisiana Department of the Treasury, Board of Trustees of the State Employees Group Benefits Program intends to amend Article 5 of the Plan Document of Benefits entitled Claims Review and Appeal Sub-section VI, item B as follows:  
Section VI. B.

Notice of the time and place fixed for the hearing shall be mailed to the Appealing Party at least 20 calendar days prior to the date of the hearing.

Comments or objections will be accepted, in writing, by the Executive Director of the State Employees Group Benefits Program until 4:30 p.m. on December 9, 1988, at the following address: Dr. James D. McElveen, Executive Director, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA 70804.

James D. McElveen  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Claims Review and Appeal**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Implementation of this proposed rule change will not impact the costs nor will it generate any savings to state or local governmental units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

This proposed rule change will not affect the revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

There will be no costs or economic benefits to the directly affected persons, the plan members of this program, as a

### POTPOURRI

**Department of Agriculture and Forestry  
Office of Forestry  
and  
Department of Revenue and Taxation  
Tax Commission**

The Louisiana Forestry Commission and the Louisiana Tax Commission will hold their annual joint meeting on Thursday, October 27, 1988, for the purpose of determining the current average stumpage value of sawtimber and pulpwood for severance tax computations for 1989.

The meeting will be held in Baton Rouge at the Office of Forestry headquarters, 5150 Florida Boulevard, at 10 a.m. Interested parties will be afforded reasonable opportunity to present views and comments at this meeting. Written comments may be submitted to Carlton S. Hurst, Acting State Forester, Office of Forestry, Box 1628, Baton Rouge, LA 70821.

Carlton S. Hurst  
Acting State Forester

Mary K. Zervigon  
Chairman

### POTPOURRI

**Department of Natural Resources  
Fishermen's Gear Compensation Fund**

Pursuant to the provisions of Act 33 of 1988, the following claims with the Fishermen's Gear Compensation Fund have been validated by the Funds' hearing examiner, and the Secretary of DNR will approve payment effective October 1, 1988.

Written comments from interested parties may be addressed to: Department of Natural Resources, Fishermen's Gear Compensation Fund, Box 94396, Baton Rouge, LA 70804, and must be received on or before September 30, 1988.

No objections were filed to claims proposed for payment in the August, 1988 *Louisiana Register*.



Claim No. 87-88-63

Dennis J. Coulon, of Box 460-D, Barataria, LA 70036, Social Security No. 437-54-5269 Loran: 28,565.9 - 46,861.6 Amount: \$1530.20

Claim No. 87-88-181

Leroy J. Terrebonne, Sr. of Caporn II, Inc., 317 East 28th Street, Cut Off, LA 70345, Federal I.D. No. 72-1060588 Amount: \$79.88

Claim No. 87-88-287

Billy Eakin of B. J. Seafoods, Post Office Box 192, Cameron, LA 70631, Social Security No. 435-38-1601 Amount: \$681.

Claim No. 87-88-312

Lambert R. Duncan, Sr., of Post Office Box 214, Boothville, LA 70038, Social Security No. 436-44-4375 Amount: \$906.95

Claim No. 87-88-316

Alfred Martin of 2013 Perez Drive, Braithwaite, LA 70040, Social Security No. 439-72-6167 Loran: 28,964.7 - 46,934.9 Amount: \$4961.

Claim No. 87-88-337

Herman Alfonso of 5112 Nicosia Drive, St. Bernard, LA 70085, Social Security No. 438-76-5243 Amount: \$2,900.

Claim No. 87-88-361

Joan Cure of 2140 Bayou Road, St. Bernard, LA 70085, Social Security No. 434-70-7348 Amount: \$2163.50

Claim No. 87-88-394

Jerry J. Latapie, Sr. of 2016 Evans Street, Braithwaite, LA 70040, Social Security No. 438-64-7067 Loran: 28,908.0 - 46,895.0 Amount: \$998.50

Claim No. 87-88-405

Lorne LeBouef of 2516 Citrus Avenue, St. Bernard, LA 70085, Social Security No. 434-53-3,377 Loran: 29,019.1 - 46,935.7 Amount: \$990.

Claim No. 87-88-417

Eugene John DeJean of 425 W. Damour, Chalmette, LA 70043, Social Security No. 139-19-7260 Loran: 28,990.5 - 46,908.4 Amount: \$4205.38

Claim No. 87-88-418

Barisich, Inc. of 2812 Meraux Lane, Violet, LA 70092, Social Security No. 438-76-1126 Loran: 28,985.2 - 47,051.8

Claim No. 87-88-427

George J. France of Rt. 2, Box 551-B Dubuisson Road, Slidell, LA 70458, Social Security No. 437-70-6840 Amount: \$1654.60

Claim No. 87-88-433

Norman Rome of Rt. 1, Box 7A, Des Allemands, LA 70030, Social Security No. 438-74-6615 Amount: \$1800.

Claim No. 87-88-435

Danny J. Robin of 5517 Randolph Street, Marrero, LA 70072, Social Security No. 439-74-3746 Amount: \$400.

Claim No. 87-88-436

Danny J. Robin of 5517 Randolph Street, Marrero, LA 70072, Social Security No. 439-74-3746 Amount: \$1530.

Claim No. 87-88-440

George C. Reno of Post Office Box 23, Venice, LA 70091, Social Security No. 437-48-6367 Amount: \$459.45

Claim No. 87-88-447

Joseph E. Cucurullo of 2744 Jeanne Dr., Marrero, LA 70072, Social Security No. 436-64-2205 Amount: \$1,381.75

Claim No. 87-88-458

Thomas James Rinkus of Colonial Tr. Ct., Lot 12, Rt. 3 207D, Violet, LA., Social Security No. 434-31-4880 Amount: \$1123.

Claim No. 87-88-461

Lenny P. Serpas, Jr. of Rt. 1, Box 756-B, Delacroix Island, LA 70085, Social Security No. 435-17-2627 Amount: \$647.66

Claim No. 87-88-462

Clifton O. Creppel of Rt. 1, Box 772, Lafitte, LA 70067, Social Security No. 436-26-6972 Amount: \$826.18

Claim No. 87-88-471

Kenneth R. Adams, Jr. of 8801 Gervais Street, New Orleans, LA 70127, Social Security No. 439-04-1201 Amount: \$1916.

Claim No. 87-88-472

Louis Molero, Jr. of Rt. 2, Box 633, St. Bernard, LA 70085, Social Security No. 435-40-6725 Amount: \$1559.69

Claim No. 87-88-473

Louis Molero, Jr. of Rt. 2, Box 633, St. Bernard, LA 70085, Social Security No. 435-40-6725 Amount: \$993.07

Claim No. 87-88-479

Lloyd J. Desilva Jr. of 230 1/2 Casa Calvo St., Chalmette, LA 70043, Social Security No. 437-52-6725 Amount: \$1150.

Claim No. 87-88-491

Irvin J. Blanchard, Jr. of Rt 1, Box 511 YSCLOSKEY, St. Bernard, LA 70085, Social Security No. 436-94-4549 Amount: \$560.17

Claim No. 87-88-498

Bret Ainsworth of Rt. 2, Box 190AA, Tickfaw, LA 70466, Social Security No. 437-96-8269 Amount: \$485.22

Claim No. 87-88-504

Michael A. Lobue, 2403 Farragut St., New Orleans, LA 70114, Social Security No. 436-19-6643 Amount: \$498.94

Claim No. 87-88-449

Larry Gonzales of 217 Mimosa Avenue, Luling, LA 70070, Social Security No. 434-48-0186 Amount: \$1969.50

Claim No. 87-88-496

Albert J. Avenel, Jr. of 1301 B. Bayou Road, St. Bernard, LA Social Security No. 433-90-1006 Amount: \$2116.95

Claim No. 87-88-468

Wayne Nuschler of 2405 Bartola Dr., Meraux, LA 70075, Social Security No. 439-68-6188 Amount: \$2888.60

Claim No. 87-88-492

Jesse N. Alfonso of Rt. 1, Box 758-C, St. Bernard, LA 70085, Social Security No. 438-60-4246 Amount: \$6094.93

Claim No. 87-88-499 John Julian, Rt. 6, Box 276A, New Orleans, LA 70129, Social Security No. 435-39-6629 Amount: \$1700.50

Claim No. 87-88-500

John Julian, Rt. 6, Box 276A, New Orleans, LA 70129, Social Security No. 435-39-6629 Amount: \$800.50

Claim No. 87-88-502

Dennis J. Treitler, Sr., Rt. 1, Box 689, St. Bernard, LA 70085, Social Security No. 438-62-3739 Amount: \$2409.01

Claim No. 87-88-514

Gary Fitch of 1445 Chickasaw Ave., Metairie, LA 70005, Social Security No. 436-98-3784 Amount: \$1640.69

Claim No. 87-88-525

Arthur B. Morehead, Jr. of 1521A Bayou Road, St. Ber-

nard, LA 70085, Social Security No. 434-92-9884 Amount: \$4368.83

Claim No. 87-88-506

Earl J. Tauzier of 5647 Catina St., New Orleans, LA 70124, Social Security No. 433-70-9066 Amount: \$1456.45

Claim No. 87-88-426

George J. France of Rt. 2, Box 551-B Dubuisson, Slidell, LA 70458, Social Security No. 437-70-6840 Amount: \$1880.20

Claim No. 87-88-379

Michael J. Russell, Rt. 6, Box 233DE, New Orleans, LA 70129, Social Security No. 439-23-4626 Amount: \$40.

Claim No. 87-88-380

Michael J. Russell, Rt. 6, Box 233DE, New Orleans LA 70129, Social Security No. 439-23-4626 Amount: \$1055.

Claim No. 87-88-562

Kenneth J. LeFebvre of Rt. 1, Box 532A, St. Bernard, LA 70085, Social Security No. 433-74-6165 Amount: \$4330.74

Claim No. 87-88-423

Thomas Pacaccio of Post Office Box 1133, Grand Isle, LA 70358, Social Security No. 436-60-2796 Amount: \$1458.

Claim No. 87-88-392

Bartol John Toliancich of Post Office Box 727, Empire, LA 70050, Social Security No. 434-36-5529 and Bozo Toliancich of Post Office Box 727, Empire, LA 70050. Social Security No. 434-60 2458. Amount: \$5000.

Raymond W. Stephens, Jr.  
Secretary

## POTPOURRI

### Department of Natural Resources Fishermen's Gear Compensation Fund

In accordance with the provisions of the Fishermen's Gear Compensation Fund, R.S. 56,700.1 through 56,700.5, notice is given that 43 claims amounting to \$68,829.78 were received during the month of August, 1988. During the same month, 16 claims in the amount of \$24,753.84 were paid, and 12 claims were denied.

Raymond W. Stephens  
Secretary

## POTPOURRI

### Department of Natural Resources Office of Conservation Injection and Mining Division

Docket Number UIC 88-8

In accordance with the laws of the state of Louisiana, and with particular reference to the provisions of R.S. 30:4, notice is hereby given that the Commissioner of Conservation will conduct a public hearing at 6 p.m., Wednesday, November 2, 1988, in the Court Room of the Vermilion Parish Courthouse (Second floor), located on Tivoli Street in Abbeville, Louisiana.

At such hearing the commissioner of conservation or his designated representative will hear testimony relative to the application of J & R Systems of Lake Arthur, Inc., Box 1188, Jennings, Louisiana 70546. The applicant intends to operate a commercial nonhazardous oilfield waste facility in Section 10, Township 12 South, Range 2 West, Vermilion Parish, Louisiana.

Prior to authorizing the use of this facility for disposal of nonhazardous oilfield waste, the commissioner of conservation must find that the applicant has met all the requirements of Statewide Order No. 29-B (August 1, 1943, as amended).

The application is available for inspection by contacting Carroll D. Wascom, Office of Conservation, Injection and Mining Division, Room 253 of the Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA, or by visiting the Vermilion Parish Police Jury Office in Abbeville, Louisiana. Verbal information may be received by calling Mr. Wascom at 504/342-5515.

All interested persons will be afforded an opportunity to present data, views or arguments, orally or in writing, at said public hearing. Written comments which will not be presented at the hearing must be received no later than 5 p.m., November 9, 1988, at the Baton Rouge Office. Comments should be directed to: Commissioner of Conservation, Box 94275, Baton Rouge, LA 70804, Re: Docket No. UIC 88-8, Commercial Disposal Facility, Vermilion Parish.

J. Patrick Batchelor  
Commissioner

**CUMULATIVE INDEX**  
**(Volume 14, Number 9)**

**1988**

<i>Pages</i>	<i>Issue</i>
3— 63 .....	January
69— 133 .....	February
137— 194 .....	March
201— 271 .....	April
277— 325 .....	May
333— 396 .....	June
405— 501 .....	July
513— 575 .....	August
585— 656 .....	September

**AGRICULTURE AND FORESTRY DEPARTMENT**

**Agricultural and Environmental Sciences, Office of**

- Advisory Commission on Pesticides, 450N
- Ag Chemistry Lab Fees, 451N
- Crop Pests and Diseases
  - Quarantine, 268P, 452N
  - Sweet potato, fee, 453N
  - Sweet potato weevil, 365N, 527R
- Feed Commission
  - Registrant probation, 231N, 347R
- Horticulture Commission
  - Citrus Canker quarantine, 213ER, 324P
  - Exam notice, 62P
  - Examination, licensure or permitting, 7R
  - Floristry exam, 127P, 324P, 573P
- Seed Commission
  - Fees, 453N, 603R
  - Field certification, 191E
  - Irish potato, 232N, 604R
  - Noxious weeds, 232N, 604R
  - Rice certification, 232N, 604R
  - Tomato, certification, 455N, 603R

**Agro-Consumer Services, Office of**

- Agricultural Commodities Commission
  - Moisture meter registration and inspection fee, 366N, 528R
  - Schedule of fees, 367N, 527R
- Weights and Measures Commission
  - Registration, 455N

**Animal Health Services, Office of**

- Livestock Sanitary Board
  - Brucella abortus vaccine, 34N, 217R
  - Cattle, sale of, 45N, 217R
  - Cattle testing/vaccinating, 305N
  - Definitions, 36N, 217R
  - Equine infectious anemia, 39N, 217R, 300N, 302N
  - Horses, moved by dealer, 43N, 217R
  - Horses, mules, asses, 34N, 40N, 217R, 217R
  - Livestock auction market, 41N, 43N, 217R, 300N, 303N

- Livestock Dealer, 43N, 217R
- Poultry, 44N, 217R

**Forestry, Office of**

- Meeting, 656P
- Timber stumpage, 9R
- Timberland fire protection, 456N

**Livestock Sanitary Board**

- Brucellosis vaccine fee, 457N

**Management and Finance, Office of**

- Central Registry, 214ER
- Farm product additions, 339ER, 368N, 529R
- Fees, 368N, 529R
- Meat, poultry, seafood fee, 458N

**Market Commission**

- Market bulletin, 459N

**CIVIL SERVICE DEPARTMENT**

**Civil Service Commission**

- Allocation change, 110N
- Appeals, 214 ER, 233N
- Appointment of eligibles, 214ER, 233N
- Hearing, 46N
- Layoff notification, 110N
- Noncompetitive reemployment, 214ER, 233N
- Pay rate on promotion, 3ER
- Payroll period, 214ER, 233N
- Reemployment list, 110N, 214ER, 233N

**Ethics for Elected Officials, Board of**

- Campaign finance disclosure, 423R
- Political committee names, 306N

**COMMERCE DEPARTMENT**

(See Economic Development Department)

**Architectural Examiners, Board of**

- Building construction cost, 307N, 607R

**Certified Shorthand Reports, Board of Examiners of**

- Certificates, 369N, 529R
- Certification, 369N, 529R
- Examination, 369N, 529R
- Fees, 369N, 529R

**Commerce and Industry, Office of**

- Continuing Care Retirement Community
  - Registration, 75R
- Tax Credit, 408ER

**Financial Institutions, Office of**

- Bank/bank holding co., 460N
- Judicial interest rate, 4ER
- Savings and loan holding company, 111N, 224R

**CR—Committee Report**

**EO—Executive Order**

**L—Legislation**

**PPM—Policy and Procedure Memorandum**

**ER—Emergency Rule**

**N—Notice of Intent**

**P—Potpourri**

**R—Rule**

### **Racing Commission**

Bleeder medication, 9R, 461N, 550N  
Coggins test, 46N, 226R  
Determination by lot, 461N  
Disclosure, 371N  
Employment on track grounds, 372N  
Entry after excused, 372N  
Examinations, 373N  
ID badges at hearings, 462N  
ID badges on track, 463N  
Jockey fee schedules, 373N  
Mandatory penalties, 374N  
Off-track breakage, 113N, 287R  
Off-track wagering, 114N, 287R  
Preference for eliminated horses, 375N  
Purse payments pending licensure, 375N  
Scratched horse, 376N  
Security check, 463N  
State fee, 72ER, 233N  
Timing of entering claiming race, 118N, 292R  
Trainer entry of more than one owner's horses, 376N  
Triple Play, 79R  
Twin trifecta, 47N, 227R

### **Real Estate Commission**

Certificate of authority, 62CR, 119N, 227R  
Escrow disbursement, 62CR  
Escrow dispute, 9R  
School advertising, 62CR  
School director, 62CR

## **CULTURE, RECREATION AND TOURISM DEPARTMENT**

### **Cultural Development, Office of**

Archaeology grants, 48N  
Black Culture grants, 48N  
Historic preservation grants, 49N

### **Tourism, Office of**

Litter control, 50N, 143R

### **State Parks, Office of**

Fees, Procedures, 632N  
Park requirements, 634N

## **ECONOMIC DEVELOPMENT DEPARTMENT**

(See Commerce Department)

### **Architectural Examiners, Board of**

Building construction cost, 607R

### **Auctioneers Licensing Board**

Licensing, 548N

### **Certified Shorthand Reporters, Board of Examiners of**

Certificates, 369N, 529R  
Certification, 369N, 529R  
Examinations, 369N, 529R  
Fees, 369N, 529R

### **Commerce and Industry, Office of**

Incentive fees, 549N

### **Financial Institutions, Office of**

Bank/bank holding co., 607R  
Depositor preference applicability, 600ER

### **Minority and Women's Business Enterprise**

Certification, 601ER

### **Racing Commission**

Bleeder medication, 9R, 461N, 550N  
Duration of term, 515ER, 550N  
Horse registration, 551N  
Super six, 552N  
Twin Trifecta, 47N, 227R, 601ER, 636N

## **EDUCATION DEPARTMENT**

### **Elementary and Secondary Education, Board of**

8(g) Budget, 121N, 293R, 464N  
8(g) Policy, 10R, 10R, 121N, 293R  
Adult Ed State Plan, 464N  
Biology II curriculum, 10R  
Budget adjustment, 552N  
Budget allocations, grants, 554N  
Bulletin 741  
Absenteeism, 145R  
Band, art, music, 161N, 348R  
Child Protection, 139ER, 235N, 423R  
College recruitment, 145R  
Community/parental involvement, 308N, 531R  
Eleventh grade graduation test, 377N, 516ER, 637N  
Financial/statistical report, 234N, 423R  
Grade no. limits, 72ER  
Instructional time, 377N, 608R  
Latin certification, 379N, 609R  
Minimum session/instructional day, 120N, 292R  
Nonpublic school attendance, 465N  
Nonpublic school services, 465N  
Nonpublic school standards, 52N, 10R, 227R, 378N, 609R  
Private piano instruction, 378N, 609R  
School census, 53N, 227R  
School dropout age, 145R  
Summer school, 120N, 292R  
Temporary certificates, 146R  
Bulletin 746  
Montessori course, 553N  
NTE score list, 553N  
Noncertified school personnel, 517ER, 638N  
Temporary employment permit, 517ER, 639N  
Bulletin 1191  
Transportation handbook, 10R  
Bulletin 1196  
Food and Nutrition programs policy, 378N, 609R  
Bulletin 1213  
School bus standards, 162N, 348R, 554N

### **CR—Committee Report**

**EO—Executive Order**

**ER—Emergency Rule**

**L—Legislation**

**N—Notice of Intent**

**P—Potpourri**

**PPM—Policy and Procedure Memorandum**

**R—Rule**

Bulletin 1706

Teacher aides, 379N, 609R

Bulletin 1794

Textbook review, 54N, 227R

Communicable diseases, 466N

Early retirement, 81R

Equalization Grant, 555N

Funeral leave, 122N

Interim superintendent authority, 216ER

Maritime instruction fee, 409ER, 555N

Migrant education, FY '89, 162N, 348R

Minimum Foundation Equalization Grant, 516ER

Nutrition and training, 11R

Occupational, physical therapy, 11R

Parent conference, 4ER

Personnel policy, 639N

Special school superintendent residence, 146R

State superintendent, 11R, 145R, 639N

Teacher certification fee schedule, 340ER, 380N, 609R

Test Security Policy, 381N

Tuition exemption, 146R, 228R, 517ER, 519ER, 556N

Vocational Education

Program plan, 382N, 610R

Vocational - Technical School

Bus Transportation, 11R

Student admission, 11R

Tuition, 12R, 409ER, 467N

VTIE tuition, 640N

#### **Proprietary School Commission**

Occupational studies associate, 81R

### **ELECTIONS AND REGISTRATIONS DEPARTMENT**

#### **Management Information Services, Office of**

Voter registration fee, 601ER, 640N

### **ENVIRONMENTAL QUALITY DEPARTMENT**

#### **Air Quality Division**

Fees, 467N, 610R

Marine vapor, 308N

New source performance, 235N, 348R

#### **Ground Water Division**

Fees, 477N, 620R

#### **Hazardous Waste Division**

Amendments, 641N

Conformity, 641N

Fees, 478N, 556N, 621R

#### **Nuclear Energy Division**

Fees, 478N, 622R

#### **Secretary, Office of**

LAC codification, 270P

#### **Solid and Hazardous Waste, Office of**

Hazardous Waste Division

Land ban, 236N

Listing identification, 309N, 424R

Solid Waste Division

Fees, 481N, 624R

Operator certification/training, 12R

#### **Underground Storage Tanks**

Fees, 482N, 625R

#### **Water Resources, Office of**

Construction grants, 642N

Public hearing, 501P

Municipal Facilities Revolving Loan Fund, 127P

Water Pollution Control Division

Fees, 483N, 626R

### **EXECUTIVE ORDERS**

EWE 87-49—Reduces appropriations for certain budget units, 3

EWE 87-50—Grants private activity bond allocations, 71

EWE 88-1—Reduces appropriations for certain budget units, 71

EWE 88-2—Amends EWE 88-1 rescinding the proposed sale of the King Air (501) aircraft, 139

BR 88-1—Reduced appropriations for FY 87-88 for various budget units, 203

BR 88-2—Freeze on hiring both classified and unclassified state employees, 205

BR 88-3—Termination of per diem expenditures for members of boards and commissions in the executive branch, 206

BR 88-4—Returning all savings from reduced appropriations be credited to state general fund, 206

BR 88-5—Fiscal emergency declared as of March 29, 1988, 207

BR 88-6—Reduction in appropriations for the remainder of FY 1987-88 and future allotments to various budget units, 207

BR 88-7—Reduction in salary of all employees and officers of the governor's executive office by 10 percent FY 87-88, 209

BR 88-8—Appropriation reductions to various departments, 209

BR 88-9—Appropriation reductions to various departments, 210

BR 88-10—Establishment of the Office of Inspector General, 211

BR 88-11—Appropriation reductions to various departments, 212

BR 88-12—Directs the restoration to sale certain state lands, 279

BR 88-13—Establishes the Louisiana Occupational Information Coordinating Committee in the Department of Labor, 279

BR 88-14—Creates the Governor's Commission on a Louisiana Energy Policy, 339

BR 88-15—Directives for the Louisiana Emergency Response Commission, 407

BR 88-16—Directs DEQ to manage toxic chemical data, 407

BR 88-17—Unclassified employees' salary reduction, 1988-89, 408

BR 88-18—Rescinds EWE 87-38 which established the International Trade, Industry and Tourism Commission, 515

#### **CR—Committee Report**

**EO—Executive Order**

**ER—Emergency Rule**

**L—Legislation**

**N—Notice of Intent**

**P—Potpourri**

**PPM—Policy and Procedure Memorandum**

**R—Rule**

- BR 88-19—Creates Minority and Women's Business Enterprise in the Department of Economic Development, 515
- BR 88-20—Transfers Research Division to Office of Commerce and Industry within Department of Economic Development, 587
- BR 88-21—Directs Minority Business Development Authority to be administered by Department of Economic Development, 587
- BR 88-22—Establishes the Drug Policy Board, 587
- BR 88-23—Leave benefits for unclassified employees, 588
- BR 88-24—Directs Office of Telecommunications Management to coordinate and supervise all procurement activity for communications, 591
- BR 88-25—Requires approval of certain cooperative endeavor agreements, 591
- BR 88-26—Establishes certain sections within the Division of Administration, 592
- BR 88-27—Continues Governor's Community Development Advisory Committee operations and designates Division of Administration as the recipient of CDBG funds, 592
- BR 88-28—Duplicate of Executive Order BR 88-24, 593
- BR 88-29—Requires reports regarding grant-in-aid to local governing authorities, 593
- BR 88-30—Directs unemployment compensation benefit payments to be based on certain groups of funding, 593
- BR 88-31—Small purchase procurement directives, 594
- BR 88-32—Duplicate of Executive Order BR 88-29, 595
- BR 88-33—Duplicate of Executive Order BR 88-30, 595
- BR 88-34—Authorizes the use of inmate labor for Correction's headquarters renovations and Wade Correctional Center, 595
- BR 88-35—Reestablishes the procedure for allocating private activity bonds, 595
- BR 88-36—Directs responsibility for enforcement of Housing Development Grant requirements, 598
- BR 88-37—Designates the Louisiana Housing Finance Agency as the housing credit agency, 599
- BR 88-38—Directs a technology transfer program between NASA/NSTL in Mississippi and Department of Economic Development, 599

## GOVERNOR'S OFFICE

### Division of Administration

- Commissioner's Office
- Education Procurement, 309N, 429R
  - Travel regulations, 72ER, 162N, 293R, 340ER, 487N, 629R
- Policy and Procedure Memoranda
- PPM No. 10, 163N, 293R
  - PPM No. 49, 72ER, 162N, 293R, 340ER, 487N
  - PPM No. 64, 238N, 429R
  - PPM No. 72, 213
- Risk Management
- Medical Fee, 148R
  - Property claims recovery fund, 163N, 293R
  - Risk analysis, loss prevention, 237N, 349R

- State Planning
- LCDBG Program
  - Final Statement, '88, 12R, 310N, 429R
- State Purchasing
- Cash discounts, 139ER
  - Printing, PPM 64, 238N, 429R
- Statewide Reporting and Accounting Policy
- Inter/Intro agency billing, 213PPM
- Telecommunications Management
- Telephone use/repair, 54N, 148R, 311N, 434R
- Elderly Affairs, Office of**
- GOEA Manual, 643N
  - JTPA, Older Individuals, 311N, 434R
  - State Plan on Aging, 139ER, 164N, 294R, 340ER, 382N, 532R
- Governor's Special Commission on Education Services**
- Application fee, 602ER
- Minority Business Enterprise, Office of**
- Certification procedures, 350R
- Tax Appeals Board**
- Procedures/practice, 4ER
- Women's Services, Office of**
- Marriage license fee, 122N, 229R

## HEALTH AND HOSPITALS DEPARTMENT

(See Health and Human Resources Department)

### Certified Social Work Examiners, Board of

- General provisions, 488N
- Procedural rules, 488N

### Community Services, Office of

- Children, Youth, and Family Services, Division of
- Vendor Day Child Care, 341ER, 494N, 630R
- Rehabilitation Services
- Blind/Rehab Services merger, 644N
- Order of selection, 351R
- Policy Manual, 230R

### Dentistry, Office of

- Fees, 558N
- Illegal conduct, 558N

### Dietetics and Nutrition Examiners, Board of

- Conduct, 243N, 434R
- Fees, 243N, 434R
- Licensure, 243N, 434R

### Eligibility Determinations, Office of

- AFDC Program
- Alien status, 280ER, 312N, 438R
- Fraud control, 312N, 439R
- Medicaid eligibility, 602ER
- Food Stamp Program
- Cash charitable contributions, 521ER, 561N
- Migrant/seasonal farmworkers, 602ER

### CR—Committee Report

### EO—Executive Order

### L—Legislation

### PPM—Policy and Procedure Memorandum

### ER—Emergency Rule

### N—Notice of Intent

### P—Potpourri

### R—Rule

Medical Assistance Program  
Hospital program rate freeze, 248N, 351R  
LTC-drug regimen review, 249N, 352R  
LTC-FLA-D payments, 250N, 353R  
LTC-SNF, ICF rate freeze, 250N, 353R  
Pharmacy Program, LMAC drugs, 251N, 353R  
Protected income, 495N, 630R  
Refugee Cash Assistance Program  
Eligibility periods, 603ER

**Embalmers and Funeral Directors, Board of**

Exam, 573P

**Medical Assistance, Division of**

LTC-limited scope audit, 563N  
LTC-patient rights, 564N  
Reimbursement methodology, 521ER

**Medical Examiners, Board of**

Occupational therapist license pending exam, 167N, 350R

**Nursing, Board of**

Education, 247N, 532R  
Fees, 248N, 533R  
Meetings, 644N

**Pharmacy, Board of**

Drugs, 560N  
Manufacturer, 560N

**Practical Nurse Examiners, Board of**

Requirements, 560N

**Public Health, Office of**

Cancer and Lung Trust Fund, 383N, 534R  
Fee adjustment schedule, 384N, 534R  
Nutrition Section  
WIC State Plan, 501P  
Operator certification, 562N  
Sanitary Code  
Frozen desserts, 645N  
Marine freshwater food, 410ER, 562N  
Mechanical Wastewater treatment plants, 313N, 439R,  
561N  
Operator Certification, 562N  
Reportable diseases, 496N, 630R  
Seafood, 410ER, 562N  
Water supplies, 496N

**Radiologic Technology Board of Examiners**

Medical radiation health, safety, 385N, 542R

**Secretary, Office of**

Adult day health care, 646N  
Capital expenditure review, 314N  
Gary W. Project Office  
Reporting alleged mistreatment and/or death of  
Gary W. classmembers 341ER, 385N, 535R  
Home health agency licensure review, 573P  
ICF-MR facility rate, 319N, 440R  
LTC-ownership procedure, 421ER  
New health facility review, 315N, 440R  
Residential care rate, 319N, 542R

**Veterinary Medicine, Board of**

Meeting, Exam, 280ER

**HEALTH AND HUMAN RESOURCES DEPARTMENT**

(See Health and Hospitals Department)

**Dietetics and Nutrition Examiners, Board of**

Conduct, 243N, 434R  
Fees, 243N, 434R  
Licensure, 243N, 434R

**Embalmers and Funeral Directors, Board of**

Exam, 127P

**Family Security, Office of**

Food Stamp Program  
Expedited service, 56N  
Homeless individual, 87R  
Household composition, 87R  
Loss-of-benefits, 56N  
Third party payments, 56N, 150R  
Medical Assistance Program  
Hospital Program rate freeze, 248N  
LTC  
Drug regimen, 249N, 352R  
FLA-D, 250N, 353R  
SNF, ICF rates, 250N, 353R  
Multiple source drugs, 140ER, 168N, 216ER, 294R  
Pharmacy Program  
Anticonvulsive drugs, 318N  
Dispensing fee, 88R  
LMAC drugs, 251N, 353R  
Prescription limit, 252N  
Restricted formulary, 252N  
Reimbursement limits, 88R  
Transportation recipient sanction, 123N, 230R  
Vehicle guidelines, 24R

**Human Development, Office of**

Child abuse prevention, 57N, 151R  
DCYFS  
Legal fee, 91R  
Maintenance payment, 91R  
Rehabilitation Services  
Personal care assistance, 151R  
Policy Manual, 230R  
Selection order for handicapped, 140ER, 254N  
Special needs child, 90R

**Medical Examiners, Board of**

Licensure by reciprocity, 149R  
Occupational therapist license, 167N, 350R  
Physicians, surgeons, 86R  
Respiratory therapists/technicians, 86R

**Nursing, Board of**

Education, 247N  
Fees, 248N

**Nursing Home Administrators, Board of Examiners for**

Complaints, hearings, 165N, 352R  
Emergency license, 352R

**CR—Committee Report**

**EO—Executive Order**

**ER—Emergency Rule**

**L—Legislation**

**N—Notice of Intent**

**P—Potpourri**

**PPM—Policy and Procedure Memorandum**

**R—Rule**

Examination, 23R, 165N, 352R  
Licenses, 55N, 149R, 166N, 167N, 353R  
Programs of study, 55N, 149R

**Pharmacy, Board of**

Out-of-state license, 248N

**Prevention and Recovery from Alcohol/Substance Abuse, Office of**

DWI fee assessment, 92R

**Preventive and Public Health Services, Office of**

AZT Grant, 26R  
Family Co-pay, 24R  
Sanitary Code  
Fairs, festivals, 92R  
Sewage for camps, 92R  
Water supplies, 255N

**Professional Counselors, Board of Examiners for**

Licensure, 82R

**Radiologic Technology Examiners, Board of**

Medical radiation health, safety, 385N, 542R

**Secretary, Office of**

Ambulatory surgical center, 57N, 154R  
Block Grants, 262N, 353R  
Board/care home license, 93R  
ICF-MR facility rate, 319N, 440R  
Licensing and Certification Division  
Adult day care center, 59N  
Alfentanil, 124N, 230R  
Board and care homes, 27R  
Trauma center licensure, 59N, 155R  
Residential care rate, 319N, 542R  
Treatment of patients with infectious diseases, 26R

**Speech Pathology and Audiology Examiners, Board of**

General regulations, 386N

**INSURANCE DEPARTMENT**

**Commissioner, Office of**

Plan of Operation, 280ER

**Licensing Division**

HMO agents, 156R

**JUSTICE DEPARTMENT**

**Attorney General, Office of**

Electronic video bingo machines, 264N, 354R, 422ER,  
522ER, 647N

**LABOR DEPARTMENT**

**Barber Examiners, Board of**

Barbers, 93R  
Shops, 93R

**Employment Security, Office of**

Appealed claims, 169N

**Labor, Office of**

Private employment, 60N, 156R, 230R

**Plumbing Board**

Exam requirements, 170N, 440R  
Licenses, 170N, 440R

**Workers' Compensation, Office of**

Employee earnings, 128P  
Maximum wage, 573P

**LOUISIANA ADMINISTRATIVE CODE UPDATE**

December, 1987 — March, 1988 changes, 268  
April 1, 1988 — June, 1988 changes, 500

**NATURAL RESOURCE DEPARTMENT**

**Conservation, Office of**

Injection and Mining Division  
Docket UIC 88-8, 658P  
Statewide Order 29-0-1, 320N, 441R  
Statewide Order 29-Q, 542R, 572CR

**Fishermen's Gear Compensation Fund**

Claims, 62P, 128P, 192P, 271P, 325P, 395P, 501P,  
573P, 575P, 656P  
Definitions, 390N, 545R  
Fund, 658P

**Mineral Resources, Office of**

Mineral lease fee, 388N, 544R

**Secretary, Office of**

Bohemia Spillway, 523ER, 648N  
Fishermen's Gear definitions, 390N, 545R  
Phase II State Plan, 649N

**PUBLIC SAFETY AND CORRECTIONS DEPARTMENT  
(Corrections)**

**Juvenile Services, Office of**

Offender assignment, 27R, 284ER  
Offender custody/transfer, 30R, 390N  
**(Public Safety)**

**Management and Finance, Office of**

Sale of data base information, 391N

**Motor Vehicles, Office of**

Emission inspection/maintenance, 94R  
Fees, 497N  
Registration renewal, 286ER  
Transaction fee, 286ER

**State Fire Marshal, Office of**

Preliminary provisions, 523ER

**State Police, Office of**

Breath, Blood Alcohol Analysis, 72ER, 125N, 265N,  
360R, 362R, 441R  
Charitable Gaming  
Bingo, keno, raffles, 171N, 444R  
Hazardous Substances Control Section  
Alcohol, controlled dangerous substances, 175N, 294R  
Civil penalty recovery, 321N, 441R  
Materials transported, 177N, 296R  
Waste transported, 178N, 297R

**CR—Committee Report**

**EO—Executive Order**

**ER—Emergency Rule**

**L—Legislation**

**N—Notice of Intent**

**P—Potpourri**

**PPM—Policy and Procedure Memorandum**

**R—Rule**



Motor carrier safety unit  
Materials on public highway, 31R, 179N, 297R  
Transportation/Environmental Safety  
Right-to-Know, 649N

## REVENUE AND TAXATION DEPARTMENT

### Income and Corporation Franchise Tax Division

Income: Corporation Tax, 95R

### Severance Tax Section

Oil, condensate, natural gas, 180N

### Tax Commission

Meeting, 656P  
Orleans Parish appraisal/assessment study, 395P  
Real/personal property, 109R, 565N  
Timber stumpage, 9R

## STEAMSHIP PILOT COMMISSIONERS FOR THE MISSISSIPPI RIVER

### Board of New Orleans-Baton Rouge

Clarifies rules, 140ER, 183N, 298R

## TRANSPORTATION AND DEVELOPMENT DEPARTMENT

### Highways, Office of

Ferry toll, 654N  
Outdoor advertising, 32R

### Maintenance

Driveway permit, 565N

### Registration for Professional Engineers and Land Surveyors, Board of

General provisions: exams, 184N, 449R  
Land surveying, 185N

### Traffic and Planning

Outdoor advertising, 570N

### Weights and Standards

Bridge formula, 566N  
Fuel vendor/distributor, 566N  
Material/Testing Manual, 568N  
New product evaluation, 567N  
Project inspection fee, 568N  
Qualified product list, 569N

## TREASURY DEPARTMENT

### Bond Commission

Meeting Schedule, 125N, 231R

### State Employees Group Benefits Program

Birth control medication, 60N, 300R  
Claims review/appeal, 655N, 656N  
Health Maintenance Organizations, 392N, 545R  
Rate increase, 61N, 231R

## URBAN AND COMMUNITY AFFAIRS DEPARTMENT

### Secretary, Office of

Emergency Shelter Grant, 126N  
Hearing, 63P

## WILDLIFE AND FISHERIES DEPARTMENT

### Coastal and Marine Resources, Office of

Oyster seed grounds, 190N

### Wildlife and Fisheries Commission

Alligator season, 524ER, 570N  
Black bass harvest, 191N, 364R  
Chicot Lake black bass harvesting restrictions, 364R  
Field trials on wildlife management areas, 364R  
Firearm/hunter education, 127CR  
Free fishing, freshwater, 321N  
Free fishing, saltwater, 322N  
Fur harvest, 571N  
Goose creeping, 394N, 547R  
Inshore shrimp season, 286ER  
Management area field trial, 127CR  
Menhaden season, 322N, 547R  
Migratory bird season, 526ER, 572N  
Oyster season, 526ER  
Red drum, commercial, 6ER, 287ER  
Red drum, recreational, 6ER, 74ER  
Refuges and wildlife management areas, 395N  
Resident game quadrupeds/birds, 323N, 449R  
Shrimp season, 7ER, 143ER, 527ER  
Spotted seatrout, commercial, 287ER  
Toledo Bend reciprocal, 324N, 548R

### Wildlife and Fisheries, Office of

Game breeder license, 498N, 631R  
Non-resident preserve license, 499N, 631R

**CR** – Committee Report

**EO** – Executive Order

**ER** – Emergency Rule

**L** – Legislation

**N** – Notice of Intent

**P** – Potpourri

**PPM** – Policy and Procedure Memorandum

**R** – Rule



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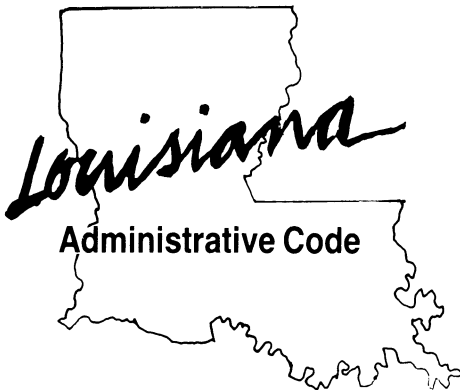
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