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LOUISIANA ADMINISTRATIVE CODE (Amended through 12/94)

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ANNEXURE A

1. The Government of Karnataka has decided to...

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2. The Government of Karnataka has decided to...

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EXECUTIVE ORDERS

EXECUTIVE ORDER EWE 95-5

Rehabilitation Advisory Council

WHEREAS: Executive Order No. EWE 94-3 was executed to create the Governor's State Rehabilitation Advisory Council within the Executive Department, Office of the Governor; and

WHEREAS: it is necessary to amend Executive Order EWE 94-3 by moving the council from the Office of the Governor to the Department of Social Service; and

NOW THEREFORE I, EDWIN W. EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested in me by the Constitution and laws of the State of Louisiana, do hereby amend Executive Order EWE 94-3 by moving the Governor's State Rehabilitation Advisory Council to the Department of Social Service.

SECTION 1: All other orders and directions of Executive Order EWE 94-3 remain in effect.

SECTION 2: The provisions of this executive order are effective upon signature and shall remain in effect until amended, modified, or rescinded by operation of law.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 13th day of February, 1995.

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
9503#024

EXECUTIVE ORDER EWE 95-6

Reenact EWE 93-21—Emergency Response Commission

WHEREAS: there is a need for additional effort to facilitate the implementation of local community emergency response plans; and

WHEREAS: Executive Order No. EWE 93-21 was executed to create the Louisiana Emergency Response Commission;

NOW THEREFORE I, EDWIN W. EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested in me by the Constitution and laws of the State of Louisiana, do hereby amend and reenact Executive Order No. EWE 93-21 as follows:

SECTION 1: The Louisiana Emergency Response Commission shall be composed of one additional at-large member who shall be appointed by and serve at the pleasure of the governor.

SECTION 2: All other orders and directions of Executive Order No. EWE 93-21 remain in effect.

SECTION 3: All departments, commissions, boards, agencies, and officers of the state, or any political subdivision thereof, are authorized and directed to cooperate with the Louisiana Emergency Response Commission in implementing the provisions of this executive order.

SECTION 4: The provisions of this executive order are effective upon signature and shall remain in effect until amended, modified, or rescinded 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 13th day of February, 1995.

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
9503#025

EXECUTIVE ORDER EWE 95-7

Targeted Area Residences

WHEREAS: Section 143(j) of the Internal Revenue Code of 1986, as amended, permits the State of Louisiana (the "state") to establish standards for purposes of qualifying targeted area residences in areas other than qualified census tracts; and

WHEREAS: the factors to be utilized by the state for establishing governmental units of the state as areas other than qualified census tracts within which Targeted Area Residences may be financed pursuant to this executive order shall be the following:

1. change in population of governmental unit from 1980 to 1990 decennial census,
2. number or percentage of unoccupied residential housing units within jurisdiction of governmental unit,
3. number or percentage of substandard housing units within jurisdiction of governmental unit,
4. number or percentage of low income households within the jurisdiction of governmental unit; and

WHEREAS: the governor desires to provide objective criteria to be utilized in the designation of governmental units of the state as areas other than qualified census tracts within which Targeted Area Residences may be financed; and

WHEREAS: the governor now desires to confirm that the City of New Orleans satisfies the objective criteria provided for herein to be designated an area other than qualified census tracts within which Targeted Area Residences may be financed pursuant to Section 143(j) of the Code; and

WHEREAS: the governor further desires to authorize and direct the Louisiana Housing Finance Agency (the "agency") to utilize the objective criteria provided for herein to designate

other governmental units of the state as areas other than qualified census tracts within which Targeted Area Residences may be financed:

NOW, THEREFORE, BE IT ORDERED BY EDWIN W. EDWARDS, Governor of the State of Louisiana, as follows:

SECTION 1: In order for a governmental unit of the state to be designated areas other than qualified census tracts within which Targeted Area Residences may be financed pursuant to in Section 143(j) of the Internal Revenue Code of 1986, as amended (the "code"), a governmental unit must satisfy either by data contained in a comprehensive housing affordability strategy ("CHAS") approved by the U.S. Department of Housing and Urban Development ("HUD") or by data from and as of the most recent decennial census all of the following factors:

Factor #1: The population of the governmental unit must have declined between the 1980 and 1990 census.

Factor #2: Either (i) the unoccupied residential rental units within the governmental unit as a percentage of total year-round housing units must exceed 10 percent or (ii) the total number of unoccupied units within the governmental unit must exceed 10,000.

Factor #3: Either (i) the substandard units within the governmental unit as a percentage of total year-round housing units must exceed 10 percent or (ii) the total number of substandard units within the governmental unit must exceed 10,000.

Factor #4: Either (i) the number of low income households within the governmental unit as a percentage of total households must exceed 25 percent or (ii) the total number of low income households within the governmental unit must exceed 25,000.

SECTION 2: The City of New Orleans is hereby determined to be ACED by the State of Louisiana based upon satisfying the factors as follows:

Factor #1: According to the city's approved CHAS and the 1990 decennial census, the population of the City of New Orleans declined between 1980 and 1990 decennial censuses.

Factor #2: According to the city's approved CHAS and the 1990 decennial census, 17 percent or 37,338 of the city's residential housing units are vacant.

Factor #3: According to the city's approved CHAS and 1990 decennial census, 50 percent of the city's rental units are substandard and 25 percent of owner-occupied units are substandard.

Factor #4: According to the city's approved CHAS and the 1990 decennial, 53 percent of the city's 187,662 households are low income.

SECTION 3: Other governmental units which submit to the Louisiana Housing Finance Agency (the "agency") evidence satisfying the objective factors identified in Section 1 hereof may be designated as areas other than qualified census tracts within which Targeted Area Residences may be financed by the agency upon adoption of a resolution by the Board of Commissioners of the agency that the standards required by this executive order have been satisfied.

SECTION 4: This executive 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 the State of Louisiana, at the Capitol, in the City of Baton Rouge, Louisiana, on this 21st day of February, 1995.

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
9403#026

EXECUTIVE ORDER EWE 95-8

Allocation of Bond

WHEREAS: pursuant to the Tax Reform Act of 1986 (the "Act") and Act 51 of the 1986 Louisiana Legislative Session, Executive Order EWE 92-47 establishing (i) a method for the allocation of bonds subject to the private activity bond volume limits, including the method of allocation of bonds subject to the private activity bond volume limits for this calendar year 1995 (the "1995 Ceiling"), (ii) the procedure for obtaining an allocation of bonds under the 1994 Ceiling, and (iii) a system of central record keeping for such allocations; and

WHEREAS: the parish of Ascension, state of Louisiana, has requested an allocation from the 1995 Ceiling for the purpose of acquiring, constructing and installing certain sewage and solid waste disposal facilities at the Geismer site plant complex of BASF Corporation located in the parish of Ascension, state of Louisiana; and

WHEREAS: the governor has determined that the project serves a crucial need and provides a benefit to the state of Louisiana, the parish of Ascension; and

WHEREAS: it is the intent of the governor of the state of Louisiana that this executive order, to the extent inconsistent with the provisions of Executive Order EWE 92-47, supercedes and prevails over such provisions with respect to the allocation made herein;

NOW, THEREFORE, BE IT ORDERED BY EDWIN W. EDWARDS, Governor of the state of Louisiana, as follows:

SECTION 1: That the bond issue described in this Section is hereby granted an allocation from the 1995 Ceiling in the amount shown:

AMOUNT OF ALLOCATION	NAME OF ISSUER	NAME OF PROJECT
\$18,000,000	Parish of Ascension	BASF Corporation Project

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

SECTION 3: The allocation granted hereby shall be valid and in full force and effect through April 24, 1995, provided that such bonds are delivered to the initial purchasers thereof on or about April 24, 1995.

SECTION 4: The undersigned certifies, under penalty of perjury, that the allocation granted hereby was not made in consideration of any bribe, gift, gratuity, or direct or indirect contribution to any political campaign.

SECTION 5: That this executive order, to the extent conflicting with the provisions of Executive Order 92-47, supercedes and prevails over the provisions of such executive order.

SECTION 6: All references herein to the singular shall include the plural and all plural references shall include the singular.

SECTION 7: This executive 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 the state of Louisiana, at the Capitol, in the city of Baton Rouge, on this 21st day of February, 1995.

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
9503#027

EXECUTIVE ORDER EWE 95-9

Allocation of Bond

WHEREAS: pursuant to the Tax Reform Act of 1986 (the "Act") and Act 51 of the 1986 Louisiana Legislative Session, Executive Order EWE 92-47 establishing (i) a method for the allocation of bonds subject to the private activity bond volume limits, including the method of allocation of bonds subject to the private activity bond volume limits for this calendar year 1995 (the "1995 Ceiling"), (ii) the procedure for obtaining an allocation of bonds under the 1994 Ceiling, and (iii) a system of central record keeping for such allocations; and

WHEREAS: the Calcasieu Parish Public Trust Authority has requested an allocation from the 1995 Ceiling to assist low to moderate income, first-time home buyers throughout the parish of Calcasieu, state of Louisiana; and

WHEREAS: the governor has determined that the project serves a crucial need and provides a benefit to the state of Louisiana, the parish of Calcasieu; and

WHEREAS: it is the intent of the governor of the state of Louisiana that this executive order, to the extent inconsistent with the provisions of Executive Order EWE 92-47, supercedes and prevails over such provisions with respect to the allocation made herein;

NOW, THEREFORE, BE IT ORDERED BY EDWIN W. EDWARDS, Governor of the state of Louisiana, as follows:

SECTION 1: That the bond issue described in this Section is hereby granted an allocation from the 1995 Ceiling in the amount shown:

AMOUNT OF ALLOCATION
\$ 5,000,000

NAME OF ISSUER
Calcasieu Parish
Public Trust
Authority

NAME OF PROJECT
Mortgage Credit
Certificate Program

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

SECTION 3: The allocation granted hereby shall be valid and in full force and effect through April 24, 1995, provided that such bonds are delivered to the initial purchasers thereof on or about April 24, 1995.

SECTION 4: The undersigned certifies, under penalty of perjury, that the allocation granted hereby was not made in consideration of any bribe, gift, gratuity, or direct or indirect contribution to any political campaign.

SECTION 5: That this executive order, to the extent conflicting with the provisions of Executive Order 92-47, supercedes and prevails over the provisions of such executive order.

SECTION 6: All references herein to the singular shall include the plural and all plural references shall include the singular.

SECTION 7: This executive 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 the state of Louisiana, at the Capitol, in the city of Baton Rouge, on this 21st day of February, 1995.

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
9503#028

EXECUTIVE ORDER EWE 95-10

Allocation of Bond

WHEREAS: pursuant to the Tax Reform Act of 1986 (the "Act") and Act 51 of the 1986 Louisiana Legislative Session, Executive Order EWE 92-47 establishing (i) a method for the allocation of bonds subject to the private activity bond volume limits, including the method of allocation of bonds subject to the private activity bond volume limits for this calendar year 1995 (the "1995 Ceiling"), (ii) the procedure for obtaining an allocation of bonds under the 1994 Ceiling, and (iii) a system of central record keeping for such allocations; and

WHEREAS: the parish of DeSoto, state of Louisiana has requested an allocation from the 1995 Ceiling to be used in connection with the financing of the acquisition, construction and installation of certain solid waste disposal and sewage

EXECUTIVE ORDER EWE 95-11

Child Advocacy Clearinghouse

facilities in Mansfield, LA (the "project") for International Paper Company, New York corporation; and

WHEREAS: the governor has determined that the project serves a crucial need and provides a benefit to the state of Louisiana, the parish of DeSoto; and

WHEREAS: it is the intent of the governor of the state of Louisiana that this executive order, to the extent inconsistent with the provisions of Executive Order EWE 92-47, supercedes and prevails over such provisions with respect to the allocation made herein;

NOW, THEREFORE, BE IT ORDERED BY EDWIN W. EDWARDS, Governor of the state of Louisiana, as follows:

SECTION 1: That the bond issue described in this Section is hereby granted an allocation from the 1995 Ceiling in the amount shown:

AMOUNT OF ALLOCATION	NAME OF ISSUER	NAME OF PROJECT
\$19,500,000	Parish of DeSoto State of LA	International Paper Company

SECTION 2: The allocation granted hereunder is to be used only for the bond issue described in Section 1 and for the general purpose set in the "Application for Allocation of a Portion of the state of Louisiana IDB Ceiling" submitted in connection with the bonds described in Section 1.

SECTION 3: The allocation granted hereby shall be valid and in full force and effect through May 1, 1995, provided that such bonds are delivered to the initial purchasers thereof on or about May 1, 1995.

SECTION 4: The undersigned certifies, under penalty of perjury, that the allocation granted hereby was not made in consideration of any bribe, gift, gratuity, or direct or indirect contribution to any political campaign.

SECTION 5: That this executive order, to the extent conflicting with the provisions of Executive Order 92-47, supercedes and prevails over the provisions of such executive order.

SECTION 6: All references herein to the singular shall include the plural and all plural references shall include the singular.

SECTION 7: This executive 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 the state of Louisiana, at the Capitol, in the city of Baton Rouge, on this 6th day of March, 1995.

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
9503#029

WHEREAS: the establishment of a Child Advocacy Program for the state of Louisiana has been legislatively recognized by Act 69 of the Third Extraordinary Session of the 1995 Legislature; and

WHEREAS: there is an apparent need for further research in this expanding field which would benefit from the expertise of the Louisiana Commission on Law Enforcement; and

WHEREAS: there is a need to develop a protocol that would incorporate the unique needs of the children within each community throughout Louisiana; and

WHEREAS: there is a need to develop a coordinated protocol to assist in the handling of sex abuse cases among the various responsible agencies; and

WHEREAS: the Louisiana Commission on Law Enforcement and the Administration of Criminal Justice is best suited to develop said protocol for assistance in local areas.

NOW, THEREFORE, I EDWIN W. EDWARDS, Governor of the state of Louisiana, by virtue of the state constitution and laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: The Louisiana Commission on Law Enforcement and the Administration shall form the Child Advocacy Clearinghouse.

SECTION 2: The Child Advocacy Clearinghouse shall accomplish the following:

A. Assisting the development of a proposed legislative framework for the establishment of a child advocacy program in the state. The proposed framework shall be submitted to the Interagency Council for Prevention of Sex Offenses.

B. Assist local law enforcement and prosecutorial agencies in the development of programs, resources, and or expertise which promote the detection and prosecution of offenders committing crimes of sexual abuse against children.

C. Assist units of local government and qualified private nonprofit institutions in identifying sources of funding to begin the operation of child advocacy centers.

D. Provide information relative to child sexual abuse, child sexual abuse programs (prevention, detection, and treatment) and child advocacy programs to units of state and local government and other interested parties.

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 7th day of March, 1995.

Edwin Edwards
Governor

ATTESTED BY
THE GOVERNOR
Fox McKeithen
Secretary of State
9503#030

EXECUTIVE ORDER EWE 95-12

Creation of Proaction Commission for Higher Education

WHEREAS: higher education in Louisiana is a crucial asset, and it is at risk; and

WHEREAS: in March, 1994, I Edwin W. Edwards, created the Higher Education Commission for the 21st Century to:

1. recommend a strategy to restate the case for (value of) higher education; and
2. recommend specific changes that higher education needs to make in order to respond more effectively to students and to the state; and

WHEREAS: in December, 1994, the commission fulfilled its charge through issuance of *Louisiana's Choice: Invest or Decline*, Report of the Higher Education Commission for the 21st Century; and

WHEREAS: the Higher Education Commission for the 21st Century's report and the Southern Regional Education Board's Commission for Educational Quality have provided a blueprint for action; and

WHEREAS: other groups have paralleled the work of the commission such as the Select Council on Revenues and Expenditures on Louisiana's Future (SECURE).

NOW, THEREFORE, I EDWIN W. EDWARDS, Governor of the state of Louisiana, by virtue of the state constitution and laws of the state of Louisiana, do hereby establish the Proaction Commission for Higher Education to prioritize and implement recommendations of the Higher Education Commission for the 21st Century.

FURTHER, the Proaction Commission for Higher Education shall be composed of the following to be appointed by and to serve at the pleasure of the governor, and the Proaction Commission shall select the chairperson from the following members:

1. Representative Jimmy Long, Commission for Educational Quality, Southern Regional Education Board;
2. Mr. Mark Drennen, President, Public Affairs Research Council of Louisiana, Inc.;
3. Mr. John Alario, Speaker, House of Representatives;
4. Ms. Laura Leach, Civic Activist;
5. Mr. Roger Ogden, Managing Partner, Maurin-Ogden Properties;
6. Mr. Jack Andonie, Medical Director, Lakeside Hospital;
7. Mr. Cecil Picard, Chairman, Senate Education Committee;
8. Mr. Jay Dardenne, State Senator;
9. Mr. John Guidry, State Senator;
10. Mr. William Fenstermaker, President/CEO, C.H. Fenstermaker and Associates;
11. Mr. Fredrick Skelton, President, Louisiana Federation of Teachers;
12. Mr. Sam Williams, Owner, S. M. and H., Inc. d/b/a McDonalds;

13. Mr. Kyle Green, State Representative;

14. Dr. Mary Ella Sanders, Director, Radiation Oncology, Touro Infirmary;

15. Dr. Christel C. Slaughter, Partner, SSA Consultants;

16. Mr. Harrold Callias, Chairman of the Board, Community Bank of LaFourche;

17. Mr. James D. Serra, Vice-President and General Manager, KPLC-TV;

18. Mr. Victor Bussie, President, Louisiana AFL-CIO;

19. Mr. Stan Dameron, President, Central Progressive Bank;

20. Mr. Michael J. Molony, Jr., Partner of Session and Fishman Law Firm;

21. Mr. Lane Grisby, Chairman, Cajun Construction;

22. Mr. Jerry Luke LeBlanc, State Representative;

23. Mr. Sean Reilly, State Representative;

24. Mr. Larry Bankston, State Senator;

25. Ms. Sybil Morial, Associate Vice-President, Xavier University;

26. Ms. Catherine J. Smith, Catherine J. Smith Attorney-at-Law;

27. Mrs. Carroll W. Suggs, Chairperson of the Board, Petroleum Helicopters;

28. Mr. Lovan B. Thomas, Owner, Natchitoches Times;

29. Senator Benjamin B. "Sixty" Rayburn, Chairman, Senate Finance;

30. Mr. Patrick Bell, Community Development Director, Argent Bank;

31. Mr. Jimmy Don Hudson, Manager, Corporate and External Affairs, South Central Bell;

The following will be official liaisons to their respective organizations:

1. Mr. Numa Triche, Liaison, Student Representative, Board of Regents;
2. Mr. David Aubrey, Liaison, Student Representative, Board of Trustees;
3. Mr. Elvin Sterling, Jr., Liaison, Student Representative, Southern University Board of Supervisors;
4. Mr. Sherman Boughtheon, Liaison, Student Representative, Louisiana State University Board of Supervisors;
5. Ms. Liz Landry, Liaison, Association of Louisiana Alumni Executives;
6. Ms. Jackie Bartkiewicz, Liaison, Louisiana Higher Education Public Relations Association;
7. George Strain, Liaison, Association of Louisiana Faculty Senates;

The following will be official consultants to their respective organizations:

1. Dr. Allen Copping, President, Louisiana State University System;
2. Dr. James Caillier, President, Board of Trustees;
3. Dr. Dolores Spikes, President, Southern University System;
4. Dr. Larry Crain, Commissioner of Higher Education, Board of Regents;
5. Dr. Sally Clausen, Secretary of Education, Governor's Education Office.

FURTHER, staff support shall be provided by the State Board of Regents and management boards.

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 9th day of March, 1995.

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
9503#060

EMERGENCY RULES

DECLARATION OF EMERGENCY

Department of Agriculture and Forestry
Office of Agricultural and Environmental Sciences
Advisory Commission on Pesticides

Bait and Baiting Systems Pilot Program

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 3:3203(A), the Commissioner of Agriculture and Forestry is amending and adopting the following rules for the implementation of regulations governing the use of baits and baiting systems as a means of treating structures.

This emergency adoption is necessary in order to protect the health and safety of the public by allowing the department to immediately put into place new regulations governing the qualifications of personnel making bait and baiting systems applications and to implement a pilot program for bait and baiting applications of structures. The bait and baiting system is a newly labeled product and system and affords the public a new way to protect their homes from termites. The department has further deemed these regulations necessary to provide minimum specifications for the application of baits and baiting systems.

The effective date of these rules is February 9, 1995, and shall remain in effect for 120 days or until these rules take effect through the normal promulgation process, whichever occurs first.

The commissioner hereby establishes a pilot program and regulations for the use of Hexaflumuron bait and baiting systems. The Structural Pest Control Commission shall

reevaluate the pilot program and the regulations for the use of Hexaflumuron bait and baiting systems prior to the end of the first quarter of calendar year 1996 and may make changes during any appropriately notified meeting.

Emergency Rule

A. Any licensee, licensed in the termite phase, or any technician, registered in the termite phase and working under the supervision of a licensee licensed in the termite phase, that applies baits and/or baiting systems shall register with the commission.

B. Any licensee or any person working under the supervision of a licensee, that applies baits and/or baiting systems, shall be certified in the use of the baits and baiting systems, by the manufacturer of the product, prior to any application of the bait or baiting system. Manufacturer certification and training programs shall have approval of the agenda prior to the program by the Louisiana Department of Agriculture and Forestry.

C. Any person or dealer, prior to selling a bait or baiting system to control subterranean termites, must first register such intent by notifying the Louisiana Department of Agriculture and Forestry and the Louisiana Structural Pest Control Commission Office in writing prior to taking such action.

D. All baits and baiting systems applications shall be contracted and reported according to LRS 3:3370 and LAC 7:XXV.14115 and the fee paid as described in LAC 7:XXV.14115.E.

1. Baits and baiting systems may be used as a stand alone termite treatment, only with written approval by LDAF.

2. Baits and baiting systems may be used as a supplement to traditional ground termiticide treatments.

E. Bait and baiting systems shall be used according to label and labeling and shall include, but not be limited to the following:

1. Monitoring. Monitoring shall be used to detect the presence of subterranean termites and generate feeding activity for bait (toxicant) delivery. Monitoring station spacings shall not exceed 20 feet where soil access is not restricted and shall be placed in the soil and recorded on a map or graph of the site. Monitoring stations shall be inspected at regular intervals, not less than monthly and data shall be recorded on the map or graph.

2. Bait Delivery. When termites are detected (minimum of 40 worker termites) during monitoring, the monitoring device shall be removed and replaced with the bait toxicant. Bait toxicant shall be monitored not less than once monthly and shall be replaced according to label and labeling.

3. Resumptions of monitoring for the presence of termite activity after control has been achieved shall follow according to the original bait termite contract and label and labeling.

4. A consumer information sheet, supplied by the manufacturer and approved by the commission, shall be supplied to the registered pest control operator. The pest control operator shall, in turn, supply a copy of the consumer information sheet to all persons contracted.

5. Records of contracts, graphs, monitoring, bait applications, and resuming of monitoring, shall be kept according to LAC 7:XXV.14113.

6. All buildings that cannot be treated according to the bait and baiting minimum specifications must have a waiver of the listed item or items signed by the owner prior to the baiting treatment. A copy of signed waiver must be filed with the Louisiana Department of Agriculture and Forestry with the monthly termite eradication reports.

Bob Odom
Commissioner

9503#003

DECLARATION OF EMERGENCY

Department of Agriculture and Forestry
Office of Agricultural and Environmental Sciences
Boll Weevil Eradication Commission

Boll Weevil Eradication (LAC 7:XV.9921)

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B), and under the authority of R.S. 3:1613, the commissioner of Agriculture and Forestry is amending the following rule regarding program participation, fee payment and penalties in the Boll Weevil Eradication Program.

This emergency adoption is necessary in order to notify program participants prior to a referendum scheduled for March, 1995, of the maximum assessment per acre per year under the Boll Weevil Eradication Program.

The effective date of this rule is February 24, 1995, and shall remain in effect for 120 days or until this rule takes effect through the normal promulgation process, whichever occurs first.

Title 7

AGRICULTURE AND ANIMALS

Part XV. Plant Protection and Quarantine

Chapter 99. Boll Weevil

§9921. Program Participation, Fee Payment and Penalties

Upon passage of the referendum, all cotton producers growing cotton in an eradication zone shall be required to participate in the eradication program as follows:

1. Each year, during the first five years of the program, cotton producers shall submit to the ASCS office the annual assessment as set by the commission following the adjudicatory procedure of the Administrative Procedure Act, which assessment shall not exceed \$10 per acre the first year and \$30 per acre for each of the remaining years, for each acre of certified cotton acreage on file with ASCS. The assessment shall be paid to the commission by the later of July 1 or final certification of the current growing season. ASCS shall promptly forward all collected assessments to the commission.

a. Any cotton producer planting a fraction of an acre shall be assessed at a prorated assessment rate for that fractional acre.

b. Any cotton producer failing to file a completed Cotton Acreage Reporting Form by the later of July 1 or final certification of the current growing season shall, in addition to the assessment fee and other penalties provided in the Boll Weevil Eradication Law and these regulations, be subject to a penalty fee of \$2 per acre.

c. Any cotton producer failing to pay all assessments by the later of July 1 or final certification of the current growing season shall, in addition to the assessment fee and other penalties provided in the Boll Weevil Eradication Law and these regulations, be subject to a penalty fee of \$3 per acre.

d. Beginning with the second year of the program and continuing for subsequent years, any cotton producer whose ASCS certified acreage exceeds his reported acreage by more than 10 percent shall, for each ASCS certified acre in excess of that reported, be subject to a penalty fee of \$5 per acre in addition to the assessment fee, payable on or before September 1 of the current growing season.

e. Failure to pay all program costs, including assessments and penalty fees shall be a violation of these regulations. Any cotton growing on a cotton producer's acreage which is subject to the assessment shall be subject to destruction by the commissioner should said cotton producer fail to pay all program costs, including assessments and penalty fees, within 30 days of notification of the default.

2. The commission shall have the right to collect some or all of the program costs, including assessments and penalty fees, by contracting with another entity, public or private, for assessment collection. All cotton producers in an eradication zone shall be notified of such a decision by the commission.

3. Cotton producers shall destroy cotton stalks in every field location planted to cotton, on or before December 31 of each year. Cotton stalk destruction shall consist of shredding or disking to the extent of eliminating standing cotton stalks. Failure to destroy stalks by December 31 of each year shall be a violation of these regulations.

Bob Odom
Commissioner

9503#002

DECLARATION OF EMERGENCY

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

Disproportionate Share - Hospital Payment Methodology

The Department of Health and Hospitals, Office of Secretary, Bureau of Health Services Financing, has adopted the following rule in the Medicaid Program as authorized by R.S. 46:153 and pursuant to Title XIX of the Social Security Act. This emergency rule is in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and shall be in effect for the maximum period allowed under the Administrative Procedure Act or until adoption of the rule, whichever occurs first.

The Medicaid Program previously reimbursed hospitals serving a disproportionate share of low income patients via twelve pools with payments based on Medicaid days. This payment methodology was implemented effective February 1, 1994 by means of emergency rulemaking to comply with the Health Care Financing Administration's policy on Section 1923 (Adjustment in Payments for Inpatient Hospital Services Furnished by Disproportionate Share Hospitals) of the Social Security Act (42 U.S.C. Section 1396r-4). In addition, disproportionate share payments for indigent care based on free care days were made by establishment of a payment methodology which reimbursed providers for indigent care days based on a Medicaid per diem equivalent amount.

The Omnibus Budget Reconciliation Act of 1993 (P.L. 103-66) amended Section 1923 of the Social Security Act by establishing individual hospital disproportionate share payment limits. To comply with these new provisions, the bureau implemented the following changes to its methodologies, for qualification and calculation of, disproportionate share payments: require that each qualifying disproportionate share hospital has a Medicaid inpatient utilization rate of not less than one percent, limit publicly owned or operated hospitals to 100 percent of uncompensated cost, and establish a transition year (State Fiscal Year 1994-95) in which public hospitals meeting specified criteria may not exceed 200 percent of uncompensated cost. These changes were implemented effective July 1, 1994 and published in the *Louisiana Register*, Volume 20, Number 7. It has been continued in force through subsequent emergency rulemaking which was published in the *Louisiana Register*, Volume 20 Number 11.

Implementation of this rule will not decrease or increase expenditures as disproportionate share payments cumulative for all DSH payments under all DSH payment methodologies shall not exceed the federal disproportionate share state payment cap for each federal fiscal year.

Emergency Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends its methodologies for qualification and calculation of disproportionate share payments for inpatient hospital services for Medicaid days and indigent care days effective for dates of service on or after July 1, 1994. Below are the following revised methodologies as modified in the State Plan, Attachment 4.19-A Items 1, 14 and 16 - Methodology for Disproportionate Share Adjustments.

Disproportionate Share Payments - Qualifying Criteria for a Disproportionate Share Hospital

Effective on July 1, 1994, the qualifying disproportionate share hospital must have a Medicaid inpatient utilization rate of at least one percent, in addition to the qualification criteria outlined in Item 1, D.1. a-d.

Disproportionate Share Payments Methodology

DSH payments to individual publicly owned or operated hospitals (except for those hospitals qualifying for payments in the transition period as described below) will be equal to 100 percent of the hospital's uncompensated costs as defined below and subject to the adjustment provisions described below. A transition period is established for high disproportionate share public hospitals for services furnished from July 1, 1994 through June 30, 1995. A high disproportionate share hospital is defined below. During this transition period public "high disproportionate share hospitals" shall receive disproportionate share payments equal to 200 percent of the hospital's uncompensated costs subject to the adjustment provision described below.

The governor must certify to the secretary of the Department of Health and Human Services that the hospitals' DSH payments in excess of 100 percent of the uncompensated costs are used for health services.

The department will issue instructions to affected providers with regard to procedures for payments made pursuant to this rule.

Definitions

Public Hospital—a hospital that is owned or operated by a state (or by an instrumentality or a unit of government within a state). "Owned or operated" refers to the provider of inpatient hospital services.

High Disproportionate Share Hospital—the public hospital's:

1. Medicaid utilization rate is at least one standard deviation above the mean Medicaid utilization rate for hospitals receiving Medicaid payments in the state. The statewide mean Medicaid utilization rate will be calculated based on the latest federal fiscal year in which all cost reports are audited and/or desk reviewed by the audit intermediary. Determination of hospitals qualifying under this provision as a high disproportionate share hospital will be made using the latest filed cost report prior to July 1, 1994. The hospital's applicable minimum amount (AMA) must be used for health services during the state fiscal year. The AMA is the difference between the amount of the

DSH adjustment and the amount of the basic limit (i.e., uncompensated costs as defined below); OR

2. number of Medicaid inpatient days is the largest of any hospital in the state for the state fiscal year ending 6/30/94. The hospital's applicable minimum amount (AMA) must be used for health services during the state fiscal year. The AMA is the difference between the amount of the DSH adjustment and the amount of the basic limit (i.e., uncompensated costs as defined below).

Uncompensated Cost (i.e., basic limit)—costs incurred during the state fiscal year of furnishing inpatient and outpatient hospital services net of Medicare costs, Medicaid payments (excluding disproportionate share payments), costs associated with patients who have insurance for services provided, private payor payments and all other inpatient and outpatient payments received from patients.

Final payment will be based on uncompensated cost report for the period(s) covering the state fiscal year (SFY).

Disproportionate share payments cumulative for all DSH payments under all DSH payment methodologies shall not exceed the federal disproportionate share state allotment for each federal fiscal year. The department shall make necessary downward adjustments to hospitals' disproportionate share payments to remain within the federal disproportionate share allotment. In the event it is necessary to reduce the amount of disproportionate share payments to remain within the federal disproportionate share allotment each year, the department shall calculate a pro rata decrease for each public hospital based on the ratio determined by dividing that hospital's uncompensated cost by the total uncompensated cost for all qualifying public hospitals during the state fiscal year and then multiplying by the amount of disproportionate share payments calculated in excess of the federal disproportionate share allotment.

If at audit or final settlement the qualifying criteria for disproportionate share adjustment payments are not met, or the actual uncompensated costs are determined to be less than the estimated uncompensated costs appropriate action shall be taken to recover such overpayment.

Hospitals/units which close or withdraw from the Medicaid Program shall become ineligible for further DSH payments.

Rose V. Forrest
Secretary

9503#004

DECLARATION OF EMERGENCY

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

Home Health Services—Homebound Criteria

The Department of Health and Hospitals, Office of the Secretary, has adopted the following rule in the Medical

Assistance Program as authorized by R.S. 46:153 and pursuant to Title XIX of the Social Security Act. This emergency rule is in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and shall be in effect for the maximum period of 120 days as allowed under the Administrative Procedure Act or adoption of the rule whichever occurs first.

The Bureau of Health Services Financing has adopted the following criteria for the determination of homebound status upon which the necessity for home health services is established for Medicaid recipients under the Medical Assistance Program. This definition is adapted from the Medicare definition and is being published in order to establish this as the official policy of this agency.

Emergency Rule

The department will provide reimbursement for approved home health services for Medicaid recipients based upon the certification of a licensed physician that the recipient is homebound and the determination of the Medicaid Program that the recipient meets the bureau's homebound criteria under the Medicaid Program.

Homebound Criteria for Medicaid Recipients

Homebound status is determined by the recipient's illness and functional limitations. A recipient is considered to be homebound if the individual:

1. experiences a normal inability to leave home; or
2. is unable to leave home without expending a considerable and taxing effort; and
3. whose absences from the home are infrequent, of short duration, or to receive medical services which may be unavailable in the home setting, such as ongoing treatment of outpatient kidney dialysis or outpatient chemotherapy or radiation therapy.

The bureau allows an exception to the third requirement of being unable to leave home for EPSDT recipients, up to age 21, who attend school. These recipients may be considered to meet the homebound criteria while attending school if prior authorization has approved the individual for multiple daily home visits for skilled nursing services in accordance with the certifying physician's orders which must document and meet the following criteria:

1. the medical condition of the child meets the medical necessity requirement for the skilled nursing services in the home and that the provision of these services in the home is the most appropriate level of medical care;
 2. that the failure to receive skilled nursing services in the home would place the recipient at risk of developing additional medical problems or could cause further debilitation; and
 3. that the recipient/student requires skilled nursing services on a regular basis and that these services cannot be obtained in an outpatient setting before or after normal school hours.
- In addition the following conditions must be met.

1. The recipient/student is determined to be medically fragile. A medically fragile individual is one who has a medically complex condition characterized by multiple, significant medical problems, which require extended care.

Examples of medically fragile patients are patients whose care requires most or all of the following services/aides: use of home monitoring equipment, IV therapy, ventilator or tracheostomy care, feeding tube and nutritional support, frequent respiratory care or medication administration, catheter care, frequent positioning needs, etc.

2. Special accommodations such as specially equipped vehicles or medical devices and/or personal care attendants or nurses are needed to accompany the patient/student to and from school and/or to assist the patient/student at school. The responsibilities of the home health agency:

The home health agency must provide to the bureau upon request the supporting documentation used to determine the recipient's homebound status.

The home health agency must report a complaint of abuse or neglect of home health recipient(s) to the appropriate authorities if the agency has knowledge that a minor child, or a nonconsenting adult or mentally incompetent adult, has been abused or not receiving the proper medical care due to neglect or lack of cooperation on the part of the legal guardians or caretakers. This includes knowledge that a patient is routinely being taken out of the home by a legal guardian or caretaker against medical advise, or when it is obviously medically contraindicated.

Rose V. Forrest
Secretary

9503#042

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

Commercial Spotted Seatrout Closure

In accordance with the emergency provisions of R.S. 49:953(B), the Administrative Procedure Act, R.S. 49:967 which allows the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons, R.S. 56:325.3 which allowed the commission to establish an annual quota for spotted seatrout, and the commission rule of February 1992, LAC 76:VII.341, establishing a quota of one million pounds, the secretary of the Department of Wildlife and Fisheries, pursuant to a resolution passed by the Wildlife and Fisheries Commission on January 5, 1995 in Baton Rouge, hereby declares an emergency and adopts the following emergency rule.

Emergency Rule

Pursuant to R.S. 56:325.3 and LAC 76:341, the commercial fishery for spotted seatrout is hereby closed until midnight September 14, 1995, effective at midnight, Thursday, March 9, 1995.

The purchase, barter, trade or sale of spotted seatrout taken from Louisiana waters after the closure is prohibited.

The commercial taking or landing of spotted seatrout in Louisiana, whether caught within or without the territorial waters of Louisiana after the closure is prohibited.

Effective with the closure, no vessel possessing or fishing any seine, gill net, trammel net or hoop net shall have spotted seatrout aboard the vessel, whether caught within or without the waters of the state.

Pursuant to R.S. 56:322 and effective with the closure, the legal commercial mesh size for all gill nets, trammel nets and seine nets used in saltwater areas of the state, other than strike nets, shall be a minimum of 4½ inches stretched and a person shall have in possession or used aboard a vessel no more than two strike nets.

Nothing shall prohibit the possession of fish legally taken prior to the closure and all commercial dealers possessing spotted seatrout taken legally prior to the closure shall maintain appropriate records in accordance with R.S. 56:306.4.

Joe L. Herring
Secretary

9503#010

RULES

RULE

Department of Economic Development
Office of Commerce and Industry
Division of Financial Incentives

Gaming Activities Ineligible for Tax Exemption
(LAC 13:I.201)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Economic Development, Office of Commerce and Industry, Division of Financial Incentives is hereby adopting the Board of Commerce and Industry rule: Gaming Activities Ineligible for Tax Exemptions.

The Board of Commerce and Industry, at its August 24, 1994 meeting, adopted rules which affect any person whose principal business is gaming; and, which business is applying for a financial incentive/tax exemption application (i.e., Enterprise Zone Program, Restoration Tax Abatement Program, or other).

Title 13
ECONOMIC DEVELOPMENT
Part I. Commerce and Industry
Subpart 1. Finance

Chapter 1. Board of Commerce and Industry

§201. Gaming Ineligible

A. Any person, making application for any financial incentive/tax exemption, whose principal business is gaming shall be ineligible to receive a contract for any tax exemption, credit, rebate or other benefit granted by the Board of Commerce and Industry.

B. The principal business of a person shall be considered to be gaming whose primary source of income is derived from gaming activities or where the principal activity taking place there on is gaming activities, or from an economic interest in gaming operations or gaming activities, or any combination of the above.

C. The Office of Commerce and Industry shall require any applicant to provide sufficient information so that the principal business of the applicant may be determined from the application. Any application which fails to provide such information and any application which shows that the principal business of the applicant is gaming shall be returned to the applicant along with the application fee and shall not be presented to the board for consideration. Any person/applicant involved in gaming as defined in this Section shall provide the following information along with the regular program application:

1. Is or will any part of the gross revenues, from the project being applied for, be derived from gaming?

2. If the answer is yes, the applicant shall provide:

a. complete copies of the most recent financial statements which shall include a breakdown of each source of revenue;

b. a complete business plan which shall include a pro forma balance sheet, and a pro forma income statement with a breakdown of each source of revenue for the five years beginning with the start of the project;

c. copies of all organizational documents (i.e., articles of incorporation, partnership agreement, etc.) which should list all principals of the organization.

3. The applicant business shall provide any other information that the Board of Commerce and Industry deems necessary in order to make a decision in the best interest of the state.

D. Definitions

Bingo—the game of chance commonly known as bingo or keno played for prizes with cards bearing numbers or other designations, five or more in one line, the holder covering numbers, as objects, similarly numbered, are drawn from a receptacle, and the game being won by the person who first covers a previously designated arrangement of numbers on such a card.

Economic Interest—any interest in a contract, license or licensee whereby a person receives or is entitled to receive, by agreement or otherwise, a profit, gain, thing of value, loss, credit, security interest, ownership interest, or other benefit.

Game—any banking or percentage game which is played with cards, dice, or any electronic, electrical, or mechanical device or machine for money, property, or any thing of value. **Game** does not include a lottery, bingo, pull-tabs, raffles, electronic video bingo, cable television bingo, dog race wagering, or any wagering on any type of sports event, including but not limited to football, basketball, baseball, hockey, boxing, tennis, wrestling, jai alai, or other sports contest or event or racehorse wagering.

Gaming Device—any equipment or mechanical, electromechanical, or electronic contrivance, component, or machine, including but not limited to slot machines or video draw poker devices, used directly or indirectly in connection with gaming or any game which affects the result of a wager by determining wins or losses. The term includes a system for processing information which can alter the normal criteria of random selection, which affects the operation of any game, or which determines the outcome of a game.

Gaming Operations or Gaming Activities—

1. the use, operation, offering or conducting of any game or gaming device;

2. the conducting, or directly assisting in the conducting, as a business, of any game, contest, lottery, or contrivance on board a commercial cruiseship used for the international carriage of passengers whereby a person risks the loss of anything of value in order to realize a profit;

3. the intentional conducting or assisting in the conducting of gaming activities upon a riverboat as defined and authorized in R.S. 4:501-4:562, whereby a person risks the loss of anything of value in order to realize a profit;

4. the intentional conducting or assisting in the conducting of gaming operations at the official gaming establishment as defined and authorized in Chapter 10 of Title 4 of the Louisiana Revised Statutes of 1950.

Principal Activity—shall be identified by the focus, theme, topic, or subject by which this person advertises his business to the general public.

Pull-Tabs—single or banded tickets or cards each with its face covered to conceal one or more numbers or symbols, where one or more card or ticket in each set has been designated in advance as a winner.

Racehorse Wagering—wagers placed on horse racing conducted under the pari-mutuel form of wagering at licensed racing facilities that is accepted by a licensed racehorse wagering operator.

Raffle—the game of chance commonly known as raffle or raffles played by drawing for prizes or the allotment of prizes by chance, by the selling of shares, tickets, or rights to participate in such game or games, and by conducting the game or games accordingly.

Slot Machine—any mechanical, electrical, or other device, contrivance, or machine which, upon insertion of a coin, token, or similar object therein or upon payment of any consideration whatsoever, is available to play or operate, the play or operation of which, whether by reason of the skill of the operator or application of the element of chance, or both, may deliver or entitle the person playing or operating the

machine to receive cash, premiums, merchandise, tokens, or anything of value, whether the payoff is made automatically from the machine or in any other manner.

Video Draw Poker Device—any unit, mechanism, or device authorized pursuant to the provisions of this Part, that, upon insertion of cash, is available to play or simulate the play of the game of draw poker or other card games, utilizing a cathode ray tube or video display screen and microprocessors in which the player may win games or credits that can be redeemed for merchandise or cash. The term does not include a device that directly dispenses coins, cash, tokens, or anything else of value, except the ticket voucher required in accordance with the provisions of this Part. The term does not include any device authorized to be used in the conducting of charitable gaming.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:926, 51:1786(6), 47:4319.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Division of Financial Incentives, LR 21: (March 1995).

Harold Price
Assistant Secretary

9503#005

RULE

Board of Elementary and Secondary Education

Bulletin 741—Instructional Time

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended Bulletin 741, Louisiana Handbook for School Administrators.

Minimum Session/Instructional Day Standard 1.009.16

* * *

Insert as a second procedural block:

Effective with the 1995-96 school year, the length of the school year shall consist of 180 days of which no less than 175 days shall be student contact teaching days, or the equivalent; the remaining five days may be used for emergencies and/or other instructional activities.

* * *

AUTHORITY NOTE: R.S. 17:7; 17:154(1).

Carole Wallin
Executive Director

9503#044

RULE

Board of Elementary and Secondary Education

Bulletin 1213—Minimum Standards for School Buses

The State Board of Elementary and Secondary Education, at its meeting of July 28, 1994, exercised those powers conferred by the Administrative Procedure Act, R.S. 49:950 et seq. and amended, Bulletin 1213, Minimum Standards for School Buses in Louisiana, revised 1994. This bulletin is referenced in the Administrative Code, Title 28 as noted below.

Title 28

EDUCATION

Part I. Board of Elementary and Secondary Education Chapter 9. Bulletins, Regulations, and State Plans §915. Bus Transportation Standards and Regulations

* * *

B. Bulletin 1213, Minimum Standards for School Buses in Louisiana, revised 1994.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:158.

HISTORICAL NOTE: Amended by the Board of Elementary and Secondary Education, LR 21: (March 1995).

Copies of the complete document may be viewed at the Office of the State Register, 1051 North Third Street, Capitol Annex, Fifth Floor, Baton Rouge, LA; in the State Department of Education; or in the Office of the State Board of Elementary and Secondary Education, located in the Education Building in Baton Rouge, LA.

Carole Wallin
Executive Director

9503#045

RULE

Board of Elementary and Secondary Education

Commission on Occupational Education (LAC 28:I.1515)

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 amended its policy concerning accreditation of the technical institutes as stated below.

Title 28

EDUCATION

Part I. Board of Elementary and Secondary Education Chapter 15. Vocational and Vocational-Technical Education

§1515. Commission on Occupational Education

All technical institutes under the jurisdiction of the Board of Elementary and Secondary Education are required to become

affiliated with the Commission on Occupational Education or its successor and to work toward accreditation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10); R.S. 17:10(A).

HISTORICAL NOTE: Amended by the Board of Elementary and Secondary Education, LR 21: (March 1995).

Carole Wallin
Executive Director

9503#046

RULE

Board of Elementary and Secondary Education

Medication Policy in Public Schools (LAC 28:I.929)

In accordance with the R.S. 49:950 et seq., the Administrative Procedure Act, the State Board of Elementary and Secondary Education adopted the Administration of Medication Policy developed by the State Board of Elementary and Secondary Education and the State Board of Nursing as printed below:

Title 28 EDUCATION

Part I. Board of Elementary and Secondary Education Chapter 9. Bulletins, Regulations and State Plans §929. Administration of Medication Policy

A. Administration of Medication

1. R.S. 17:436.1, Act 87 of 1993, requires that the State Board of Elementary and Secondary Education and the Louisiana State Board of Nursing formulate and adopt a joint policy on the administration of medications for local school systems that require unlicensed personnel to perform those functions.

2. Each city and parish school board shall establish guidelines based upon the joint policy which shall include but not be limited to the following provisions.

3. Any waiver, deletions, additions, amendments, or alterations to the joint policy shall be approved by both boards.

B. Written Orders, Appropriate Containers, Labels, and Information

1. Medication shall not be administered to any student without an order from a Louisiana licensed physician or dentist and it shall include the following information:

- a. the student's name;
- b. the name and signature of the physician/dentist;
- c. physician/dentist's business address, office phone number, and emergency phone numbers;
- d. the frequency and time of the medication;
- e. the route and dosage of medication;
- f. a written statement of the desired effects and the child specific potential adverse effects.

2. Medication shall be provided to the school by the parent or guardian in the container that meets acceptable pharmaceutical standards and shall include the following information:

- a. name of pharmacy;
- b. address and telephone number of pharmacy;
- c. prescription number;
- d. date dispensed;
- e. name of student;
- f. clear directions for use, including the route, frequency, and other as indicated;
- g. drug name and strength;
- h. last name and initial of pharmacist;
- i. cautionary auxiliary labels, if applicable;
- j. physician or dentist's name.

3. Labels of prepackaged medications, when dispensed, shall contain the following information in addition to the regular pharmacy label:

- a. drug name;
- b. dosage form;
- c. strength;
- d. quantity;
- e. name of manufacturer and/or distributor;
- f. manufacturer's lot or batch number.

C. Administration of Medication: General Provisions

1. During the period when the medication is administered the person administering medication shall be relieved of all other duties. This requirement does not include the observation period required in C.5 of this Section. The local school systems shall determine how to implement this requirement.

2. Except in life threatening situations, trained unlicensed school employees may not administer injectable medications.

3. All medications shall be stored in a secured locked area or locked drawer with limited access except by authorized personnel.

4. Only oral, inhalant, topical ointment for diaper rash, and emergency medications shall be administered at school by unlicensed personnel.

5. Each student shall be observed by a school employee for a period of 45 minutes following the administration of medication. This observation may occur during instruction time.

6. School medication orders shall be limited to medications which cannot be administered before or after school hours.

D. Principal

The principal shall designate at least two employees to receive training and administer medications in each school.

E. Teacher

The classroom teacher who is not otherwise previously contractually required shall not be assigned to administer medications to students. A teacher may request in writing to volunteer to administer medications to his/her own students. The administration of medications shall not be a condition of employment of teachers employed subsequent to July 1, 1994.

F. School Nurse

1. The school nurse, in collaboration with the principal, shall supervise the implementation of the school policies for the administration of medications in schools to insure the safety, health and welfare of the students.

2. The school nurse shall be responsible for the training of non-medical personnel who have been designated by each principal to administer medications in each school. The training shall be at least six hours and include but not be limited to the following provisions:

- a. proper procedures for administration of medications including controlled substances;
- b. storage and disposal of medications;
- c. appropriate and correct record keeping;
- d. appropriate actions when unusual circumstances OR medication reactions occur;
- e. appropriate use of resources.

G. Parent/Guardian

1. The parent/guardian who wishes medication administered to his/her student shall provide the following:

- a. a letter of request and authorization that contains the following information:
 - i. name of the student;
 - ii. clear instructions;
 - iii. RX number, if any;
 - iv. current date;
 - v. name, degree, frequency, and route of medication;
 - vi. name of physician or dentist;
 - vii. printed name and signature of parent or guardian;
 - viii. emergency phone number of parent or guardian;
 - ix. statement granting or withholding release of medical information;
 - b. written orders for all medications to be given at school, including annual renewals at the beginning of the school year;
 - c. a prescription for all medications to be administered at school, including medications that might ordinarily be available over the counter;
 - d. a list of all medications that the student is currently receiving at home and school, if that listing is not a violation of confidentiality or contrary to the request of the parent/guardian or student;
 - e. a list of names and telephone numbers of persons to be notified in case of medication emergency in addition to be the parent or guardian and licensed prescriber;
 - f. arrangements for the safe delivery of the medication to and from school in the original labeled container as dispensed by the pharmacist; the medication shall be delivered by a responsible adult;
 - g. unit dose packaging shall be used whenever possible.
2. All aerosol medications shall be delivered to the school in premeasured dosage.
3. No more than a 35 school day supply of medication shall be kept at school.

4. The initial dose of a medication shall be administered by the student's parent/guardian outside the school jurisdiction with sufficient time for observation for adverse reactions.

5. The parent/guardian shall also work with those personnel designated to administer medication as follows:

- a. cooperate in counting the medication with the designated school personnel who receives it and sign a drug receipt form;
- b. cooperate with school staff to provide for safe, appropriate administration of medications to students, such as positioning, and suggestions for liquids or foods to be given with the medication;
- c. assist in the development of the emergency plan for each student;
- d. comply with written and verbal communication regarding school policies;
- e. grant permission for school nurse/physician consultation;
- f. remove or give permission to destroy unused, contaminated, discontinued, or out-of-date medications according to the school guidelines.

H. Student Confidentiality

All student information shall be kept confidential.

*NOTE OF INFORMATION. This is not part of the joint policy: There is a set of guidelines which have been developed by an administration of medication task force and approved by the State Board of Nursing, which may be used by local school systems in developing their local administration of medication guidelines. These guidelines are available upon request in the State Board of Elementary and Secondary Education's office.

AUTHORITY NOTE: Act 87 of R. S. 1993 (R.S. 17:436.1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 21: (March 1995).

Carole Wallin
Executive Director

9403#047

RULE

Department of Education Proprietary School Commission

General Policies and Surety Bond Claim Form

In accordance with R.S. 49:950, et seq, the Administrative Procedure Act, the Department of Education has amended Bulletin 1443, Advisory Commission on Proprietary Schools and Regulations as follows.

A. When an institution closes, and is domiciled within the state of Louisiana, the complete student records of the school shall be deposited with the superintendent. The records will be prepared in the following manner:

* * *

4. The institution must deliver the student records to the superintendent, or to a storage facility designated by the

superintendent within 15 days following the date of institution closure.

5. Within 10 days following the institution's date of closure, the institution must deliver to the Advisory Commission on Proprietary Schools a printed list of active students, and students on leave, as of the date of the institution's closure, including each student's name, mailing address, telephone number, social security number, tuition paid to date, length of curriculum, and time needed to complete the curriculum.

6. Within 10 days following the institution's date of closure, the institution must deliver to the Advisory Commission on Proprietary Schools a printed list of all students, including current and former students, who are due a refund of part, or all, of any tuition payments. Such list shall include the student's name, mailing address, telephone number, social security number, amount of refund owed, and the name and address of the institution or person to whom the refund is payable. The list of refunds payable shall be signed and verified as correct by the chief financial administrator of the institution.

7. Within 10 days following the date of the institution's closure, the institution must deliver, by mail, notice of the institution's closure to all current students, both active students and students who are on leave. Such notice must include in addition to the notice of closure, an explanation of options available to the students who wish to continue their education and options available for those students who wish to stop all of their education activities. Options shall include all information associated with tuition payments, refunds, and tuition claim procedures. A copy of each notice mailed to each student shall be delivered to the Advisory Commission on Proprietary Schools within 10 days following the institution's closure.

8. If a closed institution fails to comply with procedures set out in this Section, the institution is subject to fine of up to \$500 per day for each day of noncompliance, as determined by the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3141.

HISTORICAL NOTE: Promulgated by the Department of Education, Proprietary Schools Commission, LR 13:740 (December, 1987), amended LR 21: (March 1995).

Form Relating to Applications, License and Permits is amended by adding the following:

PSC-15

APPENDIX O

SURETY BOND CLAIM FORM
STATE OF LOUISIANA
DEPARTMENT OF EDUCATION
PROPRIETARY SCHOOL COMMISSION
POST OFFICE BOX 94064
BATON ROUGE, LOUISIANA 70804-9064

NOTE: The Surety Bond Claim Form must be submitted to the Advisory Commission on Proprietary Schools within one year following the date an institution closes.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3141.

HISTORICAL NOTE: Promulgated by the Department of Education, Proprietary Schools Commission, LR 16:604 (July 1990), amended LR 21: (March 1995).

Andrew H. Gasperecz
Executive Secretary

9503#008

RULE

Department of Elections and Registration Commissioner of Elections

Voter Registration (LAC 31:II.601, 603, 605)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and under the authority vested in the commissioner of elections by Section 116 of Title 18 of the Louisiana Revised Statutes of 1950, the commissioner of elections is hereby adopting rules and regulations for registration of voters at optional voter registration agencies.

Title 31 ELECTIONS

Part II. Voter Registration

Chapter 6. Voter Registration at Optional Voter Registration Agencies

§601. Objective

The objective of these proposed rules and regulations is to designate additional voter registration agencies as required by R.S. 18:116(A)(2).

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:116.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 21: (March 1995).

§603. Designation of Optional Voter Registration Agencies

The following offices are hereby designated as voter registration agencies:

1. all public colleges and universities;
2. all public high schools;
3. all private colleges and universities with their permission;
4. all private high schools with their permission; and
5. all municipalities with their permission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:116.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 21: (March 1995).

§605. Implementation

Voter registration at all public colleges and universities will be implemented no later than June 30, 1995. Voter registration at all public high schools will be implemented by

no later than August 31, 1995. Implementation will begin for private colleges, universities, high schools, and municipalities upon completion of training after their agreement to participate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:116.

HISTORICAL NOTE: Promulgated by the Department of Elections and Registration, Commissioner of Elections, LR 21: (March 1995).

Jerry M. Fowler
Commissioner

9503#009

RULE

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

**Standards of Performance for New Stationary Sources
(LAC 33:III.Chapter 31) (AQ89)**

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the secretary has amended the Air Quality Division Regulations, LAC 33:III.Chapter 31, (AQ89).

The amendments to Chapter 31 have been submitted in order that the existing state regulations be brought up to date and be equivalent to the existing federal regulations.

This action is required as a result of EPA directives.

Title 33

ENVIRONMENTAL QUALITY

Part III. Air

Chapter 31. Standards of Performance for New Stationary Sources

Subchapter B. Standards of Performance for Fossil-Fuel-Fired Steam Generators for Which Construction is Commenced After August 17, 1971 (Subpart D)

§3135. Applicability and Designation of Affected Facility

[See Prior Text in A-C]

D. The requirements of LAC 33:III.3139.A.4, A.5, B, D, and 3140.F.4.f are applicable to lignite-fired steam generating units that commenced construction or modification after December 22, 1976.

[See Prior Text in E]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

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

Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21: (March 1995).

§3139. Standard for Nitrogen Oxides

[See Prior Text in A-A.1]

2. 129 nanograms per joule heat input (0.30 lb per million Btu) derived from liquid fossil fuel or liquid fossil fuel and wood residue;

[See Prior Text in A.3-A.5]

B. Except as provided under LAC 33:III.3139.C and D, when different fossil fuels are burned simultaneously in any combination, the applicable standard (in ng/J) is determined by proration using the following formula:

$$PS_{NOx} = \frac{[w (260) + x (86) + y (130) + z (300)]}{[w + x + y + z]}$$

where:

PS_{NOx} = the prorated standard for nitrogen oxides when burning different fuels simultaneously, in nanograms per joule heat input derived from all fossil fuels fired or from all fossil fuels and wood residue fired;

w = the percentage of total heat input derived from lignite;

x = the percentage of total heat input derived from gaseous fossil fuel;

y = the percentage of total heat input derived from liquid fossil fuel; and

z = the percentage of total heat input derived from solid fossil fuel (except lignite).

[See Prior Text in C-D]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21: (March 1995).

§3140. Emission and Fuel Monitoring

[See Prior Text in A-B.1]

2. For a fossil fuel-fired steam generator that does not use a flue gas desulfurization device, a continuous monitoring system for measuring sulfur dioxide emissions is not required if the owner or operator monitors sulfur dioxide emissions by fuel sampling and analysis under LAC 33:III.3140.D.

[See Prior Text in B.3-C]

1. Methods 6, 7, and 3B, as applicable, shall be used for the performance evaluations of sulfur dioxide and nitrogen oxides' continuous monitoring systems. Alternative methods are explained in LAC 33:III.3141.

[See Prior Text in C.2]

3. For affected facilities burning fossil fuel(s), the span value for a continuous monitoring system measuring the opacity of emissions shall be 80, 90, or 100 percent and for a continuous monitoring system measuring sulfur oxides or nitrogen oxides, the span value shall be determined as follows:

(In Parts Per Million)

Fossil Fuel	Span Value for Sulfur Oxide	Span Value for Nitrogen Dioxide
Gas	(¹)	500
Liquid	1,000	500
Solid	1,500	1,000
Combination	1,000y + 1,500z	500(x + y) + 1,000z
¹ Not applicable		

where:

x = the fraction of total heat input derived from gaseous fossil fuel;

y = the fraction of total heat input derived from liquid fossil fuel; and

z = the fraction of total heat input derived from solid fossil fuel.

[See Prior Text in C.4-F.2]

3. %O₂, %CO₂ = oxygen or carbon dioxide volume (expressed as percent), determined with equipment specified under LAC 33:III.3140.A.

[See Prior Text in F.4]

a. For anthracite coal, as classified according to ASTM: $F = 2,723 \times 10^{-17}$ dscm/J (10,140 dscf/million Btu) and $F_c = 0.532 \times 10^{-17}$ scm CO₂/J (1,980 scf CO₂/million Btu).

b. For subbituminous and bituminous coal, as classified according to ASTM D388-77 reference—LAC 33:III.3133): $F = 2.637 \times 10^{-7}$ dscm/J (9,820 dscf/million Btu) and $F_c = 0.486 \times 10^{-7}$ scm CO₂/J (1,810 scf CO₂/million Btu).

[See Prior Text in F.4.c-e]

f. For lignite coal, as classified according to ASTM D388-77: $F = 2.659 \times 10^{-7}$ dscm/J (9,900 dscf/million Btu) and $F_c = 0.516 \times 10^{-7}$ scm CO₂/J (1,920 scf CO₂/million Btu).

5. The owner or operator may use the following equation to determine an F factor (dscm/J or dscf/million Btu) on a dry basis (if it is desired to calculate F on a wet basis, consult the administrative authority) or F_c factor (scm CO₂/J, or scf CO₂/million Btu) on either basis in lieu of the F or F_c factors specified in LAC 33:III.3140.F.4:

$$F = 10^6 [227.2(\text{pct.H}) + 95.5(\text{pct.C}) + 35.6(\text{pct.S}) + 8.7(\text{pct.N}) - 28.7(\text{pct.O})]/\text{GCV}$$

$$F_c = [2.0 \times 10^{-5} (\text{pct.C})]/\text{GCV (SI Units)}$$

$$F = 10^6 [^{-6} (3.64(\%H) + 1.53(\%C) + 0.57(\text{percentS}) + 0.14 (\%N) - 0.46 (\%O)]/\text{GCV (English Units)}$$

$$F_2 = [20.0 (\%C)]/\text{GCV (SI Units)}$$

$$F_c = [321 \times 10^{-3} (\%C)]/\text{GCV (English Units)}$$

a. H, C, S, N and O content are by weight of hydrogen, carbon, sulfur, nitrogen and oxygen (expressed as percent), respectively, as determined on the same basis as GCV by ultimate analysis of fuel fired, using ASTM method D3178-74 or D3176 (solid fuels) or computed from results using ASTM method D1137-53(75), D1945-64(76), or D1948-77 (gaseous fuels) as applicable.

b. GVC is the gross calorific value (kJ/kg, Btu/lb) of the fuel combusted determined by the ASTM test methods D2015-77 for solid fuels and D1828-77 for gaseous fuels as applicable.

[See Prior Text in F.5.c-G.3]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 14:348 (June 1988), amended by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21: (March 1995).

§3141. Test Methods and Procedures

A. In conducting the performance tests required in LAC 33:III.3115, the owner or operator shall use, as reference methods and procedures, the test methods in LAC 33:III.Chapter 60 or other methods and procedures as specified in this Section, except as provided in LAC 33:III.3115.B. Acceptable alternative methods and procedures are given in Subsection D of this Section.

B. The owner or operator shall determine compliance with the particulate matter, SO₂, and NO_x standards in LAC 33:III.3137-3139 as follows:

1. The emission rate (E) of particulate matter, SO₂, and NO_x shall be computed for each run using the following equation:

$$E = C F_d \frac{(20.9)}{(20.9) - \% O_2}$$

where:

E = emission rate of pollutant, ng/J (lb/million Btu).

C = concentration of pollutant, ng/dscm (lb/dscf).

%O₂ = oxygen concentration, percent dry basis.

F_d = factor as determined from Method 19 (LAC 33:III.6073).

2. Method 5 (LAC 33:III.6015) shall be used to determine the particulate matter concentration (C) at affected facilities without wet flue-gas-desulfurization (FGD) systems and Method 5B (LAC 33:III.6018) shall be used to determine the particulate matter concentration (C) after FGD systems.

a. The sampling time and sample volume for each run shall be at least 60 minutes and 0.85 dscm (30 dscf). The probe and filter holder heating systems in the sampling train may be set to provide a gas temperature no greater than $160^{\circ}\text{C} \pm 14^{\circ}$ ($320^{\circ}\text{F} \pm 25^{\circ}$).

b. The emission rate correction factor, integrated or grab sampling and analysis procedure of Method 3B (LAC 33:III.6011) shall be used to determine the O_2 concentration ($\%\text{O}_2$). The O_2 sample shall be obtained simultaneously with, and at the same traverse point as the particulate sample. If the grab sampling procedure is used, the O_2 concentration for the run shall be the arithmetic mean of all the individual O_2 sample concentration at each traverse point.

c. If the particulate run has more than 12 traverse points, the O_2 traverse points may be reduced to 12, provided that Method 1 (LAC 33:III.6001) is used to locate the 12 O_2 traverse points.

3. Method 9 (LAC 33:III.6047) and the procedures in LAC 33:III.3121 shall be used to determine opacity.

4. Method 6 (LAC 33:III.6025) shall be used to determine the SO_2 concentration.

a. The sampling site shall be the same as that selected for the particulate sample. The sampling location in the duct shall be at the centroid of the cross section or at a point no closer to the walls than 1 m (3.28 ft). The sampling time and sample volume for each sample run shall be at least 20 minutes and 0.020 dscm (0.71 dscf). Two samples shall be taken during a one-hour period with each sample taken within a 30-minute interval.

b. The emission rate correction factor, integrated sampling and analysis procedure of Method 3B (LAC 33:III.6011) shall be used to determine the O_2 concentration ($\%\text{O}_2$). The O_2 sample shall be taken simultaneously with and at the same point as the SO_2 sample. The SO_2 emission rate shall be computed for each pair of SO_2 and O_2 samples. The SO_2 emission rate (E) for each run shall be the arithmetic mean of the results of the two pairs of samples.

5. Method 7 (LAC 33:III.6033) shall be used to determine the NO_x concentration.

a. The sampling site and location shall be the same as for the SO_2 sample. Each run shall consist of four grab samples with each sample taken at about 15-minute intervals.

b. For each NO_x sample, the emission rate correction factor, grab sampling and analysis procedure of Method 3B (LAC 33:III.6011) shall be used to determine the O_2 concentration ($\%\text{O}_2$). The sample shall be taken simultaneously with, and at the same point as, the NO_x sample.

c. The NO_x emission rate shall be computed for each pair of NO_x and O_2 samples. The NO_x emission rate (E) for each run shall be the arithmetic mean of the results of the four pairs of samples.

C. When combinations of fossil fuels or fossil fuel and wood residue are fired, the owner or operator (in order to compute the prorated standard as shown in LAC 33:III.3138.B and 3139.B) shall determine the percentage (w, x, y, or z) of the total heat input derived from each type of fuel as follows:

1. The heat input rate of each fuel shall be determined by multiplying the gross calorific value of each fuel fired by the rate of each fuel burned.

2. ASTM Methods D 2015-77 (solid fuels), D 240-76 (liquid fuels), or D 1826-77 (gaseous fuels) shall be used to determine the gross calorific values of the fuels. The method used to determine the calorific value of wood residue must be approved by the administrative authority.

3. Suitable methods shall be used to determine the rate of each fuel burned during each test period and a material balance over the steam generating system shall be used to confirm the rate.

D. The owner or operator may use the following as alternatives to the reference methods and procedures in this Section or in other sections as specified:

1. The emission rate (E) of particulate matter, SO_2 , and NO_x may be determined by using the F_c factor, provided that the following procedure is used:

a. The emission rate (E) shall be computed using the following equation:

$$E = C F_c \left(\frac{100}{\% \text{CO}_2} \right)$$

where:

E = emission rate of pollutant, ng/J (lb/million Btu).

C = concentration of pollutant, ng/dscm (lb/dscf).

$\%\text{CO}_2$ = carbon dioxide concentration, percent dry

basis.

F_c = factor as determined in appropriate sections of Method 19 (LAC 33:III.6073).

b. If and only if the average F_c factor in Method 19 (LAC 33:III.6073) is used to calculate E and either E is from 0.97 to 1.00 of the emission standard or the relative accuracy of a continuous emission monitoring system is from 17 to 20 percent, then three runs of Method 3B (LAC 33:III.6011) shall be used to determine the O_2 and CO_2 concentration according to the procedures in Subsection B.2.b, 4.b, or 5.b of this Section. Then if F_o (average of three runs), as calculated from the equation in Method 3B (LAC 33:III.6011), is more than ± 3 percent than the average F_o value, as determined from the average values of F_d and F_c in Method 19 (LAC 33:III.6073), i.e., $F_{oa} = 0.209 (F_d/F_{ca})$, then the following procedure shall be followed:

i. When F_o is less than $0.97 F_{oa}$, then E shall be increased by that proportion under $0.97 F_{oa}$ (e.g., if F_o is $0.95 F_{oa}$, E shall be increased by two percent). This recalculated value shall be used to determine compliance with the emission standard.

ii. When F_o is less than $0.97 F_{oa}$ and when the average difference (d) between the continuous monitor minus the reference methods is negative, then E shall be increased by that proportion under $0.97 F_{oa}$ (e.g., if F_o is $0.95 F_{oa}$, then E shall be increased by two percent). This recalculated value shall be used to determine compliance with the relative accuracy specification.

iii. When F_o is greater than $1.03 F_{oa}$ and when the average difference d is positive, then E shall be decreased by that proportion over $1.03 F_{oa}$ (e.g., if F_o is $1.05 F_{oa}$, then E shall be decreased by two percent). This recalculated value shall be used to determine compliance with the relative accuracy specifications.

2. For Method 5 (LAC 33:III.6015) or 5B (LAC 33:III.6018), Method 17 (LAC 33:III.6069) may be used at facilities with or without wet FGD systems if the stack gas temperature at the sampling location does not exceed an average temperature of 160°C (320°F). The procedures of Subsection B.1 and 3 of Method 5B (LAC 33:III.6018) may be used with Method 17 (LAC 33:III.6069) only if it is used after wet FGD systems. Method 17 (LAC 33:III.6069) shall not be used after wet FGD systems if the effluent gas is saturated or laden with water droplets.

3. Particulate matter and SO_2 may be determined simultaneously with the Method 5 (LAC 33:III.6015) train provided that the following changes are made:

a. the filter and impinger apparatus in Subsection B.1.e and f of Method 8 (LAC 33:III.6045) is used in place of the condenser (Subsection B.1.g) of Method 5 (LAC 33:III.6015); and

b. all applicable procedures in Method 8 (LAC 33:III.6045) for the determination of SO_2 (including moisture) are used.

4. For Method 6 (LAC 33:III.6025), Method 6C (LAC 33:III.6031) may be used. Method 6A (LAC 33:III.6027) may also be used whenever Methods 6 (LAC 33:III.6025) and Method 3B (LAC 33:III.6011) data are specified to determine the SO_2 emission rate under the conditions in Subsection D.1 of this Section.

5. For Method 7 (LAC 33:III.6033), Method 7A (LAC 33:III.6035), Method 7C (LAC 33:III.6039), Method 7D (LAC 33:III.6041), or Method 7E (LAC 33:III.6042) may be used. If Method 7C (LAC 33:III.6039), Method 7D (LAC 33:III.6041), or Method 7E (LAC 33:III.6042) is used, the sampling time for each run shall be at least one hour and the integrated sampling approach shall be used to determine the O_2 concentration ($\%\text{O}_2$) for the emission rate correction factor.

6. For Method 3 (LAC 33:III.6009), Method 3A (LAC 33:III.6010) or Method 3B (LAC 33:III.6011) may be used.

7. For Method 3B (LAC 33:III.6011), Method 3A (LAC 33:III.6010) may be used.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 14:348 (June 1988), amended by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21: (March 1995).

These regulations are to become effective upon publication in the *Louisiana Register*.

James B. Thompson, III
Assistant Secretary

9502#035

RULE

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

RCRA II

(LAC 33:V.Chapters 1-49) (HW43F)

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the secretary has amended the Hazardous Waste Division Regulations, LAC 33:V.Chapters 1, 3, 5, 15, 22, 23, 25, 28, 29, 30, 43, and 49, (HW43).

This rule encompasses a broad scope of topics including permits, general provision for treatment, storage, and disposal facilities, prohibitions on land disposal, waste piles, landfills, drip pads, surface impoundments, boilers and industrial furnaces, and interim status. These rule changes have been submitted in order to bring state rules into conformity with federal rules and to obtain authorization by the EPA.

This action is required by the EPA to maintain equivalency with the federal regulations. This must be done to receive federal authorization to administer the hazardous waste regulations.

These regulations are to become effective upon publication in the *Louisiana Register*.

This regulation is available for inspection at the Office of the State Register, 1051 North Third Street, Baton Rouge, LA, telephone (504)342-5015.

James B. Thompson, III
Assistant Secretary

9503#033

RULE

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

RCRA III, Federal Version

(LAC 33:V.Chapters 1-49) (HW44F)

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the secretary has amended the Hazardous Waste Division regulations, LAC 33:V.Chapters 1, 3, 5, 11, 15, 18, 22, 23, 25, 26, 29, 30, 33, 35, 37, 40, 41, 43, 45, and 49, (HW44F).

This rule encompasses a broad scope of topics including permits, general provision for treatment, storage, and disposal facilities, prohibitions on land disposal, waste piles, landfills, drip pads, surface impoundments, boilers and industrial

furnaces, and interim status. These rule changes have been submitted in order to bring state rules into conformity with federal rules and to obtain authorization by the EPA.

This action is required by the EPA to maintain equivalency with the federal regulations. This must be done to receive federal authorization to administer the hazardous waste regulations.

These regulations are to become effective upon publication in the *Louisiana Register*.

This regulation is available for inspection at the Office of the State Register, 1051 North Third Street, Room 512, Baton Rouge, LA, telephone (504)342-5015 and at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810; 804 31st Street, Monroe, LA 71203; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 3519 Patrick Street, Lake Charles, LA 70605; 3945 North I-10 Service Road West, Metairie, LA 70002; 100 Asma Boulevard, Suite 151, Lafayette, LA 70508.

James B. Thompson, III
Assistant Secretary

9503#034

RULE

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

RCRA III, Louisiana Version
(LAC 33:V.Chapters 11-51) (HW44L)

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the secretary has amended the Hazardous Waste Division regulations, LAC 33:V.Chapters 11, 22, 23, 25, 29, 40, and 51, (HW44L).

This rule encompasses more stringent requirements for used oil. Included in the rule changes are waste minimization, wastepiles, landfills, surface impoundments, and used oil.

The waste minimization regulations will serve to encourage reduction of the generation of hazardous wastes.

The certification of persons developing the waste minimization plans will be required to ensure integrity of the plan.

The waste piles, landfills, and surface impoundment regulations codify standards that the department and industry in Louisiana have been using.

The used oil regulations are for specific manifests to be used to ensure conformity of all manifests and to ensure tracking of the wastes.

This action is based on the intent of R.S. 30:2291-2295, Louisiana Waste Reduction Law, and will assist state

generators to protect the health of the public and the environment.

These regulations are to become effective upon publication in the *Louisiana Register*.

This regulation is available for inspection at the Office of the State Register, 1051 North Third Street, Baton Rouge, LA, telephone (504)342-5015, and at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810; 804 31st Street, Monroe, LA 71203; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 3519 Patrick Street, Lake Charles, LA 70605; 3945 North I-10 Service Road West, Metairie, LA 70002; 100 Asma Boulevard, Suite 151, Lafayette, LA 70508.

James B. Thompson, III
Assistant Secretary

9503#032

RULE

Department of Health and Hospitals Board of Nursing

Continuing Education; Nursing Practice
Requirements (LAC 46:XLVII.3356)

Notice is hereby given, in accordance with R.S. 49:950, that the Louisiana State Board of Nursing (board), pursuant to the authority vested in the board by R.S. 37:911, R.S. 37:918(E)(K), and the provisions of the Administrative Procedure Act, adopted rules amending the continuing education/nursing practice requirements for relicensure to practice as a registered nurse.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XLVII. Nurses

Subpart 2. Registered Nurses

Chapter 33. General Rules

Subchapter D. Registration and Licensure

§3356. Continuing Education/Nursing Practice

B. Definitions: For the purposes of this Section:

Accredited Postsecondary Institution—a degree granting institution that conducts a program preparing registered nurses and awards degrees at any or all of the following levels: associate's, bachelor's, master's, and doctor's; and which is accredited by a nationally recognized accrediting body.

Approved Offering—a continuing education offering provided by an approved provider, or an individual offering approved by the Louisiana State Board of Nursing (LSBN) or through the American Nurses Credentialing Center (ANCC)-Commission on Accreditation.

Approved Provider—individual, partnership, corporation, association, organization, organized health care system, educational institution, or governmental agency which has been approved by the LSBN, accredited by the ANCC, or approved through the ANCC to provide continuing education.

C.E. Activities—

a. **Course**—an intense, planned educational activity, presented over time, which includes content related to a specific subject for which academic credit or contact hours are awarded.

b. **Offering**—a continuing education activity of short duration for which a minimum of one contact hour is awarded.

c. **Program**—a series of offerings with a common theme and common overall goals. Offerings may occur consecutively or concurrently.

Clinical Competence—the possession and use of professional knowledge and skills in relation to direct patient/client care.

Competence—the possession of professional knowledge and skills necessary to practice or function at the legally qualified level.

Contact Hour—a unit of measurement that describes 50 minutes of participation in an educational activity which meets LSBN continuing education criteria. Ten contact hours equal one Continuing Education Unit (C.E.U.).

Continued Competence—the possession and maintenance of current professional knowledge and skills.

Continuing Education—a planned educational activity designed to update the knowledge and skills of the participant, beyond the entry level, or to prepare for practice in a different area of nursing.

Criterion—a standard, rule, or test by which something can be judged, measured, or valued.

Current—occurring in the present time; contemporary.

Documentation of Nursing Practice—the presence of written evidence of nursing practice.

Examination—an exercise designed to evaluate progress, qualifications, or knowledge.

Full-time Nursing Practice—a minimum of 2,080 hours, per year, of employment as a registered nurse or full-time equivalency requirements set forth by the employer. For self-employed and contract nurses, a minimum of 1,600 nursing practice hours, exclusive of travel, per calendar year, is accepted as full-time employment.

LSBN-approved Contact Hours—contact hours which have been approved by the LSBN or through the ANCC.

National Council Licensure Examination for Registered Nurses (NCLEX-RN)—the examination approved by the LSBN and administered to measure competency for initial licensure as a registered nurse.

Nursing Practice—the performance for compensation by a registered nurse of functions requiring specialized knowledge and skill derived from the biological, physical, and behavioral sciences (Nurse Practice Act, R.S. 37:913(3)), which includes but is not limited to direct patient care, supervision, teaching, administration, and positions which require use of nursing knowledge, judgment, and skill.

Part-time Nursing Practice—a minimum of 160 hours employment as a registered nurse, but less than full-time employment within the one-year audit period.

Practice Hour—60 minutes of nursing practice.

Refresher Course—instruction designed to up-date professional knowledge and skills to the legally qualified level.

Requirement—something needed or demanded by virtue of a law, regulation, etc.

C. **Continuing Education/Nursing Practice Requirements.** Registered Nurses are required to meet the continuing education nursing practice requirements for relicensure and to certify compliance on the application for relicensure. The following options are available to fulfill these requirements:

1. For licensure renewal or reinstatement after less than a four-year interruption, the applicant must be in compliance with one of the following:

a. a minimum of five LSBN approved contact hours of continuing education and full-time practice as a registered nurse during the previous calendar year, or

b. a minimum of 10 LSBN approved contact hours of continuing education and a minimum of 160 hours of practice as a registered nurse during the previous calendar year, or

c. a minimum of 15 LSBN approved contact hours of continuing education during the previous calendar year, or

d. initial licensure by examination or by endorsement during the previous calendar year, or

e. certification by organizations in a specialty area of nursing whose requirements have been approved by the board as being equivalent to or exceeding the above requirements.

2. For reinstatement of a license which has lapsed, been suspended, or has been inactive for four years or more, the applicant must provide documentation of one of the following:

a. completion of a board approved refresher course consisting of a minimum of 160 hours of instructor planned, supervised instruction, including theory and clinical practice, or

b. individualized remediation including an assessment of needs, a program of study designed to meet these needs, and an evaluation of the learning outcomes of the program. Such program must be sponsored by an Approved Provider in an accredited postsecondary educational institution whose faculty hold masters' degrees in nursing, or

c. a minimum of 60 LSBN approved contact hours of continuing education within the previous four years, or

d. successful completion of the NCLEX-RN examination during the previous calendar year.

3. Nurses with a Louisiana inactive/lapsed licensure status, who hold current licensure in another state, may reinstate their Louisiana license under Subsection C.1.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:911, R.S. 37:918(E)(K) and R.S. 37:920(E).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 16:1058 (December 1990), amended by the Department of Health and Hospitals, Board of Nursing, LR 21: (March 1995).

Barbara L. Morvant
Executive Director

9503#050

RULE

**Department of Health and Hospitals
Board of Nursing**

**Disclosure of Financial Interests and Prohibited Payments
(LAC 46:XLVII.Chapter 34)**

Notice is hereby given, in accordance with R.S. 49:950 et seq., that the State Board of Nursing (board), pursuant to the authority vested in the board by R.S. 37:918(K), and in accord with R.S. 37:1744, and R.S. 37:1745, and the provisions of the Administrative Procedure Act, adopted rules implementing, interpreting and providing for enforcement of the provisions of Act 657 of 1993, requiring written disclosure to patients of registered nurse's financial interest in another health care provider prior to referring a patient to such health care provider and of Act 827 of 1993, prohibiting certain payments in return for the referral or solicitation of patients by registered nurses and other health care providers.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part XLVII.Nurses

Subpart 2. Registered Nurses

**Chapter 34. Disclosure of Financial Interests and
Prohibited Payments**

§3401. Scope

The rules of this Chapter interpret, implement and provide for the enforcement of R.S. 37:1744 and R.S. 37:1745, requiring disclosure of a registered nurse's and registered nurse applicant's financial interest in another health care provider to whom or to which the nurse refers a patient, and prohibiting certain payments in return for referring or soliciting patients.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1744, R.S. 37:1745 and R.S. 37:918(K).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Nursing, LR 21: (March 1995).

§3403. Definitions and Construction

A. Definitions. For the purpose of this chapter, the following terms are defined as follows:

Board—Louisiana State Board of Nursing.

Financial Interest—a significant ownership or investment interest established through debt, equity or other means and held, directly or indirectly, by a registered nurse or a member of a registered nurse's immediate family, or any form of direct or indirect remuneration for referral.

Health Care Item—any substance, product, device, equipment, supplies or other tangible good or article which is or may be used or useful in the provision of health care.

Health Care Provider—any person, partnership, corporation or any other organization licensed by the state to provide preventive, diagnostic, or therapeutic health care services or items.

Health Care Services—any act or treatment performed or furnished by a health care provider to or on behalf of a patient.

Immediate Family—as respects a registered nurse, the registered nurse's spouse, children, grandchildren, parents, grandparents and siblings.

Payment—transfer or provision of money, goods, services, or anything of economic value, including gifts, gratuities, favors, entertainment or loans.

Person—includes a natural person or a partnership, corporation, organization, association, facility, institution, or any governmental subdivision, department, board, commission, or other entity.

Registered Nurse—an individual licensed as a registered nurse in Louisiana, or an individual licensed as a registered nurse in another state and holding a 90-day permit to practice nursing in Louisiana in accordance with R.S. 37:920.

Registered Nurse Applicant—a graduate of an approved school of nursing who has been issued a temporary working permit, as provided for in R.S. 37:920(C).

Referral—the act of ordering, directing, recommending or suggesting as given by a health care provider to a patient, directly or indirectly, which is likely to determine, control or influence the patient's choice of another health care provider for the provision of health care services or items.

B. Construction. As used hereinafter in this chapter, the term registered nurse is deemed to likewise incorporate registered nurse applicants as defined herein.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1744 and R.S. 37:918(K).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Nursing, LR 21: (March 1995).

**Subchapter A. Disclosure of Financial Interests by
Referring Health Care Providers**

§3405. Required Disclosure of Financial Interests

A registered nurse shall not make any referral of a patient outside the nurse's employment practice for the provision of health care items or services by another health care provider in which the referring registered nurse has a financial interest, unless, in advance of any such referral, the referring registered nurse discloses to the patient, in accordance with §3409 of this Chapter, the existence and nature of such financial interest.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1744 and R.S. 37:918(K).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Nursing, LR 21: (March 1995).

§3407. Prohibited Arrangements

Any arrangement or scheme, including cross-referral arrangements, which a registered nurse knows or should know has a principal purpose of ensuring or inducing referrals by the registered nurse to another health care provider, which, if made directly by the registered nurse would be a violation of §3405, shall constitute a violation of §3405.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1744 and R.S. 37:918(K).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Nursing, LR 21: (March 1995).

§3409. Form of Disclosure

A. Required Contents. The disclosure required by §3405 of this Chapter shall be made in writing, shall be furnished to the patient, or the patient's authorized representative, prior to or at the time of making the referral, and shall include:

1. the registered nurse's name, address and telephone number;
2. the name and address of the health care provider to whom the patient is being referred by the registered nurse;
3. the nature of the items or services which the patient is to receive from the health care provider to which the patient is being referred; and
4. the existence and nature of the registered nurse's financial interest in the health care provider to which the patient is being referred.

B. Permissible Contents. The form of disclosure required by §3409 of this Chapter may include a signed acknowledgment by the patient or the patient's authorized representative that the required disclosure has been given.

C. Approved Form. Notice to a patient given substantially in the form of Disclosure of Financial Interest prescribed in the appendix of these rules shall be presumptively deemed to satisfy the disclosure requirements of this Subchapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1744 and R.S. 37:918(K).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Nursing, LR 21: (March 1995).

§3411. Effect of Violation; Sanctions

A. Any violation of or failure of compliance with the prohibitions and provision of §3413 of this Chapter shall be deemed grounds for disciplinary proceedings against a registered nurse, R.S. 37:921, providing cause for the board to deny, revoke, suspend or otherwise discipline the license of said registered nurse.

B. Administrative Sanctions

1. In addition to the sanctions provided for by §3411.A, upon proof of violation of §3405 by a registered nurse, the board shall order a refund of all or any portion of any amounts paid by a patient, and/or by any third-party payor on behalf of a patient, for health care items or services furnished upon a referral by the registered nurse in violation of §3405. The board may order the registered nurse to refund to such patient and/or third-party payor, the legal interest on such payments at the rate prescribed by law calculated from the date on which any such payment was made by the patient and/or third-party payors.

2. In addition to the above, anyone who violates any provisions of this part may be brought before the board and fined not more than \$5,000 for each count or separate offense, plus administrative costs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1744 and R.S. 37:917(K).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Nursing, LR 21: (March 1995).

Subchapter B. Prohibited Payments

§3413. Prohibition of Payments for Referrals

A. A registered nurse shall not knowingly and willfully make or offer to make any payment, directly or indirectly, overtly or covertly, in cash or in kind, to induce another person to refer an individual to the registered nurse for the furnishing or arranging for the furnishing of any health care item or service.

B. A registered nurse shall not knowingly and willfully solicit, receive or accept any payment, directly or indirectly, overtly or covertly, in cash or in kind, in return for referring a patient to a health care provider for the furnishing or arranging for the furnishing of any health care item or service.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1745 and R.S.37:918.K.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Nursing, LR 21: (March 1995).

§3415. Exceptions

A. Proportionate Return on Investment. Payments or distributions by an entity representing a direct return on investment based upon a percentage of ownership shall not be deemed a payment prohibited by R.S. 37:1745(B) or by §3413 of these rules, provided that the requirements of the "Safe Harbor Regulations" at 56 Fed. Reg. 35,951 are satisfied.

B. General Exceptions. Any payment, remuneration, practice or arrangement which is not prohibited by or unlawful under §1128.B(b) of the Federal Social Security Act (Act), 42 U.S.C. §1320a-7b(b), as amended, with respect to health care items or services for which payment may be made under Title XVIII or Title XIX of the act, including those payments and practices sanctioned by the secretary of the United States Department of Health and Human Services, through regulations promulgated at 42 C.F.R. §1001.952, shall not be deemed a payment prohibited by R.S. 37:1745(B) or by §3413 of these rules with respect to health care items or services for which payment may be made by any patient or private governmental payor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1745 and R.S. 37:918(K).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Nursing, LR 21: (March 1995).

§3417. Effect of Violation

A. Any violation of or failure of compliance with the prohibitions and provision of §3413 of this Chapter shall be deemed grounds for disciplinary proceedings against a registered nurse, R.S. 37:921, providing cause for the board to deny, revoke, suspend or otherwise discipline the license of said registered nurse.

B. Administrative Sanctions. In addition to the above, anyone who violates any provisions of this part may be brought before the board and fined not more than \$5,000 for each count or separate offense plus administrative costs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1745 and R.S. 37:918(K).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Nursing, LR 21: (March 1995).

Appendix

Referring Nurse _____ Phone _____
Employer _____
Address _____

**DISCLOSURE OF
FINANCIAL INTEREST**

AS REQUIRED BY LA R.S. 37:1744 AND
LAC 46:XLVII.3403-3407

TO: _____ Date: _____
(Name of Patient to Be Referred)

(Patient Address)

Louisiana law requires registered nurses and other health care providers to make certain disclosures to a patient when they refer a patient to another health care provider or facility in which the registered nurse has a financial interest. [I am] [We are] referring you, or the named patient for whom you are legal representative, to:

(Name and Address of Provider to Whom Patient is Referred)
to obtain the following health care services, products or items:

(Purpose of the Referral)

[I] [We] have a financial interest in the health care provider to whom [I am] [we are] referring you, the nature and extent of which are as follows:

PATIENT ACKNOWLEDGMENT

I, the above-named patient, or legal representative of such patient, hereby acknowledge receipt, on the date indicated and prior to the described referral, of a copy of the foregoing Disclosure of Financial Interest. I acknowledge that I have been advised by the above identified nurse of the nurse's financial or ownership interest in the facility or entity to which I have been referred and further, that the nurse has advised me that I am free to choose another facility or entity to provide the service, drug, device or equipment recommended.

(Signature of Patient or Patient's Representative)

Barbara L. Movant
Executive Director

9503#051

RULE

**Department of Health and Hospitals
Board of Nursing**

**Registered Nurses Disciplinary
Proceeding (LAC 46:XLVII.3331)**

Notice is hereby given, that the Board of Nursing (board), pursuant to the authority vested in the board by R.S. 37:918(K), and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., amended

a rule implementing, interpreting and providing for enforcement of the provisions R.S. 37:921(C), particularly as it pertains to a violation of a rule or an order of the board, and/or a violation of state and federal laws relating to the practice of professional nursing.

**Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part XLVII. Nurses

Subpart 2. Registered Nurses

Chapter 33. General Rules

Subchapter C. Disciplinary Proceedings

§3331. Definition of Terms

* * *

H. *Other causes*—includes, but is not limited to:

* * *

16. Has violated a rule adopted by the board, an order of the board, or a state or federal law relating to the practice of professional nursing, or a state or federal narcotics or controlled substance law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1744, R.S. 37:1745, R.S. 37:921 and R.S. 37:918.K.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Nursing, LR 21: (March 1995).

Barbara L. Morvant, R.N., M.N.
Executive Director

9503#052

RULE

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

Nonemergency Medical Transportation (NEMT)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, has adopted the following rule in the Medical Assistance Program as authorized by R.S. 46:153 and pursuant to Title XIX of the Social Security Act. This notice is in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Rule

The Department of Health and Hospitals, Bureau of Health Services Financing, amends the previous rule to allow for establishment of additional rates for profit providers for reimbursement of specific nonemergency medical transportation (NEMT) services to implement the following:

1. Profit/Remote Rural Capitated Rates - defined as rural capitated trips that are greater than 120 miles round-trip, including wheelchair-bound patients who are nonambulatory, as established by the dispatch office. These trips will be paid at a monthly rate of \$300. This is not applicable to "Friends and Family Providers."

2. Profit/Enhanced Capitated Rates - defined as capitated rates for Medicaid recipients who require five or more trips on a weekly basis for the entire month, including wheelchair-bound patients who are nonambulatory, as established by the dispatch office. These trips will be paid at a monthly rate of \$300.

This is not applicable to "Friends and Family Providers."

3. Rates for wheelchair-bound patients who are nonambulatory as established by the dispatch office:

a. Wheelchair trips (local/profit) - the rate for local trips by profit providers for wheelchair-bound patients who are nonambulatory shall be established at \$25 per round trip. This is not applicable to capitated trips which are paid on a monthly basis.

b. Wheelchair trips (local/nonprofit) - the rate for local trips by nonprofit providers for wheelchair-bound patients who are nonambulatory shall be established at \$20 per round trip.

c. Wheelchair - Capitated/Rural/Profit - the monthly capitated rate for wheelchair-bound patients who are nonambulatory shall be established at \$250 per month.

d. Wheelchair - Capitated/Urban/Profit - the monthly capitated rate for wheelchair-bound patients who are nonambulatory shall be established at \$180 per month.

The above rules are not applicable to "Friends and Family Providers."

In addition to establishing the above specialized rates, the bureau has begun to maintain complaint files on each nonemergency medical transportation provider regarding failure to pick up recipients in a timely manner before or after medical appointments or arriving too late for appointments. At annual vehicle inspections, the volume of complaints for that provider shall be reviewed and a determination made regarding the provider's continued participation in the program if complaint volume indicates repeated problems with adhering to the NEMT Program's federal and state regulations. In the event participation in the program is affected based upon the volume of valid complaints, the bureau will adhere to existing procedures for due process.

Rose V. Forrest
Secretary

9503#048

RULE

Department of Labor Office of Workers' Compensation

Insurance Cost Containment (LAC 40:I.1106 and 1131)

Under the authority of the Workers' Compensation Act, particularly R.S. 23:1021 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Labor, Office of Workers' Compensation hereby adopts and amends the Insurance Cost Containment rules, LAC 40:I.Chapter 11, §§1106 and 1131.

The changes to these rules clarify the rules by defining the discount period when applying the discounts earned pursuant to R.S. 23:1178 and 1179.

Title 40

LABOR AND EMPLOYMENT

Part I. Workers' Compensation Administration

Chapter 11. Insurance Cost Containment

§1106. Experience Modifier Rates

A. An employers' eligibility shall be based on its experience modifier rate of December 31 of the prior year.

B. The incentive discount provided in LSA-R.S. 23:1178(c) shall be based on the employers next effective experience modifier rate after its certified attendance at a cost containment meeting. The certificate of attendance as issued by the Louisiana Department of Labor, Office of Workers' Compensation, shall be valid only during the period of the employer's next effective experience modifier rate following its certified attendance at a cost containment meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1178.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation Administration, LR 19:544 (July 1993), amended by Department of Labor, Office of Workers' Compensation, LR 21: (March 1995).

§1131. Discount Application Period

The incentive discount provided in LSA-R.S. 23:1179(B) shall be based on the employer's next effective modifier rate after its certified satisfactory implementation of an approved occupational safety and health program. A certificate shall be issued by the Office of Workers' Compensation evidencing the satisfactory implementation of an occupation safety and health program. Such certificate shall be valid only during the period of the employer's next effective modifier rate after its certified satisfactory implementation of the approved occupational safety and health program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1179.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Labor, Office of Workers' Compensation Administration, LR 21: (March 1995).

Alvin J. Walsh
Director

9503#006

RULE

Department of Natural Resources Office of the Secretary Energy Division

Energy Rated Homes Fee Schedule (LAC 43:I.1901)

(Editor's Note: The following rule, which appeared on page 182 of the February 20, 1995 Louisiana Register, is being republished in amendment form to correct an LAC codification error.)

Title 43
NATURAL RESOURCES
Part I. Office of the Secretary
Chapter 19. Energy Rated Homes
§1901. ERHL Fee Schedule

A. - B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:354.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Energy Division, LR 21:182 (February 1995), repromulgated LR 21: (March 1995).

Jack McClanahan
Secretary

9503#001

RULE

Department of Social Services
Office of Family Support

Voter Registration (LAC 67:III.201)

The Department of Social Services, Office of Family Support, has amended the Louisiana Administrative Code, Title 67, Part III, Subpart 1, General Administrative Procedures.

Pursuant to the National Voter Registration Act of 1993 and Act 10 of the 1994 Third Extraordinary Session of the Louisiana Legislature, the department will provide to applicants of the Food Stamp and AFDC Programs the opportunity to register to vote.

Title 67

SOCIAL SERVICES

Part III. Office of Family Support

Subpart 1. General Administrative Procedures

Chapter 2. Voter Registration Services

§201. Voter Registration by Mail

A. The Office of Family Support as administrator of the Food Stamp and the Aid to Families with Dependent Children Programs is a designated voter registration agency.

B. In accordance with the guidelines of federal and state voter registration acts, parish offices shall provide to applicants and participants of these programs the opportunity to register to vote and shall further provide assistance to registrants as requested.

C. Parish offices shall accept and mail, or otherwise submit, state voter registration forms to their appropriate registrar of voters.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:116 and P.L. 103-31.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 20:1365 (December 1994) amended LR 21: (March 1995).

Gloria Bryant-Banks
Secretary

9503#041

NOTICES OF INTENT

NOTICE OF INTENT

Department of Agriculture and Forestry
Office of Agricultural and Environmental Sciences
Advisory Commission on Pesticides

Fixed Wing Aircraft-Standards (LAC 7:XXIII.13140)

In accordance with provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Agriculture and Forestry, Advisory Commission on Pesticides proposes to amend regulations regarding the spray nozzle orientation for fixed wing aircraft when making applications of insecticides. These rules comply with and are enabled by R.S. 3:3203.

Title 7

AGRICULTURE AND ANIMALS

Part XXIII. Pesticides

Chapter 131. Louisiana Advisory Commission on Pesticides

§13140. Fixed Wing Aircraft; Standards for Commercial Aerial Pesticide Applications

A.1. ...

2. Except as follows, all spray nozzles shall be oriented to discharge straight back toward the rear of the aircraft. When applying insecticides by aircraft, with a maximum flying speed of less than 120 miles per hour, the applicator shall have the option to position nozzles at an angle of 45 degrees down from straight back or 45 degrees back from straight down.

3. - 4. ...

5. Unless further restricted by other regulations or labeling, the chemicals listed in §13139.K above shall be applied in a minimum of five gallons of total spray mix per acre. With the exception of insecticides applied in the Boll Weevil Eradication Program, which shall be applied in accordance with their labels, all other agriculture pesticides, unless further restricted by other regulations or labeling, shall be applied in a minimum of one gallon of total spray mix per acre.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3203.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 18:953 (September 1992), amended LR 21:

Interested persons should submit written comments on the proposed rules to Bobby Simoneaux through April 27, 1995 at 5835 Florida Boulevard, Baton Rouge, LA 70806.

A public hearing will be held on these rules on April 27, 1995 at 9:30 a.m. at the address listed above. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing, at the hearing. No preamble regarding these rules is available.

Bob Odom
Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Fixed Wing Aircraft - Standards**

- I. **ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**
No costs or savings to state or local governmental units are anticipated to result from implementation of the proposed rule changes.
- II. **ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**
No effect on revenue to state or local governmental units is anticipated to result from implementation of the proposed rule amendment.
- III. **ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**
No costs or economic benefits are anticipated to result to directly affected persons as a result of the implementation of the proposed rule amendment.
- IV. **ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**
No effect on competition or employment is anticipated.

Richard Allen
Assistant Commissioner
9503#072

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Agriculture and Forestry
Office of Agricultural and Environmental Sciences
Advisory Commission on Pesticides**

**Recordkeeping Requirements—Pesticides
(LAC 7:XXIII.13157)**

In accordance with provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Agriculture and Forestry, Advisory Commission on Pesticides, proposes to amend regulations regarding the recordkeeping requirements of owner-operators, non-fee commercial applicators, and commercial applicators. These rules comply with and are enabled by LSA-R.S. 3:3203 and R.S. 3:3243.

Title 7

Agriculture and Animals

Part XXIII. Pesticides

Chapter 131. Louisiana Advisory Commission on Pesticides

Subchapter N. Recordkeeping Requirements

§13157. Owner-Operators, Non-Fee Commercial Applicators, and Commercial Applicators

A. Any person applying pesticides for a fee and commercial applicators described in LAC 7: 13123, with the single exception of applicators listed in LAC 7: 13123 B.2 category 7, shall accurately maintain, for a period of two years, records of pesticide applications on a record keeping form or record keeping format approved by the director of Pesticide and Environmental Programs of LDAF. Records described herein must be maintained, within three days of the application, at the physical address of the employer or the physical address on the owner/operator license. A copy of these records shall be provided to any employee of Louisiana Department of Agriculture and Forestry upon request at a reasonable time during normal working hours. The following information shall be included on that form:

1. owner/operator name, address, and license number;
2. certified applicator, name, address, and certification number;
3. customer name and address;
4. product/brand name;
5. EPA registration number;
6. restricted/general use pesticide;
7. application date;
8. crop/type of application;
9. location of application;
10. size of area treated (acres, square feet, or minutes of spraying);
11. rate of application;
12. total amount of product (concentrate) applied;
13. applicator;
14. certification number of applicator (if applicable).

B. Non-fee commercial applicators as described in LAC 7: 13123.B.2, category 7, shall accurately maintain, for a period of two years, records of applications of all herbicides, insecticides, rodenticide, and fumigants on the appropriate record keeping form as described in LAC 7:14113 and LAC 7:13157.A and approved by the director of Pesticide and Environmental Programs of LDAF. Records described herein shall be maintained, within seven days of the application, at the physical address of the employer. A copy of these records shall be provided to any employee of Louisiana Department of Agriculture and Forestry upon request, at a reasonable time during normal working hours.

AUTHORITY NOTE: Promulgated in accordance with R. S. 3:3203.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 18:953 (September 1992), amended LR 21:

Interested persons should submit written comments on the proposed rules to Bobby Simoneaux through April 27, 1995 at

5835 Florida Boulevard, Baton Rouge, LA 70806. A public hearing will be held on these rules on April 27, 1995 at 9:30 a.m., at the address listed above. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing, at the hearing. No preamble regarding these rules is available.

Bob Odom
Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Record Keeping Requirements**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
No costs or savings to state or local governmental units are anticipated to result from implementation of the proposed rule changes.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
No effect on revenue to state or local governmental units is anticipated to result from implementation of the proposed rule amendment.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
No costs or economic benefits are anticipated to result to directly affected persons as a result of the implementation of the proposed rule amendment.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
No effect on competition or employment is anticipated.

Richard Allen
Assistant Commissioner
9503#070

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Agriculture and Forestry
Structural Pest Control Commission**

**Adjudicatory Proceedings of the Commission
(LAC 7:XXV.14121)**

In accordance with provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Agriculture and Forestry, Structural Pest Control Commission proposes to amend regulations regarding the violations which can be brought before the Structural Pest Control Commission at an adjudicatory hearing. These rules comply with and are enabled by LSA R.S. 3:3366 and LSA R.S. 3:3371.

Title 7

AGRICULTURE AND ANIMALS

Part XXV. Structural Pest Control

Chapter 141. Structural Pest Control Commission

**§14121. Adjudicatory Proceedings of the Commission;
Violations**

- A. - D.21. ...
 - 22. operating faulty or unsafe equipment;
 - 23. operating in a faulty, careless, or negligent manner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3311 and 3:3306.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:328 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15:954 (November 1989), amended LR 21:

Interested persons should submit written comments on the proposed rules to Bobby Simoneaux through April 27, 1995 at 5835 Florida Boulevard, Baton Rouge, LA 70806.

A public hearing will be held on these rules on April 27, 1995 at 9:30 a.m. at the address listed above. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing, at the hearing. No preamble regarding these rules is available.

Bob Odom
Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Violations**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
No costs or savings to state or local governmental units are anticipated to result from implementation of the proposed rule changes.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
No effect on revenue to state or local governmental units is anticipated to result from implementation of the proposed rule amendment.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
No costs or economic benefits are anticipated to result to directly affected persons as a result of the implementation of the proposed rule amendment.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
No effect on competition or employment is anticipated.

Richard Allen
Assistant Commissioner
9503#071

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Department of Agriculture and Forestry Structural Pest Control Commission

Recordkeeping Requirements-Structural Pest (LAC 7:XXV.14113 and 14135)

In accordance with provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Agriculture and Forestry, Structural Pest Control Commission proposes to amend regulations regarding the recordkeeping requirements of licensees, to add a time frame for recertification, and to provide for a monthly report of termite perimeter applications. These rules comply with and are enabled by R.S. 3:3366, R.S. 3:3367, R.S. 3:3368 and R.S. 3:3369.

Title 7

AGRICULTURE AND ANIMALS

Part XXV. Structural Pest Control

Chapter 141. Structural Pest Control Commission

§14113. Obligations of the Licensee

A. The licensee must keep the bond and general liability insurance required under LAC 7:14107.D in full force and effect at all times.

B. The licensee must renew the permit for operation for each business location annually prior to June 30.

C. The licensee must apply for a registration certificate for each employee under his supervision within 30 days after the employee is hired and must comply with all other requirements pertaining to registration of employees set forth in LAC 7:14111.

D. The licensee must follow label and labeling requirements in all applications of pesticides not specifically covered in LAC 7:14135.

E. The licensee shall be responsible for training the employee in the kind of work which he will perform.

F. The licensee must maintain his commercial applicator certification in current status by:

1. attending a continuing educational program for recertification approved by the Louisiana Department of Agriculture and Forestry;

2. recertification at least once every three years, such recertification shall be completed by December 31 of the year preceding the third anniversary of either the original certification or the most recent recertification;

3. - 6. ...

G. - H. ...

I. Any person applying pesticides for a fee and the licensee must maintain records, at the physical address listed on the place of business permit of all applications of pesticides for a period of two years after application on a recordkeeping form approved by the director of Pesticide and Environmental Programs of LDAF. The licensee must make a copy of these records available to any employee of the Louisiana Department of Agriculture and Forestry for inspection at a reasonable time during normal working hours.

1. Records for Licensee(s) applications of pesticides for wood destroying insects shall contain the following information:

- a. place of business name, address, and number;
- b. licensee name, address, and certification number;
- c. customer name and address;
- d. location of application;
- e. product\brand name;
- f. EPA registration number;
- g. restricted\general use pesticide;
- h. application date and time;
- i. target pest;
- j. type of application (pre-treat, post, spot);
- k. size of area treated (square feet or linear feet);
- l. mixture concentration;
- m. total amount of emulsion applied;
- n. applicator and certification number.

2. Recordkeeping for licensee(s) in the general pest and commercial vertebrate phases shall contain the following information:

- a. place of business name address, and number;
- b. licensee name, address, and certification number;
- c. customer name and address;
- d. location of application;
- e. product\brand name;
- f. EPA registration number;
- g. restricted\general use pesticide;
- h. application date and time;
- i. pest treated/type of application;
- j. mixture concentration (percent);
- k. applicator and certification number.

3. Records for licensee(s) in the fumigation phase shall contain the following information:

- a. place of business name, address, and number;
- b. licensee name, address, and certification number;
- c. customer name and address;
- d. location of application;
- e. product\brand name;
- f. EPA registration number;
- g. restricted\general use pesticide;
- h. application date and time;
- i. pest treated;
- j. type of application (ship, structure, commodity);
- k. size of area treated (cubic feet);
- l. rate applied;
- m. total amount of product applied;
- n. applicator, certification number.

J. - K. ...

L. The licensee must report to the Louisiana Department of Agriculture and Forestry all termite contracts, termite perimeter applications and wood destroying insect reports completed each month on the form provided by the Louisiana Department of Agriculture and Forestry. The reports listed above are due in Division of Pesticides and Environmental Programs office in Baton Rouge on or before the tenth of the month following the contract or application.

M. - P. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3302 and R.S. 3:3306.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:323 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15:954 (November 1989), amended LR 21:

§14135. Minimum Specifications for Termite Control Work

A. - D. ...

E. Pre-treatment of Slabs

1. ...

2. Within 12 months after initial treatment of the outside of the foundation, the perimeter wall will be trenched and treated as required by label and labeling. The licensee shall report the completion of the application to the outside of the foundation, to the Louisiana Department of Agriculture and Forestry on the Termite Perimeter application form. Rodding will be acceptable where trenching may damage flowers and/or shrubs. Maximum distance between rod holes shall be 4 inches.

F. - I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3302 and R.S. 3:3306.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:323 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15: 954 (November 1989), amended LR 21:

Interested persons should submit written comments on the proposed rules to Bobby Simoneaux through April 27, 1995 at 5835 Florida Boulevard, Baton Rouge, LA 70806.

A public hearing will be held on these rules on April 27, 1995 at 9:30 a.m. at the address listed above. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing, at the hearing. No preamble regarding these rules is available.

Bob Odom
Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: RecordKeeping Requirements**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

No costs or savings to state or local governmental units are anticipated to result from implementation of the proposed rule changes.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

No effect on revenue to state or local governmental units is anticipated to result from implementation of the proposed rule amendment.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

No costs or economic benefits are anticipated to result to directly affected persons as a result of the implementation of the proposed rule amendment.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No effect on competition or employment is anticipated.

Richard Allen
Assistant Commissioner
9503#073

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Economic Development
Board of Examiners of Certified Shorthand Reporters**

Transcript Format (LAC 46:XXI.1101)

Under authority of R.S. 37:2551 and with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., notice is hereby given that Board of Examiners of Certified Shorthand Reporters is amending LAC 46:XXI.1101. This rule will establish a uniform format to be used by freelance reporters when preparing transcripts.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XXI. Certified Shorthand Reporters

Chapter 11. Court Reporting Procedures

§1101. Transcript Format Guidelines (Freelance Reporters)

A. Every freelance certified court reporter shall be required to use the following transcript format rules on every transcript prepared by that reporter:

1. Transcripts shall contain no fewer than 25 typed lines, exclusive of the page number and footers, on standard 8½ inches X 11 inches paper.

2. Transcripts shall contain no fewer than nine characters to the typed inch.

3. The left-hand margin of transcripts shall be set at no more than 1 3/4 inches.

4. The right-hand margin of transcripts shall be set at no more than 3/8 of an inch.

5. Each question and answer shall begin on a separate line.

6. Each question and answer shall begin at the left-hand margin, with no more than five spaces from the question and answer to the text.

7. Carryover question and answer lines shall begin at the left-hand margin.

8. Colloquy material shall begin no more than 15 spaces from the left-hand margin, with carryover lines commencing no more than 10 spaces from left-hand margin.

9. Quoted material shall begin no more than 15 spaces from the left-hand margin, with carryover lines commencing no more than 10 spaces from the left-hand margin.

10. Parentheticals and exhibit markings shall begin no more than 15 spaces from the left-hand margin, with carryover lines commencing no more than 15 spaces from the left-hand margin.

11. There shall be no numbered lines that are blank on a transcript page.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2551.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Examiners of Certified Shorthand Reporters, LR 21:

Interested persons may submit written or oral comments to Gay M. Pilié, Executive Director, Board of Examiners of Certified Shorthand Reporters, 325 Loyola Avenue, Suite 306, New Orleans, LA 70112, telephone (504) 523-4306. Comments will be accepted through the close of business on April 29, 1995.

Gay M. Pilié
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Transcript Format**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be a one time cost of \$100 to the Certified Shorthand Reporters' Board to publish the rule in the *Louisiana Register*.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no anticipated effect on revenue to state governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
This rule will establish a uniform format for transcripts, and therefore, will reduce the price of the transcript, and the consumer will save. However, there will be a slight reduction of income to court reporters as they generally charge a per-page fee for transcripts, and this rule will reduce the number of pages in the transcript slightly. The court reporter can offset this loss by increasing the costs per page.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There will be no anticipated effect on competition or employment due to the proposed rule.

Gay M. Pilié
Executive Director
9503#015

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 1706—Discipline Procedures

In accordance with the R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement, revised Section 459 of Bulletin 1706, Regulations for Implementation of the Exceptional Children's Act.

Revised Section 459 was adopted as an emergency rule, effective January 26, 1995 and printed in its entirety in the February, 1995 issue of the *Louisiana Register*.

This revised Section 459 (Discipline) of Bulletin 1706 supersedes the Discipline Policy which was adopted by the board on August 25, 1994 and advertised as an emergency rule in the September and December, 1994 issues of the *Louisiana Register* and the notice of intent in the November, 1994 issue of the *Louisiana Register*.

Section 459 (Discipline) will be included and inserted in Bulletin 1706, revised 1994, when final adoption of both items is completed.

In addition to Section 459 being published in the *Louisiana Register* as an emergency rule, the revised Section 459 (Discipline) may be viewed in its entirety in the Office of the State Register, located on the Fifth Floor of the Capitol Annex, the Office of Special Educational Services, State Department of Education, or the Office of the State Board of Elementary and Secondary Education, Baton Rouge, LA.

Interested persons may submit comments until 4:30 p.m. May 9, 1995 to: Eileen Bickham, State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

AUTHORITY NOTE: R.S. 17:1941-1958

HISTORICAL NOTE: LR 21:

Carole Wallin
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Bulletin 1706—Discipline Procedures**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Proposed are revisions to Bulletin 1706, the *Regulations for Implementation of the Exceptional Children's Act* in the area of discipline. The discipline revisions change the special education regulations to be in compliance with federal law, the federal case of *Goss v. Lopez*, and state mandates regarding unexcused absences. Estimated implementation costs to state governmental unit for the first year is \$200 for printing and postage. There is no estimated implementation costs or savings to LEAs.
BESE's estimated cost for printing this policy change in first page of fiscal and economic impact statement in the *Louisiana Register* is approximately \$130. Funds are available.

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 NONGOVERNMENTAL GROUPS (Summary)

No costs or benefits are estimated from this proposed change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition or employment from this proposed change.

Marlyn J. Langley
Deputy Superintendent
Management and Finance
9503#058

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

Acceptable Work Experience for Teacher Pay (LAC 28:I.1710)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement, the definition of acceptable work experience for teacher pay. This proposed policy will be included in the Administrative Code, Title 28 as stated below:

Title 28

EDUCATION

Part I. Board of Elementary and Secondary Education Chapter 17. Finance and Property

§1710. Acceptable Work Experience for Teacher Pay

A. Conditions of Employment. For purposes of determining salary, Louisiana public schools shall grant credit for work experience in compliance with the following criteria:

1. Louisiana Public Schools

a. Full-time/half-time satisfactory teaching experience at a parish or city school board or a Louisiana special school. Experience in a position that requires a valid Louisiana teaching/ancillary certificate. Proper certification for the position held; this is to include temporary certificate, temporary teaching assignment, temporary employment permit, emergency permit, provisional certificate, and/or Circular 665 experience after regular certificate/licensure is secured.

b. Full-time college/university satisfactory teaching experience, not to include graduate assistantship.

c. Vocational Technical Institute teaching/instructional, full-time satisfactory experience when certified as a teacher for public elementary or secondary schools or vocational technical institutes; proper temporary certification will count.

d. Full-time satisfactory work experience acquired by ancillary personnel while employed by an organization or institution if such personnel held the credentials required for ancillary certification at the time work was performed. This is not to include private practice.

2. Louisiana Nonpublic Approved Schools. The crediting of elementary and secondary teaching/instructional experience for Louisiana nonpublic teachers/instructional employees, shall be in accordance with R.S. 17:424.2. Full-time college/university, vocational technical, and ancillary experience shall be credited according to the standards stated in A.1.b-d above. Experience must have been in a position requiring teaching/ancillary certificate or licensure. Proper temporary certification will count after regular certificate/licensure is secured.

3. Out-of-State Public Schools. The crediting of public elementary and secondary teaching/instructional experience for out-of-state teachers/instructional employees shall be in accordance with R.S. 17:424.3. Full-time college/university, vocational technical and ancillary experience shall be credited according to the standards stated in A.1.b-d above. Experience must have been in a position requiring teaching/ancillary certificate or licensure; this does not include experience under temporary certification/licensure.

4. Out-of-State Nonpublic Approved Schools. The crediting of elementary and secondary teaching/instructional experience for out-of-state nonpublic teachers/instructional employees is optional and shall be determined by each local school board.

5. Military. Credit for military service shall be in accordance with R.S. 17:423.

B. Length of Employment. A school system may credit a full year of teaching/instructional service if the employee has provided teaching/instructional service for a minimum of 90 school days or one semester in one school year, in compliance with the above requirements. This credit will be given in the following year of employment except for individuals hired at mid-term who may be given credit for the fall semester of experience. The maximum credit for a school year is one year of experience.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:424.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 21:

This policy is to be effective upon publication of the final rule in the *Louisiana Register*. This policy will not affect years of credit granted to individuals prior to its adoption by the board.

Interested persons may submit comments until 4:30 p.m., May 9, 1995 to: Eileen Bickham, State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Carole Wallin
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Acceptable Work Experience
for Teachers**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The only estimated implementation cost is \$100 to print and disseminate the amendments. Estimated costs for the Board of Elementary and Secondary Education to print the proposed policy in the *Register* are \$130. Monies are available.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no estimated effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
Instructional employees from nonpublic out-of-state schools may now receive credit for prior teaching experience.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no estimated effect on competition and employment.

Marlyn J. Langley
Deputy Superintendent
9503#061

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

Advisory Council Attendance Policy (LAC 28:I.105)

In accordance with the R.S. 49:950, et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement, BESE's Advisory Council Attendance Policy. This policy stated below is an amendment to the LAC 28:I. Chapter 1.

**Title 28
EDUCATION**

**Part I. Board of Elementary and Secondary Education
Chapter 1. Organization**

§105. Board Advisory Councils

A. - H. ...

I. Attendance Policy

1. Letters of notification to council members regarding meetings should state that a proxy shall be sent if the appointed member is unable to attend the meeting.

2. Appointed members are expected to attend all scheduled meetings of an advisory body. Unless otherwise provided, if a member is unable to attend a meeting because of a justifiable reason, a request for an excused absence may be submitted to the council chairman and a nonvoting proxy may be named by the appointed member to serve for a total of three meetings. Any appointed member who misses three

consecutive meetings without an approved excuse by the chairman shall be automatically terminated, and the appointing authority shall be asked to name a replacement to complete the unexpired term.

3. When it is known that a quorum is unlikely, the council chairman shall be so notified and the meeting will be canceled if the chairman so decides. If a majority of members are not present and a council meets, minutes of the meeting shall state that a quorum was not present.

4. The appointing authority for each member shall be notified immediately following each scheduled meeting indicating nonattendance of the appointee. The form should include:

- a. name of the council member;
- b. date of the meeting;
- c. BESE policy on attendance.

* * *

AUTHORITY NOTE: Promulgated in accordance with Louisiana Constitution Article VII, Section 10.1; R.S. 17:6(9); R.S. 17:11; R.S. 17:24.4; R.S. 17:415.1; R.S. 17:1954; R.S. 17:3762; R.S. 17:3801; R.S. 42:4.1-12; 20 USC 1413 (Sec. 613) and 20 USC 3474 (Sec.112).

HISTORICAL NOTE: Promulgated LR 21:

Interested persons may submit comments on the proposed policy until 4:30 p.m., May 10, 1995 to: Eileen Bickham, State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Carole Wallin
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Advisory Council Attendance Policy

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The proposed rule change will have no fiscal effect.
BESE's estimated cost for printing this policy change and first page of fiscal and economic impact statement in the *Louisiana Register* is approximately \$100. Funds are available.
- 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 or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
The proposed rule change will have no effect on estimated costs and/or economic benefits.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There will be no effect on competition and employment.

Carole Wallin
Executive Director
9503#059

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

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

Acid Rain Permitting Requirements (LAC 33:III.505)(AQ112)

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air Quality Division Regulations, LAC 33:III.505 (AQ112).

The proposed amendments to the acid rain rule (LAC 33:III.505) improves the clarity of the rule and makes it more consistent with the federal acid rain rule (40 CFR Part 72).

This proposed regulation is to become effective upon publication in the *Louisiana Register*.

Title 33

ENVIRONMENTAL QUALITY

Part III. Air

Chapter 5. Permit Procedures

§505. Acid Rain Program Permitting Requirements

A. Applicability. The provisions of this Section apply to any affected source subject to any acid rain emissions reduction requirement or acid rain emissions limitation pursuant to title IV of the Clean Air Act. A certifying official of any unit may petition the administrator for a determination of applicability under 40 CFR 72.6(c). The administrator's determination of applicability shall be binding upon the permitting authority unless the petition is found to have contained significant errors or omissions.

[See Prior Text in A.1-A.1.c.i]

ii. did not serve a generator with a nameplate capacity greater than 25 MWe on November 15, 1990, but serves such a generator after November 15, 1990;

[See Prior Text in A.1.c.iii-B.3]

a. The permitting authority shall issue, to any unit meeting the requirements of Subsection B.1 and 2 of this Section, a written exemption from the requirements of the Acid Rain Program except for the requirements specified in this Subsection or 40 CFR 72.1-6 and 72.10-13; provided that no unit shall be exempted unless the designated representative of the unit surrenders, and the administrator deducts from the unit's Allowances Tracking System account, allowances pursuant to 40 CFR 72.7(c)(1)(i) and (d)(1). The exemption shall take effect on January 1 of the year immediately following the date on which the written exemption is issued as a final agency action subject to judicial review, in accordance with Subsection B.3.b of this Section; provided that the owners and operators and, to the extent applicable, the designated representative shall comply with the requirements

of the Acid Rain Program concerning all years for which the unit was not exempted, even if such requirements arise, or must be complied with, after the exemption takes effect. The exemption shall not be a defense against any violation of such requirements of the Acid Rain Program whether the violation occurs before or after the exemption takes effect.

b. In considering and issuing or denying a written exemption under Subsection B.3.a of this Section, the permitting authority shall apply the permitting procedures of LAC 33:III.519 and shall:

[See Prior Text in B.3.b.i-B.4]

a. The owners and operators of each unit exempted under this Section shall determine the sulfur content by weight of its fuel using the methods specified in 40 CFR 72.7(d)(2).

b. The owners and operators of each unit exempted under this Section shall retain, at the source that includes the unit, the records of the results of the tests performed under Subsection B.4.a of this Section and a copy of the purchase agreements stating the sulfur content of all such fuel. Such records and documents shall be retained for five years from the date they are created.

[See Prior Text in B.4.c-C.2]

a. The designated representative, authorized in accordance with 40 CFR part 72, subpart B, of a source that includes a unit under Subsection C.1 of this Section may petition the permitting authority for a written exemption or to renew a written exemption for the unit from certain requirements of this Section.

b. A petition under this Subsection shall be submitted on or before:

[See Prior Text in C.2.b.i-C.3]

a. The permitting authority shall issue, for any unit meeting the requirements of Subsection C.1 and 2 of this Section, a written exemption from the requirements of this Section except for the requirements specified in this Subsection and 40 CFR 72.1-6, 72.8, and 72.10-13. The exemption shall take effect on January 1 of the year following the date on which the written exemption is issued in accordance with Subsection C.3.b of this Section, provided that the owners and operators and, to the extent applicable, the designated representative shall comply with the requirements of this Section and 40 CFR part 72 concerning all years for which the unit was not exempted, even if such requirements arise or must be complied with after the exemption takes effect. The exemption shall not be a defense against any violation of the requirements of the Acid Rain Program that occurs prior to such issuance.

[See Prior Text in C.3.b-C.4.a]

b. The owners and operators of a unit exempted under this Subsection shall comply with monitoring requirements in accordance with 40 CFR part 75 and will be allocated allowances in accordance with 40 CFR part 73.

c. A unit exempted under this Subsection shall not resume operation unless the designated representative of the source that includes the unit submits an acid rain permit application for the unit not less than 24 months prior to the later of January 1, 2000, or the date the unit is to resume operation. On the earlier of the date the written exemption expires or the date an acid rain permit application is submitted or is required to be submitted under this Paragraph, the unit shall no longer be exempted under this Subsection and shall be subject to all requirements of this Section and 40 CFR part 72.

[See Prior Text in D-D.5]

a.i. On or before December 31, 1997, the permitting authority shall issue an acid rain permit to each affected source whose designated representative submitted a timely and complete acid rain permit application by January 1, 1996, in accordance with Subsection R of this Section and meets the requirements of this Section.

ii. Each acid rain permit issued in accordance with this Section shall have a term of five years commencing on its effective date. Each acid rain permit issued in accordance with Subsection D.5.a.i of this Section shall take effect by the later of January 1, 2000, or where the permit governs a unit under Subsection A.1.c of this Section, the deadline for monitor certification under 40 CFR part 75.

[See Prior Text in D.5.b-F.1]

2. Prior to the date on which an acid rain permit is issued, an affected unit governed by and operated in accordance with the terms and requirements of a timely and complete acid rain permit application shall be deemed to be operating in compliance with the Acid Rain Program.

3. A complete acid rain permit application shall be binding on the owners and operators and the designated representative of the affected source and the affected units covered by the permit application and shall be enforceable as an acid rain permit from the date of submission of the permit application until the issuance or denial of an acid rain permit as a final agency action subject to judicial review.

[See Prior Text in G-H.5.b]

c. the unit's 1995 actual annual sulfur dioxide emissions rate, or best estimate of the actual emissions rate; provided that the actual emissions rate is submitted to the permitting authority by January 30, 1996;

[See Prior Text in H.5.d-H.7.a]

i. Sulfur Dioxide. Allowances allocated during the repowering extension under 40 CFR 72.44(f)(3) and 72.44(g) to a unit governed by an approved repowering extension plan shall not be transferred to any allowance tracking system account other than the unit accounts of other units at the same source as that unit.

[See Prior Text in H.7.a.ii-J.7.a.iv]

b. The designated representative of an affected source and each affected unit at the source shall submit the reports and compliance certifications required under the Acid Rain Program, including those under 40 CFR part 72, subpart I and 40 CFR part 75.

[See Prior Text in J.8-J.8.a]

b. Any person who knowingly makes a false, material statement in any record, submission, or report under the Acid Rain Program shall be subject to criminal enforcement by the administrator, pursuant to section 113(e) of the Clean Air Act and 18 U.S.C. 1001, and by the permitting authority.

[See Prior Text in J.8.c-J.8.d]

e. Any provision of the Acid Rain Program that applies to an affected source (including a provision applicable to the designated representative of an affected source) shall also apply to the owners and operators of such source and of the affected units at the source.

f. Any provision of the Acid Rain Program that applies to an affected unit (including a provision applicable to the designated representative of an affected unit) shall also apply to the owners and operators of such unit. Except as provided under Subsection H of this Section (Phase II repowering extension plans) and section 407 of the Clean Air Act and regulations implementing section 407 of the Clean Air Act, and except with regard to the requirements applicable to units with a common stack under 40 CFR part 75 (including 40 CFR 75.16, 75.17, and 75.18), the owners and operators and the designated representative of one affected unit shall not be liable for any violation by any other affected unit of which they are not owners or operators or the designated representative and that is located at a source of which they are not owners or operators or the designated representative.

g. Each violation of a provision of 40 CFR parts 72, 73, 75, 77, and 78 and regulations implementing sections 407 and 410 of the Clean Air Act by an affected unit, or by an owner or operator or designated representative of such unit, shall be a separate violation of the Clean Air Act.

[See Prior Text in J.9-L.5]

6. Any permit revision involving incorporation of a compliance option that was not submitted for approval and comment during the permit issuance process, or involving a change in a compliance option that was previously submitted, shall meet the requirements for applying for such compliance option under 40 CFR part 72, subpart D and section 407 of the Clean Air Act and regulations implementing section 407 of the Clean Air Act.

[See Prior Text in L.7-M.1.c]

2. The following permit revisions shall follow at the option of the designated representative submitting the permit revision either the permit modification procedures under this Subsection or the fast-track modification procedures under Subsection N of this Section:

- a. incorporation of a compliance option that the designated representative did not submit for approval and comment during the permit issuance process;
- b. addition of a nitrogen oxides averaging plan to a permit; and
- c. changes in repowering plan, nitrogen oxides averaging plan, or nitrogen oxides compliance deadline extension.

[See Prior Text in M.3-N]

1. the designated representative shall serve a copy of the fast-track modification on the administrator, the permitting authority, and any person entitled to a written notice under the requirements of this Chapter for permit issuance, treating a fast-track modification as a proposed permit prior to public comment. Within five business days of serving such copies, the designated representative shall also give public notice by publication in a newspaper of general circulation in the area where the source is located or in a state publication designed to give general public notice;

[See Prior Text in N.2-O]

1. The following acid rain permit revisions are acid rain administrative amendments:

- a. activation of a compliance option conditionally approved by the permitting authority, provided that all requirements for activation under Subsections G.3 and H of this Section are met;

[See Prior Text in O.1.b-O.1.f]

g. addition of or change in a nitrogen oxides alternative emissions limitation demonstration period, provided that the requirements of regulations implementing section 407 of the Clean Air Act are met.

2. Administrative amendments shall follow the procedures set forth in LAC 33:III.521.B.

[See Prior Text in P - R.1.d]

e.i. The designated representative of a source shall serve notice on each owner and operator of the source and of an affected unit at the source:

[See Prior Text in R.1.e.i.(a)-R.1.e.i.(c)]

ii. The designated representative of a source shall provide each owner and operator of an affected unit at the source a copy of any submission or determination under Subsection R.1.e.i of this Section, unless the owner or operator expressly waives the right to receive such a copy.

[See Prior Text in R.2-R.2.b]

S. Acid Rain Permit Appeal Procedures

[See Prior Text in S.1-S.4.b]

c. the emissions monitoring and reporting requirements applicable to the affected units at an affected source under 40 CFR part 75;

[See Prior Text in S.4.d-S.6]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:1420 (November 1993), LR 21:

A public hearing will be held on Thursday, April 27, 1995, at 1:30 p.m. in the Maynard Ketcham Building, Room 326, 7290 Bluebonnet Boulevard, Baton Rouge, LA 70810. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate please contact Patsy Deaville at the address given below or at (504) 765-0399.

All interested persons are invited to submit written comments on the proposed regulations. Commentors should reference this proposed regulation by Log AQ112. Such comments must be submitted no later than Thursday, May 4, 1995, at 4:30 p.m., to Patsy Deaville, Investigations and Regulation Development Division, Box 82282, Baton Rouge, LA, 70884-2282 or to 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA, 70810 or to FAX (504) 765-0486.

James B. Thompson, III
Assistant Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Acid Rain Permitting Requirements

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no costs or savings expected from this proposed amendment to the state's acid rain rule. The purpose of the changes is to make the rule more consistent with the federal acid rain rule. No additional requirements are imposed as a result of these changes.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
No impact is expected on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
No estimated costs and/or economic benefits are expected from this proposed amendment.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is not any anticipated effect on competition and employment.

Gus Von Bodungen
Assistant Secretary
9503#037

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

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

Use of Incidental VOC Reductions to Demonstrate Reasonable Further Progress (LAC 33:III.2120)(AQ109)

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air Quality Division Regulations, LAC 33:III.2120 (AQ109).

The purpose of repealing this rule is to remove a redundant requirement for a permit application submitted to the department. Section 182 (b) (1) of the 1990 Clean Air Act amendments (CAAA) requires all ozone nonattainment areas classified as moderate and above to submit a Reasonable Further Progress Plan by November 15, 1993 which describes how the area will achieve an actual volatile organic compound (VOC) emission reduction of at least 15 percent during the first six years after enactment of the CAAA. The 1996 target level of emissions is the maximum amount of ozone season VOC emissions that can be emitted by an ozone nonattainment area in 1996 for that nonattainment area to be in compliance with the 15 percent Reasonable Further Progress Plan requirements. The use of incidental VOC reductions is part of the Contingency Measures for the 15 percent VOC Reduction RFP. Since affected sources will be developing permit applications to comply with newly revised permit rules under Chapter 5 of the Air Quality rules, a requirement for submittal of a permit application under Chapter 21 is not needed.

These proposed regulations are to become effective upon publication in the *Louisiana Register*.

Title 33

ENVIRONMENTAL QUALITY

Part III. Air

Chapter 21. Control of Emission of Organic Compounds

Subchapter A. General

§2120. Use of Incidental VOC Reductions to

Demonstrate Reasonable Further Progress

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:537 (May 1994), amended LR 21:22 (January 1995), repealed LR 21:

A public hearing will be held on Thursday, April 27, 1995, at 1:30 p.m. in the Maynard Ketcham Building, Room 326, 7290 Bluebonnet Boulevard, Baton Rouge, LA 70810. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate please contact Patsy Deaville at the address given below or at (504) 765-0399.

All interested persons are invited to submit written comments on the proposed regulations. Commentors should reference this proposed regulation by Log AQ109. Such comments must be submitted no later than Thursday, May 4, 1995, at 4:30 p.m., to Patsy Deaville, Investigations and Regulation Development Division, Box 82282, Baton Rouge, LA, 70884-2282 or to 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA, 70810 or to FAX (504) 765-0486.

James B. Thompson, III
Assistant Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Use of Incidental VOC Reductions to Demonstrate Reasonable Further Progress

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no impact to either costs or savings resulting from the edit of this rule. The rule has not been implemented and is being repealed.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no revenue collection associated with this rule.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
There are no estimated costs and/or economic benefits to directly affected persons or nongovernmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no impact on competition and employment.

Gus Von Bodungen
Assistant Secretary
9503#038

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

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

Limiting Volatile Organic Compound Emissions from Industrial Wastewater (LAC 33:III.Chapter 21)(AQ106)

(Editor's Note: A portion of the following notice of intent, which appeared on pages 208 through 214 of the February 20, 1995 *Louisiana Register*, is being republished, as the notice failed to indicate that the proposed rule also applies to Calcasieu Parish. The public hearing scheduled for March 30, 1995 has been canceled and rescheduled as indicated below.)

* * *

The proposed rule relates to the handling of volatile organic compound-laden industrial wastewater utilizing reasonably available control technology (RACT). It applies to sources in the ozone nonattainment parishes of Ascension, Calcasieu, East Baton Rouge, Iberville, Livingston, Pointe Coupee, and West Baton Rouge that emit at least 50 tons per year of volatile organic compounds.

* * *

A public hearing will be held on April 27, 1995, at 1:30 p.m. in the Maynard Ketchum Building, Room 326, 7290 Bluebonnet Boulevard, Baton Rouge, LA 70810. Interested persons are invited to attend and submit oral comments on the proposed amendments.

Should individuals with a disability need an accommodation in order to participate please contact Patsy Deaville at the address given below or at (504)765-0399.

All interested persons are invited to submit written comments on the proposed regulations. Commentors should reference this proposed regulation by Log AQ106. Such comments must be submitted no later than Thursday, May 4, 1995, at 4:30 p.m., to Patsy Deaville, Investigations and Regulation Development Division, Box 82282, Baton Rouge, LA 70884-2282 or to 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810 or to FAX number (504) 765-0486.

James B. Thompson
Assistant Secretary

9503#055

NOTICE OF INTENT

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

Volatile Organic Compounds List (LAC 33:III.2117);
Schedule for Submitting Applications—Emissions Reduction
Credit Banking (LAC 33:III.615); Monitoring Requirements
for New Stationary Sources (LAC 33:III.3125); Standards
of Performance for Volatile Organic Liquid Storage Vessels
(LAC 33:III.3301) (AQ113)

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air Quality Division Regulations, LAC 33:III.2117 and corrections to typographical errors in §§615, 3125 and 3301 (AQ113).

This submittal is made in order to promulgate two additions to the volatile organic compound exemption list (LAC 33:III.2117) namely: parachlorobenzotrifluoride (PCBTF) and volatile methyl siloxanes. In addition, correction of some typographical errors in other chapters is proposed.

This action is required by federal regulation.

These proposed regulations are to become effective upon publication in the *Louisiana Register*.

Title 33

ENVIRONMENTAL QUALITY

Part III. Air

Chapter 6. Regulations on Control of Emissions Through the Use of Emission Reduction Credits Banking

§615. Schedule for Submitting Applications

A. All bank balance sheets for banking emission reductions where the emission reductions occurred after adoption of the final rule shall be submitted by March 1 following the year in which the reductions occurred. Thereafter, the bank balance and the applicant's certification should be submitted annually on March 1.

* * *

[See Prior Text in B-D]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:878 (August 1994), amended LR 21:

Chapter 21. Control of Emission of Organic Compounds Subchapter A. General §2117. Exemptions

The following compounds are considered exempt from the control requirements of LAC 33:III.2101-2145: methane, ethane, 1, 1, 1 trichloroethane (methyl chloroform), methylene chloride (dichloromethane), trichlorofluoromethane (CFC-11), dichlorodifluoromethane (CFC-12), chlorodifluoromethane (CFC-22), 1,1,2-trichloro 1,2,2-trifluoroethane (CFC-113), trifluoromethane (FC-23), 1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC-114), chloropentafluoroethane (CFC-115), 1,1,1-trifluoro 2,2-dichloroethane (HCFC-123), 1,1,1,2-tetrafluoroethane (HFC-134a), 1,1-dichloro 1-fluoroethane (HCFC-141b), 1-chloro 1,1-difluoroethane (HCFC-142b), 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124), pentafluoroethane (HFC-125), 1,1,2,2-tetrafluoroethane (HFC-134), 1,1,1-trifluoroethane (HFC-143a), 1,1-difluoroethane (HFC-152a), parachlorobenzotrifluoride (PCBTF), and cyclic, branched, or linear completely methylated siloxanes. The following classes of perfluorocarbons are also considered exempt from the control requirements of LAC 33:III.2101-2145: cyclic, branched, or linear, completely fluorinated

alkanes; cyclic, branched, or linear, completely fluorinated ethers with no unsaturations; cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 16:118 (February 1990), amended by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:289 (March 1994), LR 21:

Chapter 31. Standards of Performance for New Stationary Sources

Subchapter A. General Provisions and Modifications

§3125. Monitoring Requirements

A. For the purposes of this Section, all continuous monitoring systems required under applicable Subchapters shall be subject to the provisions of this Section upon promulgation of performance specifications for continuous monitoring systems in the Division's Source Test Manual (LAC 33.III.Chapters 60, 61, 63 and 64), unless otherwise specified in an applicable Subchapter or by the administrative authority*.

* * *

[See Prior Text in B-J.2]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:657 (July 1991), LR 21:

Subchapter K. Standards of Performance for Storage Vessels for Petroleum Liquids (Subpart K, Ka, and Kb)

§3301. Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced after July 23, 1984 (Subpart Kb)

* * *

[See Prior Text in A-A.4.g]

B. Definitions. Terms used in this Section are defined in LAC 33:III.111 or LAC 33:III.3103, except those terms specifically defined in this Section as follows:

* * *

[See Prior Text]

Maximum True Vapor Pressure—the equilibrium partial pressure exerted by the stored liquid at the temperature equal to the highest calendar-month average of the liquid storage temperature for liquids stored above or below the ambient temperature or at the local maximum monthly average temperature as reported by the National Weather Service for liquids stored at the ambient temperature, as determined:

1. in accordance with methods described in American Petroleum Institute Bulletin 2517, Evaporation Loss From External Floating Roof Tanks; or
2. as obtained from standard reference texts; or
3. as determined by American Society for Testing and Materials (ASTM) Method D2879-83; or
4. any other method approved by the administrative authority.

* * *

[See Prior Text in B.Petroleum-G.1]

2. The owner or operator of each storage vessel as specified in Subsection A.1 and 2 of this Section shall keep readily accessible records showing the dimensions of the storage vessel and an analysis showing the capacity of the storage vessel. Each storage vessel with a design capacity less than 75 m³ (2,648 ft³) is subject to no provision of this Section other than those required by this Paragraph.

* * *

[See Prior Text in G.3-7]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:263 (March 1991), LR 21:

A public hearing will be held on Thursday, April 27, 1995, at 1:30 p.m. in the Maynard Ketcham Building, Room 326, 7290 Bluebonnet Boulevard, Baton Rouge, LA 70810. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate please contact Patsy Deaville at the address given below or at (504) 765-0399.

All interested persons are invited to submit written comments on the proposed regulations. Commentors should reference this proposed regulation by Log AQ113. Such comments must be submitted no later than Thursday, May 4, 1995, at 4:30 p.m., to Patsy Deaville, Investigations and Regulation Development Division, Box 82282, Baton Rouge, LA, 70884-2282 or to 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA, 70810 or to FAX (504) 765-0486.

James B. Thompson, III
Assistant Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Volatile Organic Compounds List, Schedule for Submitting Applications—Emissions Reduction Credit Banking, Monitoring Requirements for New Stationary Sources, Standards of Performance for Volatile Organic Liquid Storage Vessels

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no costs or savings accruing to state or local government units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There isn't any effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There are no costs and/or economic benefits accruing to directly affected persons or nongovernmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There isn't any effect on competition and employment.

Gus Von Bodungen
Assistant Secretary
9503#036

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

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

**Importation of Foreign Hazardous Waste
(LAC 33:V.Chapters 11, 41, 51)(HW45)**

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Hazardous Waste Regulations, LAC 33:V.Chapters 11, 41 and 51 (HW45).

The proposed amendments to LAC 33:V.Chapters 11, 41 and 51 are being proposed to establish standards for Louisiana hazardous waste treatment, storage, or disposal facilities that intend to import foreign generated hazardous waste. The rule proposes that, prior to importation of foreign hazardous waste, the facility is required to notify the department and publish advance notice in a major newspaper of general circulation in the area where the facility is located. Furthermore, the proposed regulation requires that the facility must also follow rules for manifesting the foreign generated hazardous waste and procedures for unmanifested foreign generated hazardous wastes.

Louisiana's laws prohibiting the importation of hazardous waste from foreign countries have been declared unconstitutional. The proposed regulation will enable the department to monitor and track the importation of foreign generated hazardous waste entering the state of Louisiana.

These proposed regulations are to become effective upon publication in the *Louisiana Register*.

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

**Subpart 1. Department of Environmental
Quality—Hazardous Waste**

Chapter 11. Generators

§1101. Applicability

* * *

[See Prior Text in A]

B. Any person who imports hazardous waste into the state of Louisiana must comply with the standards applicable to generators established in this Chapter.

* * *

[See Prior Text in C-F]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 16:398 (May 1990), LR 18:1256 (November 1992), LR 20:1000 (September 1994), LR 21:

§1113. Exports of Hazardous Waste

A. Applicability. Any person who exports hazardous waste to a foreign country, from a point of departure in the state of Louisiana, must comply with the requirements of this Chapter and with the special requirements of LAC 33:V.1113. LAC 33:V.1113 establishes requirements applicable to exports of hazardous waste. A primary exporter of hazardous waste must comply with the special requirements of LAC 33:V.1113, and a transporter who transports hazardous waste for export must comply with applicable requirements of LAC 33:V.Chapter 13.

* * *

[See Prior Text in B-H.2]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 16:220 (March 1990), LR 18:1256 (November 1992), LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:

§1123. Imports of Foreign Hazardous Waste

A. Any person who imports hazardous waste from a foreign country into the state of Louisiana must comply with this Chapter and the special requirements of LAC 33:V.1123.

B. When importing foreign hazardous waste, a person must meet all the requirements of LAC 33:V.1107 for the manifest except that:

1. the name and address of the foreign generator and the importer's name, address, and EPA identification number must replace the generator's name, address, and EPA identification number;

2. the U.S. importer or his agent must sign and date the certification and obtain the signature of the initial transporter to replace the generator's signature on the certification statement;

3. in the comment section (section J) of the manifest form, the facility must indicate the date on which the Importation of Hazardous Waste Notification Form (HW-11) was mailed to the administrative authority; and

4. a copy of the Importation of Hazardous Waste Notification Form must accompany the manifest form.

C. A person who imports hazardous waste must obtain a manifest form from the administrative authority.

D. An importer of foreign hazardous waste must prepare an Importation of Hazardous Waste Notification Form (HW-11) notifying the administrative authority of an intended import at least 60 days but not prior to one year before such waste is scheduled to enter the state of Louisiana. This notification form must be obtained from the administrative authority. The notification form must be signed by the importer and include the following information:

1. name, mailing address, telephone number, and EPA identification number of the importer;

2. for each hazardous waste type:

a. a description of the hazardous waste and the EPA hazardous waste number (LAC 33:V.4901 and 4903), the United States Department of Transportation shipping name, the hazard class, and the ID number for each hazardous waste imported;

b. the estimated frequency or rate at which such waste is to be imported and the period of time over which such waste is to be imported;

c. the estimated total quantity of the hazardous waste in units as specified in the instructions to the Uniform Hazardous Waste Manifest form (8700-22);

d. all points of entry to and departure from each foreign country through which the waste will pass;

e. a description of the means by which each shipment of the hazardous waste will be transported, e.g., mode of transportation (air, highway, rail, water, etc.) and types of containers (drums, boxes, tanks, etc.);

f. a description of the manner in which the hazardous waste will be treated, stored, or disposed of in the state of Louisiana, e.g., incineration, land disposal, recycling; and

g. the name of any transit countries through which the waste will pass and a description of the approximate length of time it will remain in such countries and the nature of its handling while there.

E. Notification shall be sent to the administrative authority with "Attention: Notification to Import Foreign Hazardous Waste" prominently displayed on the front of the envelope. Such notices shall be sent by certified mail.

F. Except for changes to the telephone number required by LAC 33:V.1123.D.1, decreases in the quantity indicated pursuant to LAC 33:V.1123.D.2.c, and changes to the information required by LAC 33:V.1123.D.2.e, when conditions specified on the original notification change (including changes in the estimate of the quantity of hazardous waste specified in the original notification), the importer must provide the administrative authority with written notice of the change. Notice of such change must be submitted to the

administrative authority prior to import into the state of Louisiana of the waste that is the subject of the change.

G. Any Louisiana facility receiving hazardous waste generated in a foreign country must publish a notice of intent to receive foreign hazardous waste for each shipment at least 30 days prior to importation into Louisiana in the newspaper/journal of record for the parish where the facility is located. Such notice shall be at least 3 inches by 3 inches and will contain the following information:

1. name and address of the receiving facility;
2. name of the country of origin of the hazardous waste;
3. a brief description of the hazardous waste;
4. the amount of waste shipped; and
5. the scheduled date of arrival.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 21:

§1125. Unmanifested Foreign Hazardous Waste

A. Any importer who imports foreign generated material that has not been classified as hazardous waste prior to entry into the state of Louisiana, but subsequently is determined to be hazardous waste, must immediately notify the administrative authority by telephone.

B. Any importer who imports foreign generated material that has not been classified as hazardous waste prior to entry into the state of Louisiana, but subsequently is determined to be hazardous waste, must, within seven business days:

1. file in writing an unmanifested waste report with the administrative authority which shall include;

- a. the facility name and location;
- b. the port of entry of the hazardous waste;
- c. the date of entry of the hazardous waste;
- d. clarification of existence or nonexistence of an Importation of Hazardous Waste Notification Form (HW-11);
- e. the name of the transporter from port of entry to the destination facility;
- f. the vehicle numbers of the transporters; and
- g. the date of transportation; and

2. prepare a manifest and file a copy of the completed manifest for the unmanifested waste with the administrative authority. (The transporter's signature may be omitted from the manifest; however, the comment section (section J) of the manifest must explain why the signature was omitted and must detail the unmanifested waste circumstance.)

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 21:

Chapter 41. Recyclable Materials

§4115. Owners and Operators of Facilities that Store or Recycle Recyclable Materials

A. Owners and operators of facilities that store recyclable materials before they are recycled are regulated under all applicable provisions of LAC 33:V.Chapters 3, 5, 9, 11, 15,

19, 21, 22, 23, 29, 33, 35, 37, and Subchapters A-K of LAC 33:V.Chapter 43 and the notification requirements under LAC 33:V.105.A, except as provided in LAC 33:V.4105.A. (The recycling process itself is exempt from regulations, except as provided in LAC 33:V.4115.C.)

[See Prior Text in B-C]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 11:988 (October 1985), amended LR 11:1139 (December 1985), LR 15:378 (May 1989), LR 16:220 (March 1990), LR 17:658 (July 1991), LR 18:1256 (November 1992), LR 21:

§4139. Recyclable Materials Used in a Manner Constituting Disposal

[See Prior Text in A-B.1]

2. Owners and operators of facilities that store recyclable materials that are to be used in a manner that constitutes disposal but who are not the ultimate users of the materials are regulated under all applicable provisions of LAC 33:V.Chapters 5, 9, 11, 15, 19, 21, 23, 33, 35, 37; Subchapters A-K of LAC 33:V.Chapters 43; and LAC 33:V.105.A.

3. Owners and operators of facilities that use recyclable materials in a manner that constitutes disposal are regulated under all applicable provisions of LAC 33:V.Chapters 5, 9, 11, 15, 19, 21, 23, 25, 27, 29; and Subchapters A-M of LAC 33:V.Chapter 43. (These requirements do not apply to products which contain these recyclable materials under the provisions of LAC 33:V.4139.A.2.)

[See Prior Text in B.4]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 11:988 (October 1985), amended LR 11:1139 (December 1985), LR 15:378 (May 1989), LR 16:220 (March 1990), LR 17:362 (April 1991), LR 17:658 (July 1991), LR 21:

Chapter 51. Fee Schedules

§5124. Notification for the Importation of Foreign Generated Hazardous Waste, HW-1I

The fee for the Importation of Hazardous Waste Notification Form (HW-1I) is \$100 per shipment of foreign hazardous waste brought into the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 21:

A public hearing will be held on Thursday, April 27, 1995, at 1:30 p.m. in the Maynard Ketcham Building, Room 326, 7290 Bluebonnet Boulevard, Baton Rouge, LA 70810. Interested persons are invited to attend and submit oral

comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate please contact Patsy Deaville at the address given below or at (504)765-0399.

All interested persons are invited to submit written comments on the proposed regulations. Commentors should reference this proposed regulation by Log HW45. Such comments must be submitted no later than Thursday, May 4, 1995, at 4:30 p.m., to Patsy Deaville, Investigations and Regulation Development Division, Box 82282, Baton Rouge, LA, 70884-2282 or to 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA, 70810 or to FAX (504) 765-0486.

James B. Thompson, III
Assistant Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Importation of Foreign Hazardous Waste

- I. **ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**
No costs to state or local governments are anticipated as a result of the implementation of this rule.
- II. **ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**
There should be no effect on revenue collections of state or local governments as a result of the implementation of this rule.
- III. **ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**
Louisiana hazardous waste treatment, storage, and disposal facilities that import shipments of foreign hazardous waste into the state of Louisiana will be required to publish a notice of intent to receive foreign hazardous waste in a major newspaper of general circulation in the area where the facility is located, and send a notification to import foreign hazardous waste to the Louisiana Department of Environmental Quality (LDEQ) by certified mail. The publication costs will vary depending on the newspaper selected by the facility. The LDEQ notification to import foreign hazardous waste form will cost \$100. The total cost of complying with this rule should not be material when compared to other costs associated with the importation of hazardous waste.
- IV. **ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**
Since all importers must comply with the rules and considering that the costs associated with complying with this rule are minimal when compared with other costs associated with the importation of hazardous waste, there should be little effect on competition or employment.

Glenn A. Miller
Assistant Secretary
9503#039

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

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

Water Bodies Use Designations (LAC 33:IX.1123)(WP18)

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Water Quality Management Division Regulations, LAC 33:IX.1123 (WP18).

Current designated uses and numerical criteria have been evaluated for the following five water bodies: Bayou Cocodrie, Deer Creek, Red Chute Bayou, Tisdale Brake/Staulkinghead Creek and Mahlin Bayou/McCain Creek. Use attainability analyses (UAA) were conducted on portions of each water body to assess past and current chemical, physical and biological conditions. This rule will modify the standards so that appropriate uses and criteria, determined by the UAAs are applied. Federal law requires the states to meet the goals of the Clean Water Act. The federal water quality standards regulation §131.10 requires the states to "specify appropriate water uses to be achieved and protected."

These proposed regulations are to become effective upon publication in the *Louisiana Register*.

Title 33

ENVIRONMENTAL QUALITY

Part IX. Water Quality Regulations

Chapter 11. Surface Water Quality Standards

§1123. Numerical Criteria and Designated Uses

* * *

[See Prior Text in A - C.2]

3. Designated Uses. The following are the category definitions of designated uses that are used in Table 3 under the subheading "DESIGNATED USES."

- A - Primary Contact Recreation
- B - Secondary Contact Recreation
- C - Propagation of Fish and Wildlife
- L - Limited Aquatic Life and Wildlife Use
- D - Drinking Water Supply
- E - Oyster Propagation
- F - Agriculture
- G - Outstanding Natural Resource Waters

Numbers in brackets (e.g. [1]) refer to endnotes listed at the end of the table.

Table 3. Numerical Criteria and Designated Uses									
Code	Stream Description	Designated Uses	Criteria						
			CL	SO4	DO	pH	B A C	°C	TDS
	ATCHAFALAYA RIVER BASIN [01]								
* * * [See Prior Text in 010101 - 080911]									
080912	Tisdale Brake/Staulkinghead Creek - from origin to Little Bayou Boeuf	B L	500	200	(13)	6.0 - 8.5	2	32	1500
* * * [See Prior Text in 081001 - 081002]									
081003	Deer Creek - Headwaters to confluence with Boeuf River	B L	105	45	(13)	6.0 - 8.5	2	32	430
* * * [See Prior Text in 081101 - 100304]									
100305	Mahlin Bayou/McCain Creek - origin to confluence with Twelve Mile Bayou	B L	175	75	(14)	6.0 - 8.5	2	32	500
* * * [See Prior Text in 100306 - 100401]									
100402	Red Chute Bayou - from Cypress Bayou junction to Flat River	A B C	250	75	5.0 (14)	6.0 - 8.5	1	32	800
* * * [See Prior Text in 100403 - 101506]									
101601	Bayou Cocodrie - from Little Cross Bayou to Wild Cow Bayou (Scenic)	A B C F G	250	75	5.0	6.0 - 8.5	1	32	500
* * * [See Prior Text in 101602 - 101604]									
101605	Bayou Cocodrie - Lake Concordia to Highway 15	A B C	250	75	5.0	6.0 - 8.5	1	32	500
* * * [See Prior Text in 101606]									
101607	Bayou Cocodrie - Highway 15 to Little Cross Bayou	B L	250	75	(13)	6.0 - 8.5	2	32	500
* * * [See Prior Text in 110101 - 120806]									

ENDNOTES:

* * *

[See Prior Text [1] through [12]]

[13] Site-specific Seasonal DO Criteria: 3 mg/L November - April, 2 mg/L May - October.

[14] Site-specific Seasonal DO Criteria: 5 mg/L November - April, 3 mg/L May - October.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1)

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 15:738 (September 1989), amended LR 17:264 (March 1991), LR 21:

A public hearing will be held on Thursday, April 27, 1995, at 1:30 p.m. in the Maynard Ketcham Building, Room 326, 7290 Bluebonnet Boulevard, Baton Rouge, LA 70810. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate please contact Patsy Deaville at the address given below or at (504)765-0399.

All interested persons are invited to submit written comments on the proposed regulations. Commentors should reference this proposed regulation by Log WP18. Such comments must be submitted no later than Thursday, May 4, 1995, at 4:30 p.m., to Patsy Deaville, Investigations and Regulation Development Division, Box 82282, Baton Rouge, LA, 70884-2282 or to 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA, 70810 or to FAX number (504)765-0486.

James B. Thompson, III
Assistant Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Water Bodies Use Designations

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

No significant effect of this proposed rule on state or local governmental expenditures is anticipated.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

No significant effect on state or local governmental revenue collection is anticipated.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

No significant costs to directly affected persons or nongovernmental groups are anticipated.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No significant effect on competition and employment is anticipated.

J. Dale Givens
Assistant Secretary
9503#040

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

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

Drug Abuse Resistance Education (D.A.R.E.)

The Louisiana Commission on Law Enforcement, in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and by the authority of the commission as provided in R.S. 15:1204.9, gives notice that rulemaking procedures have been initiated to adopt rules regarding the D.A.R.E. program.

In response to the mounting concern about the use of drugs by youth, the Louisiana Commission on Law Enforcement will make Drug Abuse Resistance Education (D.A.R.E.) grants available to sheriffs' offices and police departments who can demonstrate the capacity to offer the D.A.R.E. program in accordance with the national model. The D.A.R.E. Program National Model is contained in the U.S. Department of Justice, Bureau of Justice Assistance Program Brief, entitled "An Invitation to Project D.A.R.E." Copies of this program brief are available by contacting the Louisiana Commission on Law Enforcement, 1885 Wooddale Boulevard, Suite 708, D.A.R.E. Unit, Baton Rouge, LA 70806.

D.A.R.E. is a substance abuse prevention program designed to equip school children with skills for resisting peer pressure to experiment with tobacco, drugs, and alcohol. This program uses uniformed law enforcement officers to teach a formal curriculum to students in a classroom setting. Law enforcement officers must become certified by completing the required D.A.R.E. training offered through a certified D.A.R.E. training center.

The text of this rule is identical to the rule published as an emergency rule in the *Louisiana Register* on February 20, 1995 with an effective date of January 18, 1995.

Interested persons may submit written comments on the proposed rule until 5 p.m., March 31, 1995 to Judy Mouton, Deputy Director, D.A.R.E. Unit, 1885 Wooddale Blvd., Room 708, Baton Rouge, LA 70806.

Michael A. Ranatza
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Drug Abuse Resistance Education (D.A.R.E.)

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed D.A.R.E. rule will have implementation costs for the Louisiana Commission on Law Enforcement for grants administration and program oversight. The costs to LCLE are

\$40,205 for one-half year for the administration of this grant program. Included in the costs are staff support and related expenses. A full year's budget for the administration of D.A.R.E. for the LCLE is expected to be approximately \$67,000.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule will have no effect on revenue collection of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The cost to local law enforcement agencies to operate a D.A.R.E. program include salaries for D.A.R.E. officers, fringe-related benefits, supplies and instructional materials. These costs can be offset through the state D.A.R.E. grants. There may, however, be incidental costs borne to the law enforcement agency including copying, paper, postage, etc.

The economic benefit is to society and school children by offering the D.A.R.E. program in an attempt to keep children from using or abusing drugs.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on competition and employment in the public and private sectors.

Michael A. Ranatza
Executive Director
9503#049

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Hospitals Board of Dentistry

Advertising and Soliciting by Dentists (LAC 46:XXXIII.301)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Dental Practice Act, R.S. 37:751 et seq., and R.S. 37:760(8), notice is hereby given that the Department of Health and Hospitals, Board of Dentistry intends to amend LAC 46:XXXIII.301, Advertising and Soliciting by Dentists. No preamble has been prepared.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XXXIII. Dental Health Professions

Chapter 3. Dentists

§301. Advertising and Soliciting by Dentists

A. Scope. This Section provides for advertising requirements in addition to those set forth in R.S. 37:774 and R.S. 37:775 for dentists licensed and practicing in this state. The provisions in this Section shall govern any and all forms of advertisements including but not limited to all forms of printed and electronic media and direct or telephone solicitations.

B. Identification of Licensee. All advertising in any medium must identify the Louisiana licensed dentist who sponsors or benefits from, and assumes total responsibility for, the advertisement. The term *identify* shall mean the use of the licensee's commonly used name or the name appearing on his dental license or renewal certificate, together with the current address and telephone number the licensee has on file with the board.

C. Approved Specialties. The board has reviewed and approved the "Standards for Advanced Specialty Education Programs" set forth by the Commission on Dental Accreditation of the American Dental Association and approves only the following specialties:

1. Dental Public Health;
2. Endodontics;
3. Oral and Maxillofacial Surgery;
4. Oral Pathology;
5. Orthodontics and Dentofacial Orthopedics;
6. Pediatric Dentistry;
7. Periodontics; and
8. Prosthodontics.

D. Definitions

Advertisement and Advertising—any statement, oral or written, disseminated to or displayed before the public or any portion thereof with the intent of furthering the purpose, either directly or indirectly, of selling professional services or offering to perform professional services or inducing members of the public to enter into any obligation relating to such professional services. The provisions of this Section shall apply to advertising of any nature regardless of whether it is in the form of paid advertising.

Dental Public Health—the science and art of preventing and controlling dental diseases and promoting dental health through organized community efforts. It is that form of dental practice which serves the community as a patient rather than the individual. It is concerned with the dental health education of the public, with applied dental research, and with the administration of group dental care program, as well as the prevention and control of dental diseases on a community basis. Implicit in this definition is the requirement that the specialist have broad knowledge and skills in public health administration, research methodology, the prevention and control of oral diseases, the delivery and financing of oral health care, and the identification and development of resources to accomplish health goals.

Endodontics—the branch of dentistry that is concerned with the morphology, physiology, and pathology of the human dental pulp and periradicular tissues. Its study and practice encompasses the basic clinical sciences including biology of the normal pulp; the etiology, diagnosis, prevention, and treatment of diseases and injuries of the pulp; and associated periradicular condition.

Oral and Maxillofacial Surgery—the specialty of dentistry which includes the diagnosis, surgical and adjunctive treatment of diseases, injuries and defects involving both the functional and aesthetic aspects of the hard and soft tissues of the oral and maxillofacial region.

Oral Pathology—the specialty of dentistry and discipline of pathology which deals with the nature, identification, and management of diseases affecting the oral and maxillofacial regions. It is a science that investigates the causes, processes and effect of these diseases. The practice of oral pathology includes research, diagnosis of diseases using clinical, radiographic, microscopic, biochemical, or other examinations, and management of patients.

Orthodontics and Dentofacial Orthopedics—the area of dentistry concerned with the supervision, guidance and correction of the growing or mature dentofacial structures, including those conditions that require movement of teeth or correction of malrelationships and malformations of their related structures and the adjustment of relationships between and among teeth and facial bones by the application of forces and/or the stimulation and redirection of functional forces within the craniofacial complex. Major responsibilities of orthodontic practice include the diagnosis, prevention, interception and treatment of all forms of malocclusion of the teeth and associated alterations of their surrounding structures; the design, application and control of functional and corrective appliances; and the guidance of the dentition and its supporting structures to attain and maintain optimum occlusal relations in physiological and aesthetic harmony among facial and cranial structures.

Pediatric Dentistry—the practice and teaching of comprehensive preventive and therapeutic oral health care for children from birth through adolescence. It shall be construed to include care for special patients beyond the age of adolescence who demonstrate mental, physical and/or emotional problems.

Periodontics—is that specialty of dentistry which encompasses the prevention, diagnosis and treatment of diseases of the supporting and surrounding tissues of the teeth or their substitutes and the maintenance of the health, function and esthetics of those structures and tissues.

Prosthodontics—the branch of dentistry pertaining to the restoration and maintenance of oral function, comfort, appearance and health of the patient by the restoration of the natural teeth and/or the replacement of missing teeth and contiguous oral and maxillofacial tissue with artificial substitutes.

E. Prohibition on Misrepresentative or Fraudulent Advertising. No dentist shall disseminate or cause the dissemination of any advertisement or advertising which is in any way fraudulent, false, deceptive, or misleading in form or content. Additionally, no dentist shall disseminate or cause the dissemination of any advertisement or advertising which:

1. contains misrepresentations of fact;
2. is likely to mislead or deceive because in its context or in the context in which it is presented it makes only a partial disclosure of relevant facts;
3. contains laudatory statements about the dentist or group of dentists;
4. is intended or likely to create false, unjustified expectations of favorable results;

5. relates to the quality of dental services provided as compared to other available dental services;

6. advertises any procedure mandated or prohibited by law;

7. contains other representations or implications that in reasonable probability will cause an ordinary prudent person to misunderstand or to be deceived. For example, it is fraudulent, false, deceptive, and misleading for a dentist who utilizes a laser in his dental practice to advertise that the use of lasers is painless, heals faster, or provides better results than other dental procedures. However, a dentist may advertise that he treats patients with a laser in certain circumstances.

F. Prohibition of In Person and Telephone Solicitations. In person and telephone solicitation of dental patients by a dentist or his agent poses an inherent danger to the public because such advertising cannot be supervised, may exert pressure on the prospective patient, and often demands an immediate response without affording the prospective patient an opportunity for comparison or reflection. Unlike an advertisement appearing in print or on television or radio, in person and telephone solicitation does not simply provide information and leave the recipient free to act or not, but is ripe with the potential for overbearing persuasion. Accordingly, in person and telephone solicitation of dental services by a dentist or his agent is prohibited.

G. Advertising through or with Referral Services. Any dentist who advertises by, through or with a referral service shall be held responsible for the content of such advertising, and all advertisements shall comply with this rule and contain the following:

1. a statement that the advertisement is for a dental referral service and is in behalf of the dentist members of the referral service;

2. a statement that the referral service refers only to those dentists who have paid or been otherwise selected for membership in the referral service if payment for membership is not a requirement of the referral service;

3. a statement that membership in the referral service is limited by the referral agency;

4. a statement that dentists who receive referrals from the referral service charge no more than their usual and customary professional fees for service;

5. these required statements shall be present in reasonably recognizable print or volume equivalent to the size or volume of other information in the advertisement.

H. Disclosure of Area of Practice

1. Specialists must disclose their specialties in print larger than and/or bolder and noticeably more prominent than any service offered in their specialty or related area of dentistry.

2. Those dentists who have not completed a post-doctoral training program in an approved specialty of dentistry listed in Subsection C of this Section must advertise their areas of practice in such a way that the public is not misled into believing that the dentist has met the educational requirements for the specialties listed.

3. Anyone not qualified for the specialties listed in Subsection C must disclose "General Dentistry" or "Family Dentistry" in print larger and/or bolder and noticeably more prominent than any area of practice or service advertised.

4. Those group practices which include general dentists and specialists must list the phrase "General Dentistry and Specialty Practice" or "Family Dentistry and Specialty Practice" larger and/or bolder and noticeably more prominent than any service offered. All dentists associated with the group and their area of practice shall be listed.

I. Prohibition on Advertising Names of Persons Not Involved in Practice Advertising which includes the name of a person who is neither actually involved in the practice of dentistry at the advertised location nor an owner of the practice being advertised is not permitted. However, to facilitate the smooth transition of a practice after its sale from one licensee to another, it is permissible to identify the previous owner in advertising by the new owner for a reasonable period of time not to exceed a period of six months. This rule does not provide authority to use a previous owner's name in any advertising without first obtaining that licensee's written permission to do so.

J. Advertisement of Fees and Discounted Services

1. An appropriate disclosure regarding advertised fees is necessary to protect the public since there is no uniform code available which would enable a fair and rational selection based upon advertised fees.

2. Any advertisement containing fee information shall contain a disclaimer statement that the fee is a minimum fee, and that the charges may increase depending on the treatment required, if any.

3. Any advertised fee for a dental service shall state a specified period during which the fee is in effect or that service shall remain available at or below the advertised fee for at least 90 days following the final advertisement for that service.

4. Any dental service by which a fee is advertised shall be accompanied either by a description of that service using the exact wording for that service contained in the American Dental Association's (ADA) "Code on Dental Procedures and Nomenclature" which is hereby adopted and incorporated by reference, or by the specific ADA code number or numbers which accurately and fully describes the advertised dental service. Listing of a category of service (e.g., diagnostic, preventative, restorative, endodontics, periodontics, prosthodontics-removal, prosthodontics-fixed, oral surgery, orthodontics and dentofacial orthopedics) or a sub-category (any procedure whose ADA code number ends in "00", e.g., root canal therapy 03300) is not sufficient for the purpose of advertising a fee. The advertisement must specify by use of exact nomenclature or exact code number which procedure within the sub-category is being offered. If no fee is specified for a procedure advertised, a general description of the procedure by category or sub-category is permitted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Dentistry, December 1970, amended 1971, amended and promulgated LR 13:179 (March 1987), amended by Department of Health and Hospitals, Board of Dentistry, LR 15:966 (November 1989), LR 18:739 (July 1992), LR 20:657 (June 1994), LR 21:

Interested persons may submit written comments on this proposed rule to C. Barry Ogden, Executive Director, Louisiana State Board of Dentistry, 1515 Poydras Street, Suite 1850, New Orleans, LA 70112. Written comments must be submitted to and received by the board within 60 days of this notice.

A request pursuant to R.S. 49:953(A)(2) for oral presentation, argument or public hearing must be made in writing and received by the board within 20 days of the date of this notice.

C. Barry Ogden
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

RULE TITLE: Advertising and Soliciting by Dentists

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no estimated implementation of costs or savings to the Louisiana State Board of Dentistry (LSBD) or any other state or local governmental unit.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no effect on revenue collections by the LSBD or any other state or local governmental unit.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
There will be no costs and/or economic benefit to directly affected persons or nongovernmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There will be no effect on competition and employment.

C. Barry Ogden
Executive Director
9503#018

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Department of Health and Hospitals Board of Dentistry

Authorized Duties of Expanded Duty Dental Assistants (LAC 46:XXXIII.502)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Dental Practice Act, R.S. 37:751 et seq., and R.S. 37:760(8), notice is hereby given that the Department of Health and Hospitals, Board of Dentistry intends to amend LAC 46:XXXIII.502, Authorized Duties of Expanded Duty Dental Assistants. No preamble has been prepared.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XXXIII. Dental Health Professions

Chapter 5. Dental Assistants

§502. Authorized Duties of Expanded Duty Dental Assistants

An expanded duty dental assistant may perform the following duties:

1. - 7. ...

8. make impressions for occlusal splints, orthodontic retainers, and functional appliances.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 19:205 (February 1993), amended, LR 21:

Interested persons may submit written comments on this proposed rule to C. Barry Ogden, Executive Director, Louisiana State Board of Dentistry, 1515 Poydras Street, Suite 1850, New Orleans, LA 70112. Written comments must be submitted to and received by the board within 60 days of this notice.

A request pursuant to R.S. 49:953(A)(2) for oral presentation, argument or public hearing must be made in writing and received by the board within 20 days of the date of this notice.

C. Barry Ogden
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Authorized Duties of Expanded Duty Dental Assistants

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no estimated implementation of costs or savings to the Louisiana State Board of Dentistry (LSBD) or any other state or local governmental unit.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections by the LSBD or any other state or local governmental unit.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There will be no costs and/or economic benefit to directly affected persons or nongovernmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

C. Barry Ogden
Executive Director
9503#021

David W. Hood
Senior Fiscal Analyst
9503#021

NOTICE OF INTENT

Department of Health and Hospitals Board of Dentistry

Continuing Education Requirements (LAC 46:XXXIII.Chapter 16)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Dental Practice Act, R.S. 37:751 et seq., and R.S. 37:760(8), notice is hereby given that the Department of Health and Hospitals, Board of Dentistry intends to amend LAC 46:XXXIII.Chapter 16, Continuing Education Requirements. No preamble has been prepared.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XXXIII. Dental Health Professions

Chapter 16. Continuing Education Requirements §1611. Continuing Education Requirements for Relicensure of Dentists

A. - E. ...

F. Past and present dentist members of the Louisiana State Board of Dentistry are allowed four hours of continuing dental education credit for each meeting of the American Association of Dental Examiners attended by said past or present dentist member.

G. Credit will not be given for speeches given at meals, such as lunches or banquets.

H. No credit will be given for activities directed primarily to persons preparing for licensure in Louisiana.

I. No credit will be given for activities sponsored by dental schools, dental practices, or federal, state or local agencies for the sole or principal benefit of their own members or employees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 20:661 (June, 1994), amended by the Department of Health and Hospitals, Board of Dentistry, LR 21:

§1613. Continuing Education Requirements for Relicensure of Dental Hygienists

A. - E. ...

F. Past and present dental hygiene members of the Louisiana State Board of Dentistry are allowed four hours of continuing dental hygiene education credit for each meeting of the American Association of Dental Examiners attended by said past or present dental hygiene member.

G. Credit will not be given for speeches given at meals, such as lunches or banquets.

H. No credit will be given for activities directed primarily to persons preparing for licensure in Louisiana.

I. No credit will be given for activities sponsored by dental schools, dental practices, or federal, state or local agencies for the sole or principal benefit of their own members or employees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 20:661 (June, 1994), amended by the Department of Health and Hospitals, Board of Dentistry, LR 21:

§1617. Continuing Education while on Inactive Status, and Requirements for Return to Active Status

A. Dentists and dental hygienists are not required to obtain continuing dental or dental hygiene education hours while in the retired or inactive status.

B. All dentists seeking to return to the active status must satisfy continuing education requirements as set forth in LAC 46:XXXIII.1611. The dentist must provide adequate documentation evidencing his/her satisfactorily completing continuing dental education hours for those years while he/she was in the retired status. The number of hours may be increased or decreased as determined by the board on a case-by-case basis.

C. All dental hygienists seeking to return from the inactive to the active status must satisfy continuing dental hygiene education requirements as set forth in LAC 46:XXXIII.1613. The dental hygienist must provide adequate documentation evidencing his/her satisfactorily completing continuing dental hygiene education hours for those years while he/she was in the inactive status. The number of hours may be increased or decreased as determined by the board on a case-by-case basis.

AUTHORITY NOTE: Promulgated in accordance R.S. 37:760(8)(13).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 20:662 (June 1994), amended LR 21:

Interested persons may submit written comments on this proposed rule to C. Barry Ogden, Executive Director, Louisiana State Board of Dentistry, 1515 Poydras Street, Suite 1850, New Orleans, LA 70112. Written comments must be submitted to and received by the board within 60 days of this notice.

A request pursuant to R.S. 49:953(A)(2) for oral presentation, argument or public hearing must be made in writing and received by the board within 20 days of the date of this notice.

C. Barry Ogden
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Continuing Education Requirements

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no estimated implementation of costs or savings to the Louisiana State Board of Dentistry (LSBD) or any other state or local governmental unit.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no effect on revenue collections by the LSBD or any other state or local governmental unit.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
There will be no costs and/or economic benefit to directly affected persons or nongovernmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There will be no effect on competition and employment.

C. Barry Ogden
Executive Director
9503#023

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Health and Hospitals
Board of Dentistry**

**Requirements of Applicants for Licensure
by Credentials (LAC 46:XXXIII.706)**

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Dental Practice Act, R.S. 37:751 et seq., and R.S. 37:760(8), notice is hereby given that the Department of Health and Hospitals, Board of Dentistry intends to amend LAC 46:XXXIII.706, Requirements of Applicants for Licensure by Credentials. No preamble has been prepared.

Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS

Part XXXIII. Dental Health Professions

Chapter 7. Dental Hygienists

§706. Requirements of Applicants for Licensure by Credentials

A.1. - 7. ...

8. has never been charged with and found guilty of or entered into a consent decree with any state board of dentistry within the previous five years before applying for licensure by credentials to any charge affecting his ability to practice dentistry or showing evidence of unprofessional conduct;

9. - 18. ...

19. in addition, applicants must also meet those requirements set forth in R.S. 37:761 and LAC 46:XXXIII.103.

20. further, applicants must be in compliance with or not be found guilty of any violations of R.S. 37:775 and/or R.S. 37:777.

B. Regardless of the applicant's compliance with the foregoing requirements, the board may refuse to issue a dental hygiene license based on the applicant's credentials for any reason listed in LSA-R.S. 37:775 or LSA-R.S. 37:777.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 18:739 (July, 1992), amended LR 21:

Interested persons may submit written comments on this proposed rule to C. Barry Ogden, Executive Director, Louisiana State Board of Dentistry, 1515 Poydras Street, Suite 1850, New Orleans, LA 70112. Written comments must be submitted to and received by the board within 60 days of this notice.

A request pursuant to R.S. 49:953(A)(2) for oral presentation, argument or public hearing must be made in writing and received by the board within 20 days of the date of this notice.

C. Barry Ogden
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

RULE TITLE: Requirements of Applicants for Licensure by Credentials

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no estimated implementation of costs or savings to the Louisiana State Board of Dentistry (LSBD) or any other state or local governmental unit.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections by the LSBD or any other state or local governmental unit.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There will be no costs and/or economic benefit to directly affected persons or nongovernmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

C. Barry Ogden
Executive Director
9503#022

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Department of Health and Hospitals
Board of Dentistry

Requirements of Applicants for Licensure by Credentials (LAC 46:XXXIII.306)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Dental Practice Act, R.S. 37:751 et seq., and R.S. 37:760(8), notice is hereby given that the Department of Health and Hospitals, Board of Dentistry intends to amend LAC 46:XXXIII.306, Requirements of Applicants for Licensure by Credentials. No preamble has been prepared.

Title 46

PROFESSIONAL AND OCCUPATIONAL
STANDARDS

Part XXXIII. Dental Health Professions

Chapter 3. Dentists

§306. Requirements of Applicants for Licensure by Credentials

A.1. - 16. ...

17. possesses a current certificate in the American Heart Association (AHA) cardiopulmonary resuscitation health care provider course or its equivalent.

18. is a citizen or permanent resident of the United States unless otherwise prohibited by the North American Free Trade Agreement.

19. ...

20. in addition, applicants must also meet those requirements set forth in R.S. 37:761 and LAC 46:XXXIII.103.

B. Regardless of the applicant's compliance with the foregoing requirements, the board may refuse to issue a dental or dental hygiene license based on the applicant's credentials for any reason listed in LSA-R.S. 37:775 and LSA-R.S. 37:776.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 18:739 (July, 1992), amended LR 21:

Interested persons may submit written comments on this proposed rule to C. Barry Ogden, Executive Director, Louisiana State Board of Dentistry, 1515 Poydras Street, Suite 1850, New Orleans, LA 70112. Written comments must be submitted to and received by the board within 60 days of this notice.

A request pursuant to R.S. 49:953(A)(2) for oral presentation, argument or public hearing must be made in writing and received by the board within 20 days of the date of this notice.

C. Barry Ogden
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**
**RULE TITLE: Requirements of Applicants for Licensure by
Credentials**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no estimated implementation of costs or savings to the Louisiana State Board of Dentistry (LSBD) or any other state or local governmental unit.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no effect on revenue collections by the LSBD or any other state or local governmental unit.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
There will be no costs and/or economic benefit to directly affected persons or nongovernmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There will be no effect on competition and employment.

C. Barry Ogden
Executive Director
9503#019

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Health and Hospitals
Board of Dentistry**

**Requirements for Restricted Licensees
(LAC 46:XXXIII.105)**

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Dental Practice Act, R.S. 37:751 et seq., and R.S. 37:760(8), notice is hereby given that the Department of Health and Hospitals, Board of Dentistry intends to adopt LAC 46:XXXIII.105, Requirements for Restricted Licensees. No preamble has been prepared.

**Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part XXXIII. Dental Health Professions

Chapter 1. General Provisions

§105. Requirements for Restricted Licensees

A. All applicants for a restricted license must successfully complete the Louisiana State Board of Dentistry examination in jurisprudence prior to the issuance of said license, except those licenses issued for less than two months.

B. All recipients of restricted licenses who are members of the faculty of the LSU system must successfully complete a competency examination administered by the board within two years of receiving said restricted license in order to maintain same unless the restricted licensee meets all requirements for a general license and receives same within two years from receipt of the original restricted license.

C. All applicants for restricted licenses who graduated from a dental school not accredited by the Commission on Dental Accreditation of the American Dental Association and are part of the faculty of the LSU system, must submit with the restricted license application:

1. a letter from the dean of the dental school that he/she attended attesting to the applicant's successful completion of the course of study; and

2. a letter from the LSU system showing that the applicant is or is expected to be a member of its faculty, and verifying the competency of the applicant.

D. Restricted licenses may be issued to residents and/or graduate students in the LSU system, but those licenses are only valid during the time the applicant is a resident and/or graduate student in the LSU system.

E. Oral surgery residents who attend medical school as a requirement of their residency training may keep their restricted license active during medical school, but may only work in the hospital sponsoring the residency or its affiliates.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 21:

Interested persons may submit written comments on this proposed rule to C. Barry Ogden, Executive Director, Louisiana State Board of Dentistry, 1515 Poydras Street, Suite 1850, New Orleans, LA 70112. Written comments must be submitted to and received by the board within 60 days of this notice.

A request pursuant to R.S. 49:953(A)(2) for oral presentation, argument or public hearing must be made in writing and received by the board within 20 days of the date of this notice.

C. Barry Ogden
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Requirements for Restricted Licensees**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no estimated implementation of costs or savings to the Louisiana State Board of Dentistry (LSBD) or any other state or local governmental unit.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be little or no effect on revenue collections by the LSBD or any other state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
Affected persons will obtain a license which costs approximately the same as their present license to renew. They will either take an exam for \$100 or be licensed via credentials for \$1,500.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
Approximately 32 dentists will be allowed to practice on the public in a private setting as opposed to being restricted to practice only under the supervision of the dental school.

C. Barry Ogden
Executive Director
9503#012

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Health and Hospitals
Board of Dentistry**

**Transmission Prevention of Hepatitis B Virus,
Hepatitis C Virus and Human Immunodeficiency
Virus (LAC 46:XXXIII.Chapter 12)**

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Dental Practice Act, R.S. 37:751 et seq., and R.S. 37:760(8), notice is hereby given that the Department of Health and Hospitals, Board of Dentistry intends to amend LAC 46:XXXIII.Chapter 12, Transmission Prevention of Hepatitis B Virus, Hepatitis C Virus and Human Immunodeficiency Virus. No preamble has been prepared.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part XXXIII. Dental Health Professions

**Chapter 12. Transmission Prevention of Hepatitis B
Virus, Hepatitis C Virus and Human
Immunodeficiency Virus**

§1201. Scope of Chapter

As authorized and mandated by R.S. 37:1747, the rules of this Chapter prescribe practice and reporting requirements for dental health care providers including, but not limited to,

dentists and dental hygienists to protect the public from the risk of the transmission of the Hepatitis B virus (HBV), Hepatitis C virus (HCV), and the Human Immunodeficiency Virus (HIV) to patients.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8) and R.S. 37:1747.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 18:741 (July, 1992), amended LR 21:

§1202. Definitions

As used in this Chapter, the following terms shall have the meanings specified:

HCV—the Hepatitis C virus.

HCV Seronegative—a condition where one has been HCV seropositive but is no longer infectious under the criteria of the Federal Centers for Disease Control of the Association of State and Territorial Public Health Laboratory Directors, or where one has never been infected with HCV.

HCV Seropositive—a condition where one has developed antigens sufficient to diagnose seropositivity to HCV evidencing infectability under the criteria of the Federal Centers for Disease Control or the Association of State Territorial Public Health Laboratory Directors.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8) and R.S. 37:1747.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 18:741 (July, 1992), amended LR 21:

§1203. Universal Precautions

A. All dental health care providers who perform invasive procedures or perform functions ancillary to invasive procedures shall, in the performance of any such procedures or functions, strictly observe recognized universal precautions as currently recommended by the Federal Centers for Disease Control to minimize the risk of transmission of HBV, HCV or HIV.

B. In the event that the Federal Centers for Disease Control issue a new version of their recommendations for universal precautions; the board will take into consideration the nature of the changes to those recommendations and establish a reasonable period of time in which dental health care providers have to comply with any new or altered recommendations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8) and R.S. 37:1747.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 18:742 (July, 1992), amended LR 21:

§1205. Prohibitions and Restrictions

Except as may be permitted pursuant to §1207(G) and §1210 of this Chapter, a dental health care provider who is seropositive for HBV, HCV, or HIV, or who otherwise knows or should know that he or she carries and is capable of transmitting HBV, HCV, and HIV, shall not thereafter perform or participate directly in an exposure-prone procedure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8) and R.S. 37:1747.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 18:742 (July, 1992), amended LR 21:

§1206. Exception; Informed Consent of Patient

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8) and R.S. 37:1747.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 18:741 (July, 1992), repealed LR 21:

§1207. Self-reporting

A. Any dental health care provider who in the course of practice may at any time undertake to perform or participate in an exposure-prone procedure and who is or becomes HBV seropositive, HCV seropositive, or HIV seropositive shall be required to give notice of such seropositivity to the board in accordance with the provisions of this Section.

B. Within 90 days of the effective date of this Chapter, any dental health care provider who has previously been verified as being HBV seropositive, HCV seropositive, or HIV seropositive shall give notice of such diagnosis to the board on a reporting form supplied by the board.

C. Within 10 days from the date on which a dental health care provider has been verified as being HBV seropositive, HCV seropositive, or HIV seropositive, the dental health care provider shall give notice of such diagnosis to the board on a reporting form supplied by the board which shall be mailed to the executive director of the board, marked "Personal and Confidential" by registered or certified mail.

D. An applicant for licensure as a dental health care provider who at the time of application is verified as being HBV seropositive, HCV seropositive, or HIV seropositive shall acknowledge such diagnosis in his or her written application to the board.

E. - F. ...

G. Reports from two physicians and two laboratories evidencing change in the dental health care provider's serostatus shall be submitted to the executive director for the board evaluation of the change of serostatus when any dental health care provider previously verified as HBV seropositive or HCV seropositive who becomes HBV seronegative or HCV seronegative.

H. Any dental health care provider or applicant for licensure who is required under this Section to report his/her HBV, HCV, or HIV seropositive status and fails or neglects to provide notice as set forth in this Section shall be deemed in violation of R.S. 37:776(A)(1), (3), (7), (12), (16), (17), (20) and (24), and subject to sanctions associated therewith.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8) and R.S. 37:1747.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 18:743 (July, 1992), amended LR 21:

§1208. Confidentiality of Reported Information

A. ...

B. The identity of the seropositive practitioner or applicant for licensure who has reported their status as being HBV, HCV, or HIV seropositive pursuant to Section 1207 of this Chapter shall be maintained in confidence by the board on all matters pertaining to the HBV, HCV, and HIV diseases, and shall not be disclosed to any other party, except as may be necessary in the investigation or prosecution of suspected violations of this Chapter, necessary for the evaluation and monitoring of the physical and psychological condition of the seropositive practitioner or applicant for licensure, or as allowed by R.S. 40:1300.14.

C. Provided that the identity of self-reporting practitioners and applicants seeking licensure is not disclosed, the provisions of this Section shall not be deemed to prevent disclosure by the board of statistical data derived from such reports, including, without limitation, the number and licensure class of those who have reported themselves as HBV, HCV, or HIV seropositive and their geographical distribution.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8) and R.S. 37:1747.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 18:743 (July, 1992), amended LR 21:

§1209. Advertisement of HBV, HCV or HIV Status Prohibited

No licensee may advertise within the state of Louisiana his/her HBV, HCV or HIV status or whether the dental office or environment is free of HBV, HCV or HIV.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8) and R.S. 37:1747.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 18:743 (July, 1992), amended LR 21:

§1210. Authorization to Practice; Expert Review Panel

A. Dental health care providers who are HBV, HCV or HIV seropositive shall not perform exposure-prone procedures unless and until they have provided proper notice as required by this Chapter; submitted to periodic physical and psychological evaluations by board-appointed expert review panel, and have received authorization to practice and perform procedures as determined by said appointed panel. The panel shall serve as a consultant on a case-by-case determination of whether a procedure, when performed by a particular dental health care provider, does not pose a danger to the public. The panel must timely report any adverse or detrimental changes in the physical or psychological condition of the dental health care provider to the board. Following receipt of any and all such reports, the board shall have the right and the duty to re-evaluate the authorized procedures being practiced by the dental health care provider and may revise same or revoke same in its entirety if said report shows a change in the dental health care provider's physical or psychological condition which may affect the safety of the public.

B. Upon receipt of an adverse report from the panel, the board must review and evaluate said report, within 15 days of receipt of same, and take any and all necessary action to protect the safety of the public.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8) and R.S. 37:1747.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 18:743 (July, 1992), amended LR 21:

Interested persons may submit written comments on this proposed rule to C. Barry Ogden, Executive Director, Louisiana State Board of Dentistry, 1515 Poydras Street, Suite 1850, New Orleans, LA 70112. Written comments must be submitted to and received by the board within 60 days of this notice.

A request pursuant to R.S. 49:953(A)(2) for oral presentation, argument or public hearing must be made in writing and received by the board within 20 days of the date of this notice.

C. Barry Ogden
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Transmission Prevention of HBV, HCV and HIV

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no estimated implementation of costs or savings to the Louisiana State Board of Dentistry (LSBD) or any other state or local governmental unit.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections by the LSBD or any other state or local governmental unit.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There will be no costs and/or economic benefit to directly affected persons or nongovernmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

C. Barry Ogden
Executive Director
9503#011

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Department of Health and Hospitals Board of Dentistry

Transportation Provided to Patients by Dentists (LAC 46:XXXIII.310)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Dental Practice Act, R.S. 37:751 et seq., and R.S. 37:760(8), notice is hereby given that the Department of Health and Hospitals, Board of Dentistry intends to adopt LAC 46:XXXIII.310, Transportation Provided to Patients by Dentists. No preamble has been prepared.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XXXIII. Dental Health Professions

Chapter 3. Dentists

§310. Transportation Provided to Patients by Dentists

When transportation is provided to a patient by a dentist, or his agent, for the purpose of providing dental care to that patient, transportation must be provided for all subsequent follow-up treatments for the patient until all diagnosed treatment is completed. The dentist must keep written documentation for a minimum of three years following the initial visit by the patient evidencing his providing of transportation and/or his offer to provide transportation. An offer to provide transportation shall contain a signature by the patient, or the patient's parent or guardian, showing that they accepted or declined the offer of transportation for dental care. Lack of documentation shall be prima facie evidence that the offer to provide transportation was not made by the dentist.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 21:

Interested persons may submit written comments on this proposed rule to C. Barry Ogden, Executive Director, Louisiana State Board of Dentistry, 1515 Poydras Street, Suite 1850, New Orleans, LA 70112. Written comments must be submitted to and received by the board within 60 days of this notice.

A request pursuant to R.S. 49:953(A)(2) for oral presentation, argument or public hearing must be made in writing and received by the board within 20 days of the date of this notice.

C. Barry Ogden
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Transportation Provided to Patients by Dentists

- I. **ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**
There is no estimated implementation of costs or savings to the Louisiana State Board of Dentistry (LSBD) or any other state or local governmental unit.
- II. **ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**
There will be no effect on revenue collections by the LSBD or any other state or local governmental unit.
- III. **ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**
There may be small additional transportation costs.
- IV. **ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**
There will be no effect on competition and employment.

C. Barry Ogden
Executive Director
9503#020

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Health and Hospitals
Office for Citizens with Developmental Disabilities**

**Medication Attendant Certification
(LAC 48:IX.Chapter 7)**

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities proposes to adopt the rules pursuant to R.S. 37:1021-1025, as amended, for the purpose of training and certifying unlicensed personnel to administer certain medications to residents of intermediate care facilities for the mentally retarded and community homes for the mentally retarded funded through the Department of Health and Hospitals and individuals in programs/agencies contracting for services with DHH except as prohibited in LAC 48:IX.711.B.5. The Department of Health and Hospitals, Bureau of Health Services Financing, Health Standards Section has been instrumental in developing the core curriculum and the criteria for certification of medication attendants in concert with the State Board of Nursing, State Board of Practical Nurse Examiners, private providers and the Office for Citizens with Developmental Disabilities.

The full text of this proposed rule may be obtained by contacting the Office of the State Register, 1051 North Third Street, Room 512, Baton Rouge, LA 70802, telephone (504) 342-5015, or by contacting the Office for Citizens with Developmental Disabilities, 1201 Capitol Access Road, Fourth Floor, Baton Rouge, LA.

Interested persons may submit written comments to Susan Bowman, Assistant Secretary, Office for Citizens with Developmental Disabilities, Box 3117, Bin 21, Baton Rouge LA 70821-3117. She is responsible for responding to inquiries regarding this proposed rule. A public hearing has been scheduled for Friday, April 28, 1995, at 1 p.m., in the auditorium of the Department of Transportation and Development at 1201 Capitol Access Road, Baton Rouge, LA. At that time interested parties will be afforded an opportunity to submit data, views, or arguments, orally or in writing at said hearing. Written comments will be received until 4 p.m. on the day of the public hearing.

Rose V. Forrest
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Guidelines for Certification of Medication Attendants**

- I. **ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**
There are no costs associated with implementing these guidelines.
- II. **ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**
There is no estimated effect on revenue collections of state or local governmental units.
- III. **ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**
There are no estimated costs or economic benefits to affected persons or nongovernmental units.
- IV. **ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**
There is no significant effect on competition and employment anticipated.

Susan E. Bowman, M.S., CCC-SLP
Assistant Secretary
9503#078

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Health and Hospitals
Office of the Secretary**

Voter Registration Assistance

The Department of Health and Hospitals, Office of Secretary proposes to adopt the following emergency rule in the Medicaid and the Women, Infants and Children (WIC) Programs. This proposed rule is in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Hospitals, Office of the Secretary, oversees the administration of the Medicaid and the Women, Infants and Children Programs which are designated as voter registration agencies pursuant to Act 10 of the 1994 Third Extraordinary Session of the Louisiana Legislature. These agencies are thereby required to provide assistance to Medicaid and WIC applicants and eligibles in registering to vote. Therefore, the department proposes to adopt the following rule in the Medicaid and the Women, Infants and Children Programs to fulfill the mandates of these agencies as voter registration agencies.

This proposed rule is being adopted to comply with Public Law 103-31 of the 103rd Congress which mandates that states designate all offices in the state that provide public assistance as voter registration agencies. Adoption of this rule is necessary to avoid sanctions or penalties from the United States government.

Proposed Rule

The Department of Health and Hospitals, Office of the Secretary designates the parish offices for the Medicaid and the Women, Infants and Children Programs as voter assistance agencies which shall provide the following services during regular office hours:

- 1) distribution of a mail voter registration application form to any applicant or recipient who is qualified to register;
- 2) assistance to any applicant or recipient in completing voter registration application forms, unless the person refuses such assistance;

- 3) acceptance of completed voter registration application forms for submission to the registrar of voters within the parish where the voter registration agency is located;

- 4) acceptance of any change of address or change of name submitted by a registrant to an agency which shall serve as a notification of change of address or change of name for voter registration unless the registrant states at the time of submitting the change that the change is not for voter registration purposes. The transmittal procedure shall be handled in the same manner as voter registration applications.

Interested persons may submit written comments to Edward Sharp, Office of the Secretary, Box 629, Baton Rouge, LA 70821-0629. He is the person responsible for responding to inquiries regarding this proposed rule.

A public hearing will be held on this matter at 9:30 a.m. Tuesday, April 24, 1995 in the Department of Transportation and Development Auditorium, 1201 Capitol Access Road, Baton Rouge, LA. At that time all interested parties will be afforded an opportunity to submit data, views or arguments, orally or in writing. The deadline for the receipt of all comments is 4:30 p.m. on the day of the public hearing.

Rose V. Forrest
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Voter Registration Assistance

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Implementation of this rule is projected to increase state expenditures by \$166,103 in SFY 1994-95, \$215,707 for SFY 1995-96 and \$265,201 SFY 1996-97.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Implementation of this rule will increase federal revenue collections by \$166,103 for SFY 95, \$215,707 for SFY 96, \$265,201 for SFY 97.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
There are no costs to persons or groups directly affected by this proposed rule. WIC and Medicaid applicants and recipients will benefit by applications or redeterminations.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no known effect on competition and employment.

Rose V. Forrest
Secretary
9503#053

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Department of Natural Resources
Office of the Secretary
Coastal Management Division

Mitigation (LAC 43:I.Chapter 7)

In accordance with R.S. 49:214.41 and the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Natural Resources, Office of the Secretary, proposes to amend LAC Title 43, Part I, Chapter 7. This notice of intent supersedes that which appeared in the *Louisiana Register*, Volume 20, Number 3, March 20, 1994, Page 352.

Chapter 7 is entitled Coastal Management Division and presently includes the coastal use guidelines (§§701 - 721) and regulations for the Louisiana Coastal Resources Program (§§723 - 731). The proposed amendment would:

1. reorganize Chapter 7 into six subchapters, of which Subchapter A would amend definitions from existing §§721 and 731 and insert new definitions to support the proposed §724;
2. insert §724 (Rules and Procedures for Mitigation); and
3. modify the existing §723 to link proposed §724 to the existing rule.

Part of the Louisiana Coastal Resources Program involves operation of a regulatory program which permits certain uses of the Louisiana Coastal Zone. Some permitted uses of the coastal zone cause the loss of wetland ecological

adoption of the national standards. The amendments include repeal of §113.A.7.d, which pertained to storage of portable containers awaiting use or resale, and subparagraphs e - h are not being revised, rather these are being relettered in alphabetical order. Also §1549 through §1611 are being repealed in their entirety.

Title 55

PUBLIC SAFETY

Part IX. Liquefied Petroleum Gas

Chapter 1. General Requirements

Subchapter A. New Dealers

§113. Classes of Permits

A.1. - 7.c. ...

d. Must pay permit fee for first year's operations in the amount of \$75 to the Liquefied Petroleum Gas Commission of the State of Louisiana. For all succeeding years the permit fee shall be one-fourth of one percent of the gross annual sales of liquefied petroleum gases, with a minimum of \$75.

Pursuant to Louisiana R.S. 47:1508, each dealer shall authorize the secretary of the Department of Revenue and Taxation to provide to the director of the Liquefied Petroleum Gas Commission or his designee upon the request of the director of the Liquefied Petroleum Gas Commission or his designee, the records and files of the dealer, including but not limited to any return, any report, or any other paper filed by the dealer, maintained by the secretary of the Department of Revenue and Taxation. Any information so furnished shall be considered and held confidential and privileged by the Liquefied Petroleum Gas Commission, its director and/or his designee.

e. Any current Class VI permit holder may convert to a Class VI-X permit by filing formal application with the Liquefied Petroleum Gas Commission and submitting a \$25 filing fee. Presence of the applicant at the commission meeting will be waived. Upon receipt of the application and filing fee, permit will be issued. No dealer can hold a Class VI and a Class VI-X permit at the same location.

f. Person in charge of operations must be satisfactory to the commission and the director of the Liquefied Petroleum Gas Commission.

g. Compliance with all other applicable rules and regulations will be required.

AUTHORITY NOTE: Promulgated in accordance with R. S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, LR 3:315 (July 1977), LR 7:633 (December 1981), LR 8:53 (January 1982), LR 11:557 (May 1985), LR 12:841 (December 1986), LR 15:855 (October 1989), LR 16:1063 (December 1990), LR 19:904 (July 1993); LR 20:1400 (December 1994); LR 21:

* * *

§1549. Aboveground Installations

Repealed.

§1551. Underground Containers

Repealed.

§1553. Refrigerated Aboveground Storage

Repealed.

§1555. Relief Valves Vent Requirements

Repealed.

§1557. Storage Areas

Repealed.

§1559. Emergency Plan of Operation

Repealed.

§1561. Accessories

Repealed.

§1563. First Aid Equipment

Repealed.

§1565. Farm Wagon or Farm Trailer Equipment

Repealed.

§1567. Mounting of Tanks on Farm Wagons or Farm Trailers

Repealed.

§1569. Protecting Fittings

Repealed.

§1571. Valves

Repealed.

§1573. Filling Containers

Repealed.

§1575. Tractor Equipment

Repealed.

§1577. Filling Tractor Tanks

Repealed.

§1579. Road Transports

Repealed.

§1581. Approval of Containers and Installations

Repealed.

§1583. Construction of Containers

Repealed.

§1585. Valves and Accessories

Repealed.

§1587. Piping, Tubing and Fittings

Repealed.

§1589. Safety Devices

Repealed.

§1591. Transfer of Liquids

Repealed.

§1593. Mounting of Containers

Repealed.

§1595. Electrical Equipment

Repealed.

§1597. Trailers and Semi-trailers

Repealed.

§1599. Protection Against Collision

Repealed.

§1601. Markings on Container

Repealed.

§1603. First Aid Equipment

Repealed.

§1605. Delivery Sites

Repealed.

§1607. ICC Regulations

Repealed.

§1609. Unloading Tank Cars

Repealed.

§1611. Reports

Repealed.

Editor's Note: The authority and historical notes are identical for the above repealed Sections and are as follows:

AUTHORITY NOTE: Promulgated in accordance with R. S. 3:1354.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Anhydrous Ammonia Commission, January 1967, repealed by the Department of Public Safety & Corrections, Liquefied Petroleum Gas Commission, LR 21:

G. L. "Mike" Manuel, Jr.
Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Classes of Permits**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO
STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There will be no implementation costs to state or local governmental units. These repealed rules clean up the regulations in conformity with the national standards. Without these rules repealed, there would be confusion and conflict in the public sector.

**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 since this is basically a "clean-up" of the rules previously printed.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS
TO DIRECTLY AFFECTED PERSONS OR
NONGOVERNMENTAL GROUPS (Summary)**

The benefit will be a clearer understanding of requirements affecting the sections with the repealed rules. In the L.P. Gas section, the national standard will take precedence as well as in the Anhydrous Ammonia sections.

**IV. ESTIMATED EFFECT ON COMPETITION AND
EMPLOYMENT (Summary)**

Proposed rule changes will have no impact on the competition in the private sector.

Rex McDonald
Undersecretary
9503#054

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Public Safety and Corrections
Office of State Police
Video Gaming Division
Gaming Enforcement Section**

Video Draw Poker (LAC 42:XI.Chapter 24)

The Department of Public Safety and Corrections, Office of State Police, Gaming Enforcement Section, Video Gaming Division in compliance with, and under authority of R.S. 49:950 et seq., and R.S. 33:4862.1 et seq., hereby gives notice of its intent to adopt, repeal, and amend the rules and regulations pertaining to the operations of video draw poker

devices and the regulation and licensing of manufacturers, distributors, owner/operators, service entities, and other participants in the video draw poker industry in Louisiana.

**Title 42
LOUISIANA GAMING
Part XI. Poker**

Chapter 24. Video Draw Poker

§2401. Statement of Department Policy

A. The rules contained herein are promulgated by the Video Gaming Division of the Office of State Police in order to facilitate implementation of the Video Draw Poker Devices Control Law, LSA R.S 33:4862.1 et seq., to achieve the effective regulation of the video gaming industry, and to maintain the health, welfare, and safety of the public. These considerations shall control the application and interpretation of the rules. Any subsequent restatement, repeal, or amendment of these rules shall be in accordance with the aforementioned considerations.

B. The Video Gaming Division of the Office of State Police shall apply these rules to protect the video gaming industry from infiltration by organized crime and other harmful and unscrupulous elements, thereby ensuring the fair play of all video gaming devices, and the prosperity and longevity of the industry.

AUTHORITY NOTE: All rules in this document have been promulgated in accordance with R.S. 33:4862.1 et seq., the act.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Gaming Enforcement Section, Video Gaming Division, LR 18:196 (February 1992), amended LR 21:

§2403. Definitions

A. The provisions of the Louisiana Video Draw Poker Devices Control Law relating to the definitions of words, terms, and phrases are hereby incorporated by reference and made a part hereof, and shall apply and govern the interpretation of these regulations, except as otherwise specifically declared or as is clearly apparent from the context of the regulations herein. The following words, terms, and phrases shall have the ascribed meaning indicated below:

Act—the provisions of Part V-B of Chapter 14 of Title 33 of the Louisiana Revised Statutes of 1950, comprised of LSA R.S. 33:4862.1 through 4862.24, and its amendments hereafter.

Agent—any commissioned Louisiana state police trooper or designated employee of the State of Louisiana, Department of Public Safety and Corrections, Office of State Police, Video Gaming Division.

Applicant—the person who has completed an application to the Division for licensing to participate in the video gaming industry in Louisiana.

Application—the process by which a person requests licensing for participation in the video gaming industry in Louisiana.

Audit Tape—an exact copy of each printed ticket voucher retained within the device pursuant to the act.

Designated Representative—an employee designated by the licensee to oversee and assume responsibility for the operation of the licensed establishment.

Device—a video draw poker device which complies with the rules of the division and the act.

Electronic Funds Transfer, hereinafter referred to as a **Sweep**—any transfer of funds, other than a transaction originated by check, draft, or similar paper instrument that is initiated through an electronic terminal, telephone, computer, or magnetic tape for the purpose of ordering, instructing, or authorizing a financial institution to debit or credit an account.

Enrolling Procedure—the process by which a device is linked to and monitored by the central computer system of the division.

Facility—the premises of a business which is licensed to house or offer for play video gaming devices within this state.

Inspection—the observation or examination by any agent of the division of any premises or motor vehicles of the licensee or applicant where video gaming devices and related equipment may be manufactured, distributed, stored, possessed, or offered for play, or any inquiry procedures necessary to discover facts or things related/connected to video gaming in any way.

Interstate Highway—a fully controlled access highway which is part of the National System of Interstate and Defense Highways.

Licensee—any applicant or person who is granted a license by the division permitting video gaming activities that are authorized by the act. The authorized activity of all licensees shall be limited to the type of license issued to each.

Maintenance—the routine servicing of any video gaming device, excluding the logic board, software, and electronic (soft) and mechanical (hard) meters, and other servicing which provides for the efficient operation of the device.

Major State Highway—a through highway as defined in LSA R.S. 32:1 and which has been designated as a state highway by the Louisiana Department of Transportation and Development.

Minors—every natural person under the age of 18 years.

Mixed Patronage—a clientele which includes both minors and adults.

Nonvolatile Memory—a type of memory in which data stored in the memory is not lost when the power is turned off.

Offense—any violation of the act or these rules or any other criminal conduct.

Premises—land together with all buildings, improvements, equipment, and personal property located thereon which is controlled by an applicant or a licensee, and associated with video gaming activities authorized by the act.

RAM Clear Chip—an erasable programmable read only memory (hereinafter referred to as **EPROM**) which contains a program specifically designed to clear volatile and nonvolatile memory sections of a logic board for a video gaming device.

Resident—any natural person who is domiciled in the state or who demonstrates that he maintains a permanent place of abode within the state, and who has resided and/or been domiciled in the state of Louisiana for a period of two years prior to the date of his application for a license.

Security Interest Holder—any person who loans money for the purpose of financing devices, and uses the devices as collateral. This shall also include a lessor of devices.

Shipment—any physical movement of a video gaming device from a manufacturer to a distributor, from a distributor to a device owner, or vice versa either into the state, from the state, or within the state.

Ticket Voucher—a ticket which is printed by a video gaming device by use of a player-activated switch providing the player with a printed record of credits owed.

Transfer—the physical movement of a video gaming device by a device owner to or from a licensed establishment where a change of ownership does not occur.

Validation Decal—the decal furnished by the division and placed on a device indicating that the device meets the criteria established by the division, and that the particular device has been enrolled by the division.

Video Gaming Device—for purposes of these rules, shall have the same meaning as *video draw poker device*.

Volatile Memory—a type of memory in which data stored in the memory is lost when the power is turned off.

Written Reprimand—a written notification from the division to a licensee which outlines any violation of these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:4862.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Gaming Enforcement Section, Video Gaming Division, LR 18:196 (February 1992), amended LR 21:

§2405. Application and License

A. Initial and Renewal Applications

1. All applications for a license shall be submitted on forms provided by the division and mailed to: Louisiana State Police, Gaming Enforcement Section, Video Gaming Division, Box 66614, Baton Rouge, LA 70896.

2. An application is not complete nor is it considered filed with the division unless it is submitted with the appropriate fee, is signed by the applicant, and contains all information required by the division.

3. All new applications or renewals shall be hand delivered or mailed to the division via certified or registered mail with return receipt requested.

4. All applicants for a license shall comply with the disclosure provisions of LSA R.S. 33:4862.6(B). In addition, all applicants shall be required to disclose any violation of an administrative regulation from any jurisdiction.

5. All licensed establishment applications submitted to the division shall be for an existing and operating business.

6. All applications, except for a manufacturer's application, shall include an accurate sketch of the interior of the facility, and the proposed location of all video gaming devices to be located therein. In addition, the sketch shall include all grounds and parking areas.

7. All applications shall include the name of the owner(s) of the premises on which the establishment is located.

8. All renewal applications, shall be submitted in completed form, including a Louisiana State Tax Clearance Certificate. Out-of-state manufacturers shall not be required to submit a Louisiana State Tax Clearance Certificate.

9. All applicants shall provide all additional information requested by the division. If applicants fail to provide all additional information requested by the division, the application shall be considered incomplete.

10. All applications are to contain a properly notarized oath wherein the applicant states that:

- a. the information contained therein is true and correct;
- b. the applicant has read the act and these rules, and any other informational materials supplied by the division that pertain to video gaming; and
- c. the applicant agrees to comply with these rules and the act.

11. All applications shall contain a telephone number and permanent mailing address for receipt of correspondence and service of documents by the division.

12. Incomplete applications, including failure to pay fees, may result in a delay or denial of a license.

13. The applicant shall notify the division in writing of all changes of address, phone numbers, personnel, and other required information in the application within 10 business days of the effective date of the change.

14. An application shall be denied if an applicant has been convicted in any jurisdiction for any of the following offenses within the 10 years prior to the date of the application, and at least 10 years has not elapsed between the date of application and the successful completion of any service of a sentence, deferred adjudication, or period of probation or parole for any of the following:

- a. any offense punishable by imprisonment for more than one year;
- b. theft or any crime involving false statements or declaration; or
- c. gambling as defined by the laws or ordinances of any municipality, parish (county), or state, the United States, or any similar offense in any other jurisdiction.

15. Any false statement, including improperly notarized documents, contained in any report, disclosure, application, permit form, or any other document required by this Section shall be a violation of these rules and the act.

B. Requirements for Licensing

1. No person shall be granted a license, and no license shall be renewed unless the applicant demonstrates to the division that he is suitable for licensing, and thereafter continues to maintain suitability, as provided in the act.

2. Once a gaming license has been issued by the division, the license shall be conspicuously displayed by the licensee in his place of business so that it can be easily seen and read by the public.

3. All licenses shall be renewed annually to remain valid. The appropriate license fee shall be paid by the licensee, and a renewal application filed therewith, on or before May 15. If a licensee fails to file a renewal application with the appropriate fee on or before May 15, the division may assess a civil penalty pursuant to the authority of the act.

4. All licenses shall expire at midnight on June 30 of every year.

5. If an application for renewal has not been received by the division on or before close of business of June 30, the license is expired, and a new application, along with all appropriate fees, shall be required to be filed.

6. All nonrefundable fees required for application/renewal and any administrative fines or penalties shall be remitted to the following address: Louisiana State Police, Gaming Enforcement Section, Video Gaming Division, Box 66614, Baton Rouge, LA 70896.

7. All licensees and applicants for licensure shall be current in filing all applicable tax returns and in the payment of all taxes, penalties, and interest owed to local governmental units, the State of Louisiana, and the Internal Revenue Service, excluding items under formal appeal. Continued failure to timely file tax returns and pay all taxes, penalties, and interest due, except items under formal appeal, shall be grounds for denial, revocation, suspension, or the imposition of a condition upon a license/application.

8. Upon discovery, hidden ownership, whether by counter letter or other device or agreement, whether oral or written, shall constitute grounds for immediate suspension, revocation or denial of a license or application. Therefore, if there is more than one owner, applicants and licensees shall disclose full ownership of a company so that the aggregate of percentages of individual ownership total 100 percent, regardless of the percentage of individual ownership.

9. All licensees shall attend all hearings, meetings, seminars and training sessions required by the division. The division shall not be responsible for any costs incurred by the licensees.

10. All licensees shall maintain compliance with all applicable federal gambling law requirements, including any registration required by the provisions of Chapter 24 of Title 15 of the United States Code (§1171 et seq.), which govern the transportation of gambling devices.

11. Each legal entity, natural or juridical, seeking licensure by the division shall be issued only one type of video gaming license, except that a licensee of a licensed establishment may also be issued a device owner's license.

C. Parish or Municipal Licenses

1. Prior to obtaining a video gaming license, all applicable parish and/or municipal occupational and alcohol beverage control licenses required for a facility to operate within said parish or municipality shall be current and valid.

2. All fees required to secure the aforementioned licenses shall be paid prior to the division issuing a license for video gaming.

D. Change of Ownership of Licensed Establishment

1. If a change in ownership of a licensed establishment occurs, the division shall immediately be notified, in writing, of the act of sale or lease.

2. When a licensed establishment which requires an alcoholic beverage license as a condition of the receipt of a video gaming license is sold or leased, the devices shall be allowed to continue to operate under the old license if:

- a. the new owner applies for a state Class "A" general retail or restaurant alcohol permit within five business days of the act of sale or lease; and

b. upon issuance of a state Class "A" general retail or restaurant alcohol permit, the new owner or lessee applies for a video gaming license within five business days of said issuance.

3. The devices shall only be allowed to continue in operation under the old license until denial of the new application for a video gaming license, issuance of a video gaming license in the name of the new owner or lessee, or 60 days, inclusive of weekends and holidays, from the act of sale or lease, whichever comes first.

4. The new owner or lessee shall provide, at the time of application to the division, a certified copy of the act of sale or lease, a copy of all appropriate documentation which indicates the date the licensed establishment began the Alcoholic Beverage Control Commission application process, and a copy of the permit issued by the Alcoholic Beverage Control Commission.

5. If any of the documents required by this Section are not submitted with the new owner or lessee's application, the division may immediately disable the devices.

6. If the 60-day period has elapsed prior to the issuance of a new video gaming license, the devices shall be disabled and the device owner shall immediately make arrangements to remove and transfer the devices from the formerly licensed establishment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:4862.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Gaming Enforcement Section, Video Gaming Division, LR 18:196 (February 1992), amended LR 21:

§2407. Operation of Video Draw Poker Devices

A. Responsibilities of Licensees

1. All devices within all licensed establishments shall be monitored by the licensee or a designated representative of the licensed establishment during all hours of operation in order to ensure that the devices are not tampered with, abused, or altered in any way.

2. Licensees and employees of a licensee shall not loan money, extend credit, or provide any financial assistance to patrons for use in video gaming activities.

3. Licensees and employees of a licensee shall not permit any person who appears to be intoxicated to participate in the play of the video devices.

4. All licensees shall supervise all employees to ensure compliance with the laws and regulations relating to the operation of video gaming devices.

5. All licensees or an employee of a licensee shall, upon demand of the player, pay all monies owed as shown on a valid ticket voucher.

6. All licensees shall be responsible for the proper placement and installment of devices within a licensed establishment as prescribed by these rules.

7. Licensees shall advise the division of any device malfunction that has not been rectified by the device owner, within 24 hours after the device owner or service entity has been notified, or before the end of the next business day.

8. All licensees or a designated representative of the licensed establishment shall be required to be physically present and available within the licensed establishment at all times during all hours of operation.

9. Licensees shall not advertise or participate in any promotion or scheme which is contingent upon the play of a video gaming device and which results in an enhanced payoff other than that set by the internal mechanism of the video gaming device as established by the act.

10. All keys to all devices shall be secured and available upon request by the division.

11. All licensees shall provide a separate voice grade telephone line which shall provide exclusive, continuous capabilities, for the division, to access licensed devices. Any device that loses telephone line service for any reason within the control of the licensee, shall constitute a violation of these rules. Such violations shall include, but not be limited to:

a. the loss of service due to delinquent or nonpayment of telephone service;

b. the internal disruption of service resulting from tampering with the communications link;

c. the internal disruption of service generated by a request to the phone company to disconnect service; or

d. any other method of interference with normal telephone service.

12. Licensees shall not allow a device to be played unless connected to the required telephone line service and the division's central computer system.

13. All licensees or designated representative of the licensees shall be present during all hours of operation of the licensed establishment in order to prevent access to the gaming area by minors.

14. All licensees shall post signs on the premises of a licensed establishment which admits mixed patronage that restrict the patronage of persons under the age of 18 in those areas where gaming is conducted.

15. All licensees shall label entrances to device areas with lettering, at least 3 inches in height, stating:

a. "NO MINORS ALLOWED"; and

b. "GAMING DEVICES INSIDE".

16. All licensees shall maintain a readily accessible and current copy of the rules and regulations contained in this Chapter at their licensed establishments.

B. Designated Representatives

1. Only the licensees shall be authorized to designate an employee of a licensed establishment as a designated representative.

2. All designated representatives shall possess the following criteria:

a. suitability as defined by the act and this Chapter;

b. the knowledge to locate all records and documents of the licensed establishment;

c. a knowledge of all day to day operations of the licensed establishment; and

d. a knowledge of the division's rules and the provisions of the act.

3. The designated representatives shall have access to all areas of the licensed premises.

4. All licensees shall provide, in writing, a current list of all designated representatives to the division.

C. Payment of Prizes

1. An employee shall be available during all hours of operation to redeem valid ticket vouchers. All valid ticket vouchers shall be paid when presented. In addition:

- a. ticket vouchers shall be redeemed for cash only;
- b. ticket vouchers shall be redeemed only at licensed establishments where the ticket voucher was printed;
- c. ticket vouchers shall be redeemed during the normal operating hours of the licensed establishment unless otherwise authorized by the division;

d. neither the division nor the state of Louisiana is responsible for any device malfunction that causes prizes to be wrongfully awarded or denied to any player;

e. the phrase "ANY MALFUNCTION VOIDS ALL PLAYS AND PAYS" shall be conspicuously displayed on the face of all licensed devices; and

f. failure to make timely payments as required shall be grounds for the suspension or revocation of the license, or assessment of a civil penalty.

2. The payment for prizes awarded by a video gaming device may be withheld if the ticket voucher printed by that device is:

- a. mutilated, altered, unreadable, or tampered with in any manner;
- b. falsified or counterfeited in any way;
- c. created by a device malfunction;
- d. not fully legible; or
- e. presented for payment at the licensed establishment by a person not authorized to operate the devices.

D. Advertising

1. Except for a uniform logo which has been adopted by the division, no other advertising of video gaming activities shall be displayed anywhere on the exterior of any licensed establishment. In addition:

a. duplication of the uniform logo shall be identical to the design and colors of the approved uniform logo;

b. the sized of the uniform logo shall not exceed 6 feet in height and 6 feet in width; and

c. the uniform logo may be displayed alone or in conjunction with advertisement by the licensed establishment of other activities that do not pertain to video gaming.

2. For purposes of advertising prohibitions, a licensed establishment which is a qualified truck stop facility shall include the entire area which comprises the qualified truck stop facility.

3. The logo format may be obtained for duplication by all licensed establishments from their respective device owners.

4. The division shall enforce the prohibition of all other video gaming advertising on a licensed premises that is not permitted by these rules or the act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:4862.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Gaming Enforcement

Section, Video Gaming Division, LR 18:196 (February 1992), amended LR 21:

§2409. Revenues

A. License Fees

1. Upon application, a nonrefundable annual fee as listed below shall be paid by each applicant:

- a. manufacturer, as provided in LSA R.S. 33: 4862.11 (A)(1);
- b. distributor, as provided in LSA R.S. 33:4862.11(A)(2);
- c. service entity, as provided in LSA R.S. 33:4862.11 (A)(3);
- d. device owner, as provided in LSA R.S. 33:4862.11 (A)(4);
- e. licensed establishment, as provided in LSA R.S.33: 4862.11(A)(6).

2. All appropriate license fees shall accompany the initial/renewal application.

3. All licensees shall pay their license fee(s) for the year in a single payment.

4. All license fees shall be paid by personal, company, certified, or cashier's check, money order, or electronic funds transfer. If a personal or company check is returned, the applicant's license shall not be issued.

B. Device Operation Fees

1. A nonrefundable annual device operation fee shall be paid by the device owner for each video gaming device placed at a licensed establishment.

2. The division shall prorate the device operation fee that is required for each enabled video gaming device on a quarterly basis in accordance with the following schedule of dates of enrollment. For devices enrolled:

- a. July 1 through June 30, the whole operation fee is due;
- b. October 1 through June 30, three-quarters of the operation fee is due;
- c. January 1 through June 30, one-half of the operation fee is due;
- d. April 1 through June 30, one-quarter of the operation fee is due.

3. The annual fee may be paid in quarterly installments as prescribed by the act.

4. If the device operation fee is to be paid in quarterly installments, after payment of the initial enrollment fee, subsequent payments are to be made by electronic funds transfer and are due on the first sweep of each quarter.

5. Any payments received after the tenth day of the beginning of each quarter shall constitute a violation of this Section and be subject to an interest penalty of 0.000575 per day (21 percent per annum).

6. The annual device operation fees are as follows:

a. a restaurant, bar, tavern, cocktail lounge, club, motel; or hotel, as provided in LSA R.S. 33:4862.11(A)(5)(a);

b. a Louisiana State Racing Commission licensed pari-mutuel wagering facility, as provided in LSA R.S. 33:4862.11(A)(5)(b)(i);

c. a Louisiana State Racing Commission licensed offtrack wagering facility, as provided in LSA R.S. 33:4862.11(A)(5)(b)(ii);

d. a qualified truck stop facility, as provided in LSA R.S. 33:4862.11(A)(5)(c).

C. Franchise Payments

1. All device owners shall remit to the division a franchise payment as provided for by the act. Franchise payments shall be calculated based upon the net device revenue, as verified by the electronic (soft) meters of the device. Revenues received from franchise payments shall be electronically transferred to the designated bank of the state treasurer.

2. All device owners shall establish and maintain a single bank account exclusively for the electronic funds transfer (sweep) of franchise payments to the designated bank of the state treasurer.

a. All device owners shall maintain a minimum balance at all times in the video gaming sweep account, or the account shall at all times be secured by a line of credit or bond issued by a bank or security company acceptable to the state treasurer. For purposes of this rule the term "bond" shall include cash, cash equivalent instruments or such other instruments as the division determines provide immediate liquidity.

b. The minimum balance and the security shall be equivalent to at least 15 percent of the previous month's net device revenues of all video gaming devices of the device owner.

c. No withdrawals at any time from the device owner's video gaming account, including electronic funds transfers, shall cause the account balance to be less than the minimum balance requirement prescribed above.

d. The payments shall be transferred electronically into the designated bank of the state treasurer semi-monthly or as otherwise prescribed by the division. Licensees shall authorize the division to initiate these transfers.

e. The funds shall be electronically transferred (swept) no later than the tenth day after the fifteenth and last day of every month. Any account found with insufficient funds shall constitute a violation of this Section.

f. Electronic funds transfers shall be calculated based upon device polling from the first through the fifteenth, and the sixteenth through the last day of every month.

g. Any delinquent monies not forwarded to the bank designated by the state treasurer by electronic funds transfers at the time of the transfer shall be subject to an interest penalty of 0.000575 per day (21 percent per annum). The interest penalty shall be in addition to any other penalties imposed by the division.

3. All licensed device owners shall be liable for that portion of net device revenues from such times as the funds are received into the device until said funds are deposited into the designated bank of the state treasurer.

D. Supplemental Purses for Horsemen

1. After the state franchise fee as provided for by the act is paid, all licensed establishments that are considered either an offtrack wagering facility or pari-mutuel wagering facility shall make available, monthly, a percentage of its net device revenues to supplement purses for horsemen as provided by

the act. The aforementioned portion of income that is generated from video gaming operations shall be made available to the Horsemen's Benevolent and Protection Association (hereinafter referred to as HBPA) prior to the twentieth day of the month following the month in which they are earned.

2. Forms provided by the division shall be used to record amounts earned for purse supplements and shall be filed with the division, the HBPA, and the Louisiana State Racing Commission (hereinafter referred to as LSRC) by the twentieth day of every month.

a. When the owner of the licensed establishment is not the licensed owner of the devices, the supplement purse percentage is one-half of the monthly net device revenue received by the establishment owner, after deduction of one-twelfth the estimated total of the annual establishment fees, plus \$100 per device per month and any fee or tax levied by the local governing authority. If a device is in operation for less than 80 percent of the normal available play time during the month when the establishment is open and the device net revenue results in a negative amount designated for purse supplement for horsemen, that negative amount shall not be applied against positive amounts generated by other devices at that licensed establishment.

b. When the owner of the licensed establishment is the licensed device owner, the supplemental purse percentage is one-half of the monthly net revenues in excess of \$500 per device, calculated on a cumulative basis. If a device is in operation for less than 80 percent of the normal available play time during the month when the establishment is open and the device net revenue results in a negative amount designated for purse supplement for horsemen, that negative amount shall not be applied against positive amounts generated by other devices at that licensed establishment.

3. Disbursements and use of the purse supplements shall be in accordance with the act. In addition:

a. in order to assure proper and timely use of income generated from video gaming operations that is designated for purse supplements for horsemen, the LSRC is authorized to provide oversight of collection and use of this income and to implement procedures and require filing of reports that it deems necessary to assure the proper and timely use of income and expenses for purses. Such procedures and reports shall be approved by the division prior to their implementation;

b. the LSRC may annually audit the income received from the video gaming operations of all licensed pari-mutuel facilities or licensed offtrack wagering facilities which are also a licensed establishment as defined in these rules, in order to assure the proper and timely use of all income generated from video gaming operations that is designated for purse supplements of horsemen; and

c. the division may at all times oversee any and all operations pertaining to video gaming and may review and/or audit any account or fund used for receipt and/or disbursement of any of the aforementioned income.

E. Authority to Audit Records

1. If there is a discrepancy between the electronic (soft) and mechanical (hard) meter accounting devices, an audit may be performed.

2. In the event of an audit, all records requested by the division shall be made readily available. These records shall include, but not be limited to: audit tapes, collection reports, bank statements, canceled checks, deposit slips, lease agreements, access log books, and any other records of gaming activity that are necessary for the completion of the audit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:4862.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Gaming Enforcement Section, Video Gaming Division, LR 18:196 (February 1992), amended LR 21:

§2411. Regulatory, Communication, and Reporting Responsibilities

A. General Provisions

1. For purposes of this Section quarters of the year are defined as follows:

- a. first quarter shall be July 1 - September 30;
- b. second quarter shall be October 1 - December 31;
- c. third quarter shall be January 1 - March 31; and
- d. fourth quarter shall be April 1 - June 30.

2. For purposes of this Section, business days are defined as Monday through Friday, not including state or federal holidays.

3. Semi-annual reports, if required, shall be postmarked no later than the last business day of July for the reporting period of January through June and no later than the last business day of January for the reporting period of July through December.

4. Quarterly reports, if required, shall be postmarked no later than the fifteenth day of the first month following the end of the quarter for which they are required.

5. Monthly reports, if required, shall be postmarked no later than the tenth day of the first month following the end of the month for which they are required.

6. Any semi-annual, quarterly, or monthly report that is requested by the division which is either postmarked later than the date required by these regulations, or inaccurate or incomplete shall constitute a violation of these rules.

7. All licensees shall retain all records for a period of three years, except that licensed manufacturers shall maintain all records for a period of five years.

8. Any licensee who seeks to surrender his license and cease participation in video gaming shall surrender his license to the division, and if requested, shall also provide copies to the division of all of the licensee's records pertaining to video gaming activities.

9. All licensees shall maintain all required records, submit all required reports, and keep the division currently informed, in writing, of any changes which could affect the status of any records, reports, or gaming devices.

10. All licensees shall keep and maintain the following records:

a. all video gaming bank account documents and other related financial documents; and

b. all business documents of the licensee including, but not limited to records of:

- i. employee salary payments and hours worked;
- ii. all federal, state, and local taxes paid;
- iii. all contracts and/or subcontracts that exist with the licensed business; and
- iv. if applicable, certified technician training records of employees.

11. Except as otherwise provided in these regulations and the act, all licensees, upon divesting or selling a licensed entity, shall surrender their video gaming license to the division within 10 business days of the effective date of the change of ownership.

12. All licensed manufacturers and distributors shall maintain a current record of devices received, devices sold, and devices in inventory.

13. All licensed manufacturers and distributors shall develop and provide to all licensed device owners and licensed service entities, a division approved program to train and certify technicians. In addition, all licensed manufacturers and distributors shall award certification to authorized service personnel, and maintain all training records and certificate awards, which shall be provided to the division upon request.

14. All licensed manufacturers and distributors shall provide the division with a current list of authorized service entities and other personnel that they have certified. The list, which shall be updated in order to maintain an accurate list of service personnel, shall include, but not be limited to the following information:

- a. name and address of service entity and all of its certified technicians;
- b. Social Security Number and date of birth of all technicians;
- c. date of certification of all technicians; and
- d. level(s) of certification of all technicians.

B. Licensed Manufacturers

1. If requested by the division, all licensed manufacturers shall provide a semi-annual report, signed by the licensee or an authorized representative of the licensee, on authorized forms provided by the division.

2. The semi-annual report shall include, but not be limited to the following information:

- a. gross machine sales for that period;
- b. specific delivery location of all devices and identity of person(s) purchasing and receiving devices;
- c. names and addresses of carriers used in transporting devices;
- d. names and addresses of licensees to whom the devices were sold;
- e. number of devices sold to each licensee;
- f. make, model and serial number of all devices; and
- g. the sale price of each device.

3. All licensed manufacturers shall request authorization for any device modifications and updates from the division. Any device operating in, or shipped to or within

Louisiana that is modified without prior written approval from the division, shall be considered an illegal gambling device as provided in the act.

4. All licensed manufacturers shall sell or lease video gaming devices only to licensed video gaming distributors.

C. Licensed Distributors

1. If requested by the division, all licensed distributors shall provide a quarterly report, signed by the licensee or an authorized representative of the licensee, on authorized forms provided by the division.

2. The quarterly report shall include, but not be limited to the following information:

- a. gross device sales for the quarter;
- b. make, model, and serial number of all devices sold or leased;
- c. name and address of all licensees that the devices were sold or leased to;
- d. number of devices sold or leased to each licensee;
- e. delivery address of each device sold or leased; and
- f. if requested, copies of invoices, credit memos, and/or documents substantiating any transactions and/or sales.

3. In addition, if requested by the division, all licensed distributors shall provide a quarterly inventory report, signed by the licensee or an authorized representative of the licensee, on authorized forms provided by the division.

4. The inventory report shall include, but not be limited to the following information:

- a. total number of devices in inventory; and
- b. make, model, and serial number of all devices in inventory.

5. A licensed distributor shall only purchase or lease video gaming devices from, or sell or lease video gaming devices to, a licensed manufacturer, licensed device owner, or another licensed distributor.

D. Licensed Device Owners

1. If requested by the division, a licensed device owner shall provide a monthly report, signed by the licensee or an authorized representative of the licensee, on authorized forms provided by the division.

2. The monthly report shall include, but not be limited to the following information:

- a. gross and net device revenue;
- b. make, model and serial number of all devices;
- c. physical location of each device;
- d. number of devices at each licensed establishment;
- e. mechanical (hard) and electronic (soft) meter readings for each device on the last day of the month of the reporting period; and
- f. actual cash collected from each device.

3. All licensed device owners shall maintain all audit tapes for a period of three years.

4. Except as otherwise provided in this Section, all licensed device owners shall only purchase or lease video gaming devices from a licensed distributor, and if approved by the division, sell or lease video gaming devices to a licensed distributor.

5. Except as otherwise provided in this Section, all licensed device owners shall only purchase or lease video gaming devices from, or sell or lease video gaming devices to another licensed device owner if such purchase, sale, or lease is approved by the division.

6. All licensed device owners, who for hire, repair, service, or inspect video gaming devices shall be required to obtain a service entity license.

7. All licensed device owners are prohibited from possessing RAM clear chips.

8. If a device is to be removed for service and/or repair for a period of less than 72 hours, the device owner shall notify the division technical staff prior to such removal for the service and/or repair.

9. Any time a device located in a licensed establishment is disabled from the central computer for a period in excess of 72 hours, the device owner shall transfer the device to its warehouse or to a licensed service entity, and notify the division using the appropriate transfer report form within five business days.

E. Licensed Establishments

1. If requested by the division, licensed establishments shall file a quarterly report, signed by the licensee or an authorized representative, on authorized forms provided by the division.

2. The quarterly report shall include, but not be limited to the following information:

- a. device owners who have devices on licensed premises;
- b. number of devices each device owner has on the premises; and
- c. make, model and serial number of all devices on the premises.

3. All licensed establishments which are qualified truck stop facilities shall provide to the division all necessary diesel and gasoline fuel sales data consisting of beginning and ending pump meter readings and summaries of all diesel and gasoline fuel sales, in gallons. Such information shall be given to the division on a quarterly basis commencing on October 1, 1994, on a form supplied by the division.

4. All licensed establishments which are qualified truck stop facilities shall maintain records which would enable the division to verify daily fuel sales on a pump by pump basis. Failure to maintain such records shall be considered grounds for suspension or revocation of the licensed establishment's video gaming license.

5. The division shall evaluate each quarterly report to establish the average monthly fuel sales for the period in question. This shall determine the number of electronic video draw poker devices which can be legally operated at the truck stop facility during the next quarterly period. The division shall disable or enable devices in accordance with the act.

6. Except under emergency circumstances to be determined by the division, if a licensed establishment which is a qualified truck stop facility fails to sell a minimum of 25,000 gallons of fuel in any single month, the video gaming license of that licensed establishment shall be subject to immediate revocation.

7. For purposes of this Section, only nonbulk transfers of fuel to over-the-road motor vehicles, sold at prices not less than the delivered fuel cost, shall be used to compute average monthly fuel sale totals. Sales to marine vessels shall not be used to compute these fuel totals.

F. Licensed Service Entities

1. All licensed service entities shall be required to maintain the following records:

- a. invoices, of all services and/or repairs to devices, which shall contain, but not be limited to:
 - i. date device was received;
 - ii. date device was serviced;
 - iii. date device was returned;
 - iv. service entity name and license number;
 - v. device owner name and license number;
 - vi. manufacturer, make, and model number of the device;
 - vii. device serial number;
 - viii. description of service and/or repair performed on the device;
 - ix. name of certified technician performing service and/or repair on the device; and
 - x. electronic (soft) and mechanical (hard) meter readings before and after service and/or repair of the device;
- b. a list of all certified technicians, including a list of the types of devices that each is certified to service and/or repair, and who certified the technician.

2. All licensed service entities shall have a certified technician or technicians who are employed by the licensed service entity, adequate facilities approved by the division to repair, service, and maintain video gaming devices, and the ability to make service calls at licensed establishments.

3. A service entity may contract with a device owner to maintain, repair, and service video gaming devices.

4. All licensed service entities are prohibited from possessing RAM clear chips.

G. Required Forms

1. The division shall have the authority to require, design, prescribe, and amend all forms.

2. The division shall have the authority to require submission of any additional forms, reports, or records which it deems necessary.

3. If applicable, all licensees shall provide the division with all required device related reports, to include, but not be limited to the following:

a. APPLICATION FOR VIDEO POKER DEVICE PERMIT, which shall be submitted for any enrollment, device renewal, device transfer, decal replacement, or withdrawal within five business days of any enrollment, device renewal, device transfer, decal replacement, or withdrawal;

b. GAMING DEVICE OWNERSHIP TRANSFER NOTIFICATION, which shall be submitted for any previously approved change of ownership of any device within five business days of the previously approved change of ownership;

c. VIDEO GAMING DEVICE SHIPMENT NOTIFICATION, which shall be submitted for any shipment of any device at least three business days prior to the date of shipment of any device;

d. VIDEO GAMING DEVICE SERVICE/REPAIR FORM, which shall be submitted when any service or repair is done to a device which may alter any meter reading of the device within five business days of the service or repair.

H. Contracts

1. Misrepresentation of contracts concerning activities regulated by the act is prohibited, and shall be grounds for denial, suspension or revocation of a license as well as possible criminal charges as provided in the act.

2. All applicants and licensees shall submit copies of all written contracts pertaining to the operation of video gaming devices and summaries of all oral contracts pertaining to the operation of video gaming devices to which it is a party or intends to become a party within 10 business days of signing or making such contract.

3. If requested, every person who is a party to any video gaming contract with an applicant for a video gaming license, or a licensee of the division, shall provide the division with any and all information requested by the division that is necessary for a determination of suitability.

4. No licensee shall enter into or continue any contract with any person, natural or juridical, whom the division determines to be unsuitable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:4862.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Gaming Enforcement Section, Video Gaming Division, LR 18:196 (February 1992), amended LR 21:

§2413. Devices

A. Device Specifications

1. All devices shall include all of the specifications and features as provided in LSA R.S. 33:4862.2. In addition, all devices shall include the following specifications and features:

a. a video display screen utilizing a cathode ray tube and microprocessors in order for a person or persons to view the actual games;

b. a maximum expected payback value for one credit which shall not exceed 94 percent of the value of a credit based on optimum operating play strategy;

c. a pay table for each hand of poker which shall be conspicuously displayed;

d. accept only United States coins and/or currency. If the value of \$1 or less is desired, then a \$.25 coin shall be the designated coin to be used in the devices;

e. display only information on the screen or housing that has been approved, in writing, by the division. In addition:

i. all information required for external display shall be kept under a pre-approved transparent material, (i.e., shatterproof glass or plexiglass); and

ii. The phrase "NO PERSON UNDER THE AGE OF 18 ALLOWED TO PLAY" shall be conspicuously displayed on the face of all devices;

f. fully functioning electronic (soft) meters and mechanical (hard) meters capable of displaying monetary transactions and printing a record of those transactions. In

addition, the electronic (soft) meters shall be capable of printing a record of the monetary transactions;

g. electronic (soft) meters which shall retain the following transactions for a period of no less than 180 days, including: credits in, credits played, credits won, credits paid out, number of games played, number of games won, number of credits representing money inserted by a player and credit for games won but not collected (i.e., credit balance), number of times logic area is accessed, and number of times cash door is accessed;

h. main logic board and printed circuit board which shall contain a game EPROM, and which shall be separate in a locked area of the device. All EPROMs and logic boards shall have a nonremovable number affixed or inscribed;

i. permanent serial numbers not to exceed nine alpha and/or numeric characters. The serial number plate shall be located in the upper (front) right side panel of the device and shall contain the following information: serial number of the device, manufacturer's name, model number of the device, and date of final assembly of the device;

j. line filter and surge protector that shall control all a.c. electrical current to the device, and a back-up or alternate power supply source capable of maintaining the integrity of all electronic meters and the time and date functions for a 30-day period during any power fluctuation or total power loss. In addition:

i. the battery or back-up power source shall be in a state of charge or readiness during the normal operation of the device; and

ii. all devices shall pass a static discharge test before being certified. The test shall be uniform for all similar devices;

k. games which shall be random and shall be tested to at least a 99 percent certainty using a standard correlation test or analysis. A correlation test or analysis for purposes of this Section is defined as the process by which each card or number position is chosen independently without regard to any other card or number drawn within that game play;

l. an approved and fully functioning security system that shall temporarily disable the gaming function of the device while the device is open. If there is a breach of security, all devices shall notify the central computer system via electronic signal upon polling;

m. a circuit-interrupting device, method, or capability which shall disable the operation of the device if the division approved program of the device is accessed or altered;

n. a lockout mechanism which prohibits the device from accepting coins and currency during the play of a hand;

o. construction which meets UL-22 or CSA/NRTL standards;

p. a ticket voucher printing system located in a locked compartment of the device in order to safeguard the audit copy. In addition:

i. printing of all totals from the meters shall occur automatically by means of a switch attached to the locking mechanism each time the device is accessed;

ii. the printing system shall have a paper sensing device which prevents play and disables the device if there is insufficient paper to print a ticket voucher for a player or an audit copy. Upon sensing the "paper low" or "paper out" signal, the device shall finish printing the ticket voucher for the last game played and prevent further play; and

iii. the paper contained in the printing mechanism for the printing of the ticket vouchers and the audit copy shall be of a type which diminishes the ability to copy, alter, or falsify.

q. upon command be able to display the most recent game history of at least two plays, including the current game play;

r. meet the required central computer communications protocol requiring compatibility with the system during the enrollment procedure. A security related data exchange shall occur between the device and the central computer prior to the transmission of any information. Failure of the device to send the appropriate data back to the central computer shall indicate a communication failure and shall preclude operation of the device. In addition:

i. if a device is not polled by the central computer within the specified time period, the device shall automatically become disabled. The device shall accept a parameter from the central computer that specifies the time period; and

ii. all devices shall report electronically as required or it may be disabled by the division; and

s. a feature that shall accept a "shutdown" command from the central computer and obey that command.

2. Devices shall not have any switches, jumpers, wire posts, or any other means of manipulation that could be used to affect the outcome of a game.

3. Devices shall not have any functions or parameters which are adjustable by or through any separate video display or input codes, except for adjustment features which are cosmetic.

4. A valid ticket voucher shall contain all information required by LSA R.S. 33:4862.2(A)(5)(h). In addition, a valid ticket voucher shall contain the program name and/or software number.

5. Devices shipped to and transported through Louisiana shall at all times remain in the demonstration mode. In addition, after January 1, 1996, no device operating in demonstration mode shall accept coin or currency.

6. All manufacturers shall submit to the division and its designated testing facility, in writing, a complete description, explanation, and location of all hidden icons.

B. Testing of Video Gaming Devices

1. The division shall supply all licensed manufacturers with a timetable for the implementation of acceptance testing and adaptability of the video gaming devices to the central computer of the division.

2. All manufacturers shall supply the division with timetables and guidelines for accomplishing tasks involved in the acceptance testing of video gaming devices within the division parameters. This shall include system functions and communication procedures of information to and from the division's central computer and the devices.

3. Upon request by the division, all manufacturers shall be required to provide assistance in troubleshooting, communication and technical problems once the devices are placed at the licensed establishments, at no cost to the division.

4. Upon request by the division, all manufacturers shall submit schematic diagrams, illustrations, technical and operational manuals, program source codes, and other information necessary for the operation, maintenance, and testing of the devices. Such information shall remain confidential.

5. Testing of the devices shall require that working models of devices, associated equipment, and documentation described above be transported to locations specified by the division for examination and analysis.

6. The testing, examination, and analysis of the devices may require dismantling of devices, and some tests may result in permanent damage to one or more components. All manufacturers shall be required to provide additional parts or components to complete testing, and specialized testing equipment to ensure integrity and durability to the satisfaction of the division. In addition:

a. all manufacturers shall submit all hardware, software, and testing equipment for the testing of their video gaming devices;

b. all devices shall have built in diagnostic functions for the testing of all major components;

c. the quality of the hardware, software, and components submitted for testing shall be of the same quality as that in devices offered to licensees; and

d. no device shall contain software that has any transparent codes, security features, or passwords, that would or could evoke any functions, or sub-routines that would alter any game characteristics, required features, specifications, or device capabilities such as pay tables, payout percentages, or counters.

7. The division may accept the results of testing done by division-approved independent laboratories which were performed on specified devices at the request of the division.

8. All manufacturers shall bear all costs associated with initial device testing and subsequent testing and investigation.

C. Device Modifications

1. No device shall be altered or modified, temporarily or permanently, without prior written approval from the division.

2. Unauthorized modifications of any type shall be grounds for immediate suspension and/or revocation, in accordance with these rules and the act.

D. Enrollment Procedures

1. Once a licensed establishment receives a video gaming license, the device owner may file the necessary paperwork to notify the division in order to initiate enrollment procedures.

2. No device shall be enrolled into the central computer system without proper coordination and security procedures between the central computer office personnel and authorized personnel at the licensed establishment where the devices are located.

3. Validation decals shall be issued by the division for devices and shall be promptly affixed by a division representative to an enrolled device. The validation decal shall be affixed to the upper (front) right side of the device.

E. Maintenance

1. Only certified technicians may access the interior of an enrolled and enabled video gaming device. Access of the devices includes routine maintenance, repairs or replacement of parts, paper, etc. In addition:

a. a certified technician level 1 and certified technician level 2 shall only be employed by an entity that is licensed by the division;

b. a certified technician level 2 who is employed by a licensed establishment in another capacity shall not perform certified technician level 2 services and/or repairs to devices in the licensed establishment; and

c. a licensee who authorizes a certified technician to access the licensee's video gaming device(s) is responsible for any actions by the certified technician which would constitute a violation of these regulations or the act.

2. All device owners shall maintain a current, written maintenance log for each device operating within a licensed establishment, on a form approved by the division, for the purpose of keeping records of routine maintenance and repairs. All log entries shall contain the following information:

a. time and date of access of the device;

b. reason for access of the device;

c. mechanical (hard) and electronic (soft) meter readings of the device;

d. the signed and printed name and Social Security Number of the certified individual accessing the device;

e. area of the device accessed; and

f. time and date the device was secured.

3. A division-approved RAM clear chip and procedure shall be used when a video gaming device's memory is to be cleared.

4. Whenever a video gaming device's software program is to be changed or upgraded, prior approval shall be obtained from the division, and the video gaming device's memory shall be cleared using a division-approved RAM clear chip.

5. Only licensed manufacturers, licensed distributors, and division personnel are allowed to possess RAM clear chips for video gaming devices.

6. Use of any other method to clear a video gaming device memory is prohibited unless specifically authorized by the division.

7. The division shall be notified before a device is disconnected from the division's central computer.

8. A device may not be substituted or replaced until the replacement device has been approved by the division and the proper validation decal has been affixed.

F. Device Security and Shipments

1. Any licensee who is shipping devices into, within, or from this state for any purpose shall provide the division with information relating to those shipments, in writing, on a form provided by the division. No licensee shall ship any device until the shipment is approved by the division.

2. The shipper shall provide the division with the make, model, serial number, and an inventory of the devices being shipped.

3. The division shall be notified at least three business days prior to shipment of any device.

4. The devices shall be shipped within 10 business days of the shipment notification. The division shall be notified immediately by the shipper if the devices cannot be moved within the time frame specified on the shipment notification. A copy of the completed form containing the approval for shipment shall be in the possession of the carrier during shipment of the listed devices.

5. All manufacturers, distributors, and device owners who ship devices to a destination other than an approved location by the division, shall be subject to suspension or revocation of their license or the imposition of a fine.

G. Damage to or Theft from Devices

1. Upon discovery of damage to or theft from a video gaming device, the device owner, licensed establishment owner, or a designated representative of the licensed establishment shall request the local law enforcement agency to investigate.

2. After investigation by local law enforcement authorities, the device owner shall obtain and forward the following reports to the division:

a. service/repair report with the electronic (soft) and mechanical (hard) meter readings from the device with an audit ticket attached. The meter readings shall be taken as soon as possible after the discovery of damage or theft; and

b. when possible, an offense/complaint report from the local enforcement agency.

3. The device owner or licensed establishment owner shall immediately notify the division, in writing, of any damage to or theft from a device.

H. Devices Permanently Removed from Service

1. When a device is permanently removed from service by a licensed device owner, the validation decal shall be removed by that device owner and shall be returned to the division with the completed device transfer report provided by the division.

2. The completed device transfer report shall be submitted to the division within five business days via hand delivery or certified mail, return receipt requested.

3. No devices which are permanently removed from service shall have a validation decal displayed on it.

4. For purposes of this Section, devices permanently removed from service shall mean devices:

a. that are sold back or otherwise returned, and shipped to the distributor or manufacturer; or

b. that are damaged beyond repair due to theft, vandalism, or natural disasters.

5. If a device is damaged beyond repair due to theft, vandalism, or natural disaster, the device owner may petition the division in writing for a device operation fee credit, to be applied to a replacement device of the same make and model, in the amount previously received by the division for the device to be replaced.

I. Contraband Equipment and Unregulated Devices

1. No licensee shall place or allow the placement of any video gaming device in any establishment unless the device is placed pursuant to the provisions of these regulations and the act.

2. No licensee may possess or offer for play any unlicensed device, or any other gambling device as defined in LSA R.S. 15:31, whether electronic or mechanical, which plays, emulates, or simulates the game of draw poker and contains a circuit, meter, or switch capable of recording the removal of credits earned by a player or any variation thereof. Possession of such contraband devices shall constitute a violation of the division's rules and the law.

J. Disabling or Seizure of Devices

1. The division shall have the authority to disable and/or seize any device at any location when a violation of the act occurs, in accordance with the procedure provided therein.

2. In those cases where the division determines that the device owner was not responsible for or involved in, the violation of the act, the device(s) may be returned to the device owner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:4862.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Gaming Enforcement Section, Video Gaming Division, LR 18:196 (February 1992), amended LR 21:

§2415. Gaming Establishments

A. Establishment Licenses

1. The division may issue a license to qualified applicants based on the type of business being conducted. The types of licenses and the requirements for these licenses are as follows:

a. Type "I" License—any bar, tavern, cocktail lounge, or club only, as defined in LSA R.S. 33:4862.1(B)(8) (licensed establishment) shall be designated as a type "I" establishment.

b. Type "II" License—any restaurant, as defined in LSA R.S. 33:4862.1(B)(12) shall be designated as a type "II" establishment.

c. Type "III" License—a hotel or motel as defined in LSA R.S. 33:4862.1(B)(7) and LSA R.S. 33:4862.6(A)(2) shall be designated as a type "III" establishment.

d. Type "IV" License—a Louisiana State Racing Commission licensed race track, pari-mutuel wagering facility, or offtrack wagering facility as defined in LSA R.S. 33:4862.1(B)(8) (licensed establishment) shall be designated a type "IV" establishment.

e. Type "V" License—a qualified truck stop facility as defined in LSA R.S. 33:4862.6 shall be designated a type "V" establishment.

B. Security

1. Licensed and insured uniformed security guards or off duty uniformed P.O.S.T. (Peace Officers Standards and Training) certified law enforcement officers shall be required in all type IV and type V establishments with more than 20 devices. Security guards, other than off duty P.O.S.T. certified law enforcement officers, shall possess a security

guard identification card issued by the Louisiana State Board of Private Security Examiners at all times while on duty at the licensed establishment. In addition:

- a. a sufficient number of security personnel shall be provided for the safe operation of the establishment; and
- b. if the division determines that an unsafe situation exists, the division shall have the authority to mandate that a licensee provide additional security measures.

2. All type V establishments with 20 or more video gaming devices enrolled for play, shall provide video security surveillance, approved by the division, for the continuous monitoring of all gaming activities.

C. Placement of Devices in Licensed Establishments

1. Device groupings shall be physically located within the licensed establishment.

2. No device shall be placed closer than 12 inches to any other device, except devices may be placed back to back or in a carousel.

D. Structural Requirements for Licensed Establishments

1. No licensed establishment shall be altered, renovated, or expanded if such alteration, renovation, or expansion is for the purpose of moving devices or installing additional devices, without first submitting to the division for approval, a written notification, by hand delivery or certified mail, of the intent and a set of plans illustrating the projected changes.

2. Any licensed establishments that allow mixed patronage, shall have devices for play and operation only in designated areas. These gaming areas shall be physically separated by a partition as provided in LSA R.S. 33:4862.2(D)(2). The partition shall be permanently affixed and solid except for an opening to allow for player access into the gaming area.

3. A licensed establishment which is connected by a doorway or other opening to any other business establishment whether or not such other establishment is eligible for licensing by the division shall:

- a. have a door or doors between the licensed establishment and the other entity which shall automatically close;
- b. have a separate outside entrance for patrons such that an individual patron may enter each establishment from the exterior of the building;
- c. keep business records and books that are separate from those of the other entity; and
- d. have personnel who work solely for the licensed establishment and not for the other entity during all hours of operation of the licensed establishment.

4. The parking area of a licensed establishment which is a qualified truck stop facility shall be a minimum of 50,000 square feet in order to accommodate 50 18-wheel tractor-trailer motor vehicles, as required by the act.

E. Location of Licensed Establishment

1. Except as otherwise provided in this Section, video gaming activities shall be prohibited as provided in LSA R.S. 26:281.

2. All applicants for a truck stop license shall comply with the distance requirements as provided in LSA R.S. 33:4862.6(C)(2).

3. In addition, a licensed establishment which is a qualified truck stop facility shall be located adjacent to a major state or interstate highway. For purposes of this Section, the word adjacent shall mean that the property line of the premises upon which a qualified truck stop facility is located shall be within a distance of 2,000 feet to the nearest edge of the travelled portion of the roadway which is a major state highway or interstate highway.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:4862.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Gaming Enforcement Section, Video Gaming Division, LR 18:196 (February 1992), amended LR 21:

§2417. Code of Conduct of Licensee

A. General Provisions

1. All licensees shall comply with all applicable federal, state, and local laws and regulations.

2. All licensees shall, at all times, conduct themselves in a professional manner when communicating with the public and the division.

3. Any violation of the provisions of LSA R.S. 33:4862.1 et seq., shall also constitute a violation of these rules.

B. Unsuitable Conduct

1. No licensee shall engage in unsuitable conduct or practices or shall employ or have a business association with any person, natural or juridical, which engages in unsuitable conduct or practices.

2. For purposes of this Section, unsuitable conduct or practices shall include, but not be limited to the following:

a. employment of, in a managerial or other significant capacity as determined by the division, business association with, or participation in any enterprise or business with, except for race horse care personnel, a person convicted of a felony or declared unsuitable by the division;

b. employment of, association with, or participation in any enterprise or business with a documented or identifiable organized crime group or recognized organized crime figure;

c. misrepresentation of any material fact or information to the division;

d. engaging in, furtherance of, or profit from any illegal activity or practice, or any violation of these rules or the act;

e. obstructing or impeding the activities of the division or its agents;

f. persistent or repeated failure to pay amounts due or to be remitted to the state; and

g. facilitating or participating in the issuance of any loans or the providing of credit to a patron for video gaming purposes.

3. A licensee shall not engage in, participate in, or facilitate by any means, any criminal activity.

4. All licensees shall have a continuing duty to inform the division of any legal action that may materially affect the licensee's capability to perform or execute his responsibilities as a licensee.

5. A licensee shall not intentionally make, cause to be made, or aid, assist, or procure another to make any false statement in any report disclosure, application, permit form, or any other document, including improperly notarized documents, required by these rules or the act.

C. Additional Causes for Disciplinary Action

1. Further instances of conduct by a licensee where the division may sanction a licensee shall include but not be limited to when:

- a. the licensee has been involved in the diversion of gaming equipment for unlawful means;
- b. the licensee or a designated representative of the licensee has been involved in activities otherwise prohibited by law or the willful purpose of which was to circumvent or contravene the provisions set forth in the division's rules;
- c. the licensee has demonstrated a reluctance or inability to comply with the requirements set forth in these rules and the act, particularly after repeated warnings, consultation, or probation;
- d. the licensee violates written conditions of probation;
- e. the division discovers incomplete or erroneous information as to a material or a substantial matter provided on an application or any item affecting the decision whether to license the applicant;
- f. the division discovers substantial, incomplete, or erroneous information provided in a report or other required communication; and
- g. the licensee has failed to timely pay a fine imposed by the division.

2. The division may deny, impose a condition or fine, suspend, or revoke any license, renewal, or application for a violation of any rules of the division and/or the act.

D. Cause for Reprimand

1. Any of the following acts or omissions, as well as any similar acts or omissions, may be cause for written reprimands to licensees including, but not limited to:

- a. tardy, inaccurate, or incomplete reports;
- b. failure to respond in a timely manner to communications from the division; and
- c. unavailability of the licensees, their designated representatives, or their agents.

2. A licensee may request, in writing, to meet with an agent of the division to discuss any reprimand that is issued.

3. Any amendment or recall of a reprimand shall be furnished in writing by the division.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:4862.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Gaming Enforcement Section, Video Gaming Division, LR 18:196 (February 1992), amended LR 21:

§2419. Investigations

A. Background Investigations

1. All applicants shall be subject to a background investigation in order to ensure that licensing requirements are met.

2. All applicants shall, upon request, make available to the division, records and documentation to substantiate statements and support information supplied in the application process.

3. All licensees and their employees shall provide the following information upon request:

- a. their immediate family's and relative's names and addresses;
- b. their affiliations with any organized groups or organizations;
- c. their affiliations with any corporations, firms, or any other business entities; or
- d. their association or involvement with any criminal or illicit activity.

4. Any information provided to the division by an applicant or licensee shall be a public record unless excepted by LSA R.S. 44:1 et seq., or any other law.

B. Inspections

1. Inspections of Facilities

a. During all hours of operation, any licensed premises upon which a licensee conducts any video gaming activity, shall be subject to inspection by the division, without advance notice, in order to ensure compliance with the rules of the division and the provisions of the act.

b. Once an inspection commences, the licensee or a designated representative shall render full courtesy and cooperation to agents.

c. Upon completion of an inspection, agents may advise the licensee or a designated representative of any violation or problems which may exist.

d. Agents shall provide the licensee or a designated representative with a copy of an inspection report.

2. Inspection of Records

a. Upon request, all licensees shall make available to the division, all required information and records, including, but not limited to:

- i. video gaming bank account documents including, but not limited to:
 - (a). bank statements;
 - (b). canceled checks;
 - (c). deposit slips; and
 - (d). other related documents of this nature.
- ii. licensed establishment documents including, but not limited to:
 - (a). payroll records of all employees;
 - (b). tax records for federal, state, and local jurisdictions;
 - (c). licensee contracts concerning the licensed premises;
 - (d). video gaming contracts and agreements with other businesses; and
 - (e). other video gaming related documents of this nature.
- iii. device and gaming documents including but not limited to:
 - (a). rental, lease or purchase agreements;
 - (b). all maintenance records for the devices operated;

- (c). prize and award records; and
- (d). other video gaming related documents of this nature.

b. The division may require a license to submit any and all video gaming records or documents that are necessary for the facilitation and/or completion of an investigation pertaining to a violation of these rules or the act.

3. Inspection of Devices

a. Agents of the division may, at any time, without advance notice, inspect any device located within a licensed premises.

b. All devices shall have, at all times, the proper validation decal affixed to the device and maintenance log books properly secured in the device and available for inspection by the division.

c. Agents of the division may disable and/or seize any device which it finds to be in violation of any of these rules or the law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:4862.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Gaming Enforcement Section, Video Gaming Division, LR 18:196 (February 1992), amended LR 21:

§2421. Miscellaneous

A. Required Meetings

1. The division may summon a licensee to appear for a consultation, explanation, discussion, clarification, training session, or other meeting considered by the division to be of potential benefit, or otherwise aid in the effective regulation of the video gaming industry.

2. Any information obtained in any required meeting may be used by the division to substantiate the imposition of an administrative sanction.

B. Security Interest Holders

1. Any variance to the rules pertaining to security interests and trusts contained herein shall be at the discretion of the division only, and shall only be granted by the division in writing.

2. The division recognizes the rights of a person who holds a security interest in video gaming devices. However, the right to possess a video gaming device under the act requires an entity to be licensed by the division, and that any movement within, into, or from Louisiana be monitored by the division.

3. In order to facilitate both the security interest holder's and the division's regulatory responsibilities, the following procedures shall be followed during voluntary repossession proceedings and judicial actions to recognize and enforce security interests:

a. the security interest holder shall notify the division in writing regarding its intent to repossess any video gaming device;

b. the video gaming devices shall be identified by make, model, serial number, and location;

c. the security interest holder shall notify the division, in writing, of the proposed date and time of repossession of the devices;

d. agents from the division shall be present at the location to secure the gaming device, and to record serial numbers and meter readings of the devices;

e. the division shall be advised of the location of all devices and shall coordinate activities regarding the movement of such devices. The division shall issue a document authorizing the movement of the devices and said document shall accompany the devices during movement;

f. the security interest holder or former security interest holder which purchases devices at a judicial sale, may be granted a provisional license for a maximum of 90 days only, inclusive of weekends and holidays, for the express purpose of selling the same devices to a licensed manufacturer, distributor, or device owner only;

g. upon request, names and addresses of licensed manufacturers, distributors, and device owners may be provided by the division to the security interest holder in order to aid in the sale of the devices; and

h. all applicable transportation forms shall be completed in whole by the licensee before video gaming devices are transported by the security interest holder.

C. Proceeds from the Sale of Devices

1. For purposes of these rules and the act, a device owner may pay an entity holding a security interest in a device a portion or percentage of the proceeds received by the owner from the device as long as there is a fixed purchase price, with or without a fixed rate of interest, which shall not exceed a payment term of four years.

2. All contracts for the sale of devices where the price is paid to the seller by the owner out of device proceeds shall be in writing and approved by the division.

D. Disposition of Secured Assets

1. The division recognizes that distributors, device owners, device operators, and establishment owners have a need to secure financing for their business and operations, that the rights of persons granting such financing require protection in order to insure the continued availability of financing, and that the disposition of assets in liquidation, foreclosure and bankruptcy requires regulation in order to insure compliance with the provisions of the act.

2. In order to facilitate the disposition of assets which are regulated or require licensure as regulated activities under the act, in whole or in part, the following provisions shall apply to the transfer or assignment of such assets:

a. creditors who have provided financing to distributors, operators, or establishment owners and who have secured such financing by security interests under Article 9 of the Uniform Commercial Code may enforce their rights or remedies through the transfer or assignment of assets in accordance with the provisions of this Section;

b. the benefits of this provision shall apply only to state or federally chartered and insured banking institutions, chartered or licensed lending institutions authorized to do business in Louisiana, or persons holding any form of video gaming license under the act; and

c. the transfer or assignment of assets may only be made pursuant to a confirmed bankruptcy plan of reorganization or liquidation, or other judicial proceedings to foreclose on a security interest under Louisiana law, and only after the division shall have been given notice of such assignment and the opportunity to be heard in the bankruptcy or other proceeding on all aspects of the assignment or transfer.

E. Provisions for Transfer of Assets

1. Unless the proposed transferee of the asset is fully licensed under the act to own and/or operate the particular asset to be transferred, or if previously approved by the division, has contracted with a properly licensed device owner and/or operator of the asset to be transferred, the following provisions shall apply to such transfer:

a. the creditor shall establish a trust for its benefits in a form acceptable to the division to which legal title to the asset may be transferred; and

b. no transfer of assets shall be consummated until the trust shall have been established, and the trust and the trustee(s) thereof shall have received all required approvals, permits and/or licenses from the division.

2. The trust shall be managed by one or more trustees who shall be appointed by the creditor beneficiary.

3. No trustee shall be empowered to act without first having received approval to serve in such position from the division.

F. Operation of Trust

1. The trustee(s) shall hold legal title to the assets of the trust and administer those assets in accordance with the provisions of the act, and shall perform such other duties as may be required by law or the trust instrument.

2. The trust shall neither conduct nor contract for the operation of any video gaming activity without first having obtained all approvals or licenses which may be required for such activity from the division.

3. The trust shall be permitted to contract with a person holding the appropriate video gaming license from the division for the operation of any video gaming activity without the necessity of the trust itself receiving such license.

4. In the event that the creditor which is the beneficiary of the trust shall be a person holding any form of video poker license under the act, then the trust may delegate the right to contract with a licensee for any licensed activity to the creditor beneficiary pursuant to provisions of the trust instrument.

G. Required Provisions of Trust Instrument

1. The trust shall be constituted for a limited term under provisions which shall require it to divest itself of all assets within six months after the creditor beneficiary has recouped in net disbursements from the trust the full amount of its original indebtedness, plus accrued interest and other monies due under the security agreement.

2. The trustee(s) shall be required to provide the division with reports on a quarterly basis as to the financial affairs, operations and other business of the trust as the division may direct.

3. The trust instrument shall contain provisions governing contracts for the conduct of activities requiring licensure under the act which are satisfactory to the division and appropriate to the particular circumstances of the creditor beneficiary. The division shall review and approve such provisions of the trust instrument, and upon approval, and provided that the trust and creditor beneficiary only enter into contracts consistent with such provisions, the division shall not require either the trust, the trustee(s) or the creditor beneficiary to apply for or obtain any license under the act. This provision shall not affect the requirement for approvals from the division required by other provisions of this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:4862.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Gaming Enforcement Section, Video Gaming Division, LR 18:196 (February 1992), amended LR 21:

§2423. Hearings and Sanction Procedures

A. General Provisions

1. Any applicant or licensee who is determined by the division to have committed or allowed an act or omission that is a violation of LSA R.S. 33:4862.1 et seq., or any rule contained herein, is subject to denial, suspension or revocation of a license, and/or imposition of a fine, probationary condition(s) or other restriction(s).

2. Except as otherwise provided in the rules and in the act, every person who is subject to denial, suspension, or revocation of a license, and/or imposition of a fine, probationary condition(s) or other restriction(s), shall be entitled to reasonable notice and opportunity for a fair and impartial hearing held in accordance with the Administrative Procedure Act, LSA R.S. 49:950 et seq.

3. If a licensee is issued more than one video gaming license by the division and has a video gaming license suspended or revoked, the division may suspend or revoke all licenses issued by the division to the licensee.

B. Procedure

1. Subsequent to an investigation by the division which results in disciplinary action in the form of a denial, revocation, suspension, or restriction of a license, which would include the nonpayment of a monetary penalty, the division may in its discretion, via the central control system, activate a remote shutdown of device operations, thereby immediately disabling any gaming device owned or operated by a licensee.

2. Except as otherwise provided in these rules and the law, if the division intends to revoke, suspend, or restrict a license, deny an application, or levy any monetary penalty, the division shall immediately notify the licensee or applicant of its intended actions, and provide the reasons therefor. Such notice shall include:

a. a short and plain statement of the violations asserted and the disciplinary action to be taken by the division;

b. reference to the particular provision(s) of the act and/or rules involved;

c. a statement of the legal authority of the division to impose the sanction and the jurisdiction under which a hearing may be held; and

d. a statement of the procedure and time limits within which one may request a hearing.

3. Except as otherwise provided in these rules, notice shall be served by certified mail, return receipt requested, to the permanent address for notice that is provided in the application, or latest amendment thereto, on file with the division. If any incorrect or incomplete addresses have been supplied by the licensee to the division, such that service by certified mail, although attempted, cannot be successfully completed, or the licensee fails to accept properly addressed certified mail, notice shall be presumed to have been given.

4. In situations involving serious violations of the act or these rules, or in situations which otherwise present a danger to the public health, safety or welfare, the division may provide notice by telephone. Such notice shall be promptly documented, and confirmation in writing shall be provided to the licensee.

5. Subsequent to the receipt of such notice from the division, the licensee or applicant shall request a hearing within the applicable time delays, or the penalty as outlined in the notice shall become final. The request shall be made in writing and mailed to the division by certified mail, return receipt requested, and postmarked within 10 business days after the receipt of the written notice provided by the division.

6. Upon receiving a hearing request, the division shall schedule an administrative hearing to be conducted in accordance with the provisions of the Administrative Procedure Act, LSA R.S. 49:950 et seq.

7. Any licensee or applicant may petition for agency review for a determination as to the validity or applicability of an agency rule pursuant to the provisions of LSA R.S. 49:963.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:4862.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Gaming Enforcement Section, Video Gaming Division, LR 18:196 (February 1992), amended LR 21:

§2425. Severability Clause

If any provision of these rules is declared invalid for any reason, the invalidity of that provision shall not affect the validity of the remaining rules or any other provision thereof.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:4862.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Gaming Enforcement Section, Video Gaming Division, LR 18:196 (February 1992), amended LR 21:

A public hearing will be held on the proposed rules and regulations on April 26, 1995, to commence at 9 a.m., at the Louisiana State Police Training Academy Auditorium, 7901 Independence Boulevard, Baton Rouge, LA.

Interested persons may submit written comments to: Office of State Police, Video Gaming Division, Box 66614 (Mail Slip Number 12), Baton Rouge, LA, 70896. Lt. Bradley Tullier

is the person responsible for responding to the inquiries regarding the proposed rules and regulations. Written comments will be accepted through the close of business, 4:30 p.m., on April 20, 1995.

Col. Paul W. Fontenot
Deputy Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Video Poker Rules

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The division will incur minimal expenditures related to additional administrative requirements, which can be carried out with existing staff and resources.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The estimated revenue increase is based on projections due to regulatory changes. The net effect on state government will be \$9,116,611. The net effect on local governmental units will be \$3,774,276.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

All video gaming licensees and future applicants for a video gaming license will be affected by the increase in renewal fees, licensing fees, and the implementation of a processing fee as well as an increase in the franchise payments for all licensees except racetracks and offtrack betting facilities. Certain license holders and potential license holders may be required to spend additional funds to ensure their establishments conform to division standards.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no measurable economic impact on competition and employment as a result of this change in the video poker regulations.

Rex McDonald
Undersecretary
9503#007

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Social Services
Office of Community Services**

Central Registry—Child Abuse/Neglect Cases
(LAC 67:V.1103)

The Department of Social Services, Office of Community Services, proposes to amend the rule entitled "Central Registry—Child Abuse/Neglect Cases" published in the *Louisiana Register*, Volume 20, Number 2, February 20, 1994, page 198.

This rule is mandated by proposed revisions to policy regarding the State Central Registry in order to comply with the provisions of 31 USC §6503.

Title 67

SOCIAL SERVICES

Part V. Office of Community Services

Subpart 3. Child Protective Services

Chapter 11. Administration and Authority

§1103. State Central Registry

* * *

A - A.1 ...

a. The Office of Community Services will not maintain records of reports of child abuse or neglect on families or out-of-home caretakers determined to be inherently improbable or false as provided in Article 615 (B)(5) and (6), however, this action shall not take effect until the three-year record retention period required by federal law for audit purposes has expired, counting from the month and year of the final finding. During the three-year record retention period, such records shall be sealed and accessible only to the financial auditors.

b. Records of reports of suspected child abuse or neglect in which the determination is made that the reports appear to be justified will be maintained until the youngest child in the victim's family reaches the age of 18. When, after the investigation, the determination is made by the department that the report does appear to be justified, any subsequent adjudication by a court exercising juvenile jurisdiction which dismisses the child in need of care petition involving this report shall be added to the central registry. Records of reports of child fatalities determined to have been caused by child abuse or neglect will be maintained for 20 years. Records on determinations on caretakers in restrictive care facilities and day care centers in which reports appear to be justified will be maintained for five years, unless there is another justified finding involving the same perpetrator. In those cases the records will be maintained until there has been no subsequent justified finding for five years. Records on justified findings on foster families, when the child victim is a foster child, will be maintained indefinitely.

c. Any person whose name is included on the central registry may file a rule to show cause against the Department of Social Services in the court exercising juvenile jurisdiction in the parish in which the investigation was conducted to show why the information on file should not be expunged. The Office of Community Services will expunge the petitioner's name and other identifying information upon receipt of a court order to do so. Any expungement order issued by a court shall not take effect as to nonidentifying statistical information on file until the three-year record retention period required by federal law for audit purposes has expired, counting from the month and year of the final finding. During the three-year record retention period, such records bearing the nonidentifying statistical information shall be sealed and accessible only to the financial auditors.

* * *

AUTHORITY NOTE: Promulgated in accordance with the Louisiana Children's Code, Title VI, Child in Need of Care, Chapter 5, Articles 615 and 616, and Title XII, Adoption of Children, Chapter 2, Article 1173, and LA R.S. 14:403(H).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 18:79 (January 1992) amended LR 20:198 (February 1994), LR 21:

Interested persons may submit written comments for 40 days from the date of this publication to the following address: Brenda L. Kelley, Assistant Secretary, Box 3318, Baton Rouge, LA 70821. She is responsible for responding to inquiries.

Gloria Bryant-Banks
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Central Registry—Child Abuse/Neglect Cases

- I. **ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**
The only cost in FY 94/95 will be \$500 to print manual material.
There will be no savings as a result of the revision to agency policy.
- II. **ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**
There will be no effect on revenue collections of state or local governmental units.
- III. **ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**
There will not be any costs nor economic benefits to directly affected persons or nongovernmental groups.
- IV. **ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**
There will be no effect on revenue competition and employment.

Robert J. Hand
Director
Fiscal Division
9503#074

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Social Services
Office of The Secretary**

Child Care Assistance Disqualification (LAC 67:I.101)

The Department of Social Services, Office of the Secretary proposes to amend the following rule in the Child Care Assistance Program effective July 1, 1995.

This proposed rule adopts disqualification procedures for clients who receive ineligible benefits in the Child Care Assistance Program.

**Title 67
SOCIAL SERVICES**

Part I. Office of the Secretary

Chapter 1. Child Care Assistance Program

§101. Eligibility Requirements

A. General Requirements: Child Care and Development Block Grant and Title IV-A At-Risk Child Care

1. - 6. ...

7. Disqualification

a. Clients will be disqualified in all cases in which:

i. the client has received benefits for which he is ineligible, and

ii. the unrecoverable amount of such benefits is at least \$200, and

iii. the recovery account was established after September 30, 1994.

b. Disqualification Period

i. The disqualification shall be for a period of months equal to the unrecoverable amount divided by the total estimated monthly benefit amount.

ii. If the client is currently receiving benefits, payments are suspended if the disqualification period is three months or less. Otherwise, the case shall be closed and the client may not reapply during the disqualification period.

iii. If the client is on the waiting list, the wait shall be extended by the additional months of the disqualification period when that period is three months or less. Otherwise, the client shall be removed from the waiting list and may not reapply during the disqualification period.

iv. If the client is neither receiving benefits nor on the waiting list and subsequently reapplies and is found eligible, the case will be placed on the waiting list, with the wait extended by the additional months of the disqualification period if that period is three months or less. Otherwise, the application is denied and the client may not reapply during the disqualification period.

B. Child Care and Development Block Grant

* * *

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, LR 18:288 (March 1992), amended LR 18:1133 (October 1992), LR 18:1415 (December 1992), LR 19:1440 (November 1993), LR 20:459 (April 1994), LR 20:794 (July 1994), LR 20:899 (August 1994), LR 21:

Interested persons may submit written comments by April 25, 1995 to the following address: Linda Beauvais, Administrator, Child Care Assistance Program, Department of Social Services, Box 91193, Baton Rouge, LA 70821. She is responsible for responding to inquiries regarding this proposed rule.

A public hearing on the proposed rule will be held on April 25, 1995 in the Second Floor Auditorium, 755 Third St., Baton Rouge, LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing, at said hearing.

Gloria Bryant-Banks
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Child Care Assistance Disqualification

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed agency rule implements disqualification for clients who have received ineligible benefits. There are no costs or savings associated with implementation of this rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

This rule will have no effect on revenue collections. The Child Care Assistance Program is allocated funds under the federal Child Care and Development Block Grant and the Title IV-A At-Risk Child Care Program. The Child Care and Development Block Grant is 100 percent federal funds; the At-Risk Program is matched at the Medicaid matching rate. Revenues available to Louisiana are as follows:

Fiscal Year	Federal Funds	State Funds
92/93	\$21,668,917	
93/94	\$23,623,963	
94/95	\$29,563,780	\$1,950,725

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The full amount of each year's allocated funding will be used for activities to increase the affordability, availability and quality of child care in Louisiana. As of December 31, 1994, there were 6,658 children in child care subsidized by these funds. In addition, there were 623 Class A child care centers, 560 Family Day Care Homes, and 307 in-home providers receiving payments for providing child care.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule will have no impact on competition or employment.

John Joseph
Deputy Secretary
9503#075

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

**Department of Transportation and Development
Office of Highways**

**Installation of Specific Services (LOGO)
Signing (LAC 70:III.Chapter 3)**

In accordance with the applicable provisions of the Administrative Procedure Act R.S. 49:950, et seq., notice is hereby given that the Department of Transportation and Development intends to amend the rule entitled "Installation of Specific Services (LOGO) Signing," in accordance with R.S. 48:274.1.

Title 70
DEPARTMENT OF TRANSPORTATION
AND DEVELOPMENT

Part III. Office of Highways

Chapter 3. Installation of Specific Services (LOGO)
Signing

§303. Definitions

A.-3. ...

4. *Department of Transportation and Development Managed Program*—a specific services (LOGO) program in which the department conducts every phase, including marketing, construction, refurbishing and maintenance.

5. *Contractor-Managed Program*—a specific services (LOGO) program in which a person, firm or organization selected through the public bid process by the department administers, markets, constructs, refurbishes and maintains all existing and future specific services (LOGO) signs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:274.1

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 19:352 (March 1993), amended LR 21:

§307. Criteria for Specific Information Permitted

A.-C.1.a. ...

b. vehicle services of fuel (unleaded, diesel, or alternative fuels intended for use in motor vehicles), oil and water for batteries and/or radiators;

c.-F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:274.1.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 19:352 (March 1993), amended LR 21:

§313. Fees and Agreements

A. DOTD-Managed Program. The annual fee and service charges for each business sign shall be established by the department as stipulated on the permit application.

1.-Figure 5. ...

B. Contractor-Managed Program

1. The department may select through the public bid process a person, firm or organization to administer, market, construct, refurbish and maintain all existing and future specific services (LOGO) signs.

2. Maximum annual fees and service charges for each business sign shall be established by the department in its contract with the manager.

3. The contract manager will invoice participating businesses and remit all monies collected to the department to be distributed according to the terms and conditions of the contract.

4. The department shall not be responsible for damages to business signs caused by acts of vandalism, accidents, natural causes (including natural deterioration), etc. requiring repair or replacement.

5. Businesses shall submit applications for future signs and renewals to the contractor-manager.

6. No business sign shall be displayed which, in the opinion of the department, does not conform to department's standards, is unsightly, badly faded, or in a substantial state of dilapidation. The contractor-manager shall remove, replace, or mask any such business signs as appropriate.

7. The contractor-manager shall provide ordinary initial installation and maintenance services as provided for in the contract.

8. The contractor-manager shall notify businesses which do not meet minimum criteria as defined in §307 that deficiencies must be corrected in 30 days. If compliance is not achieved, contractor-manager must remove offending sign.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:274.1.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 19:352 (March 1993), amended LR 21:

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. Such comments should be submitted to Peter A. Allain, State Traffic Engineer, Traffic and Planning, Department of Transportation and Development, Box 94245, Baton Rouge, LA 70804-9245, (504) 358-9139.

Jude W. P. Patin
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

RULE TITLE: Installation of Specific Services
(LOGO) Signing

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be an approximate \$100,000 decrease in personnel and equipment costs per year to DOTD. There will be an approximate \$100,000 decrease in construction cost per year to DOTD, for a total decrease in cost of \$200,000.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be an approximate \$200,000 decrease in revenues collected per year by DOTD.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
There will be an approximate \$160,000 increase in costs to all participating businesses per year. This figure is based upon a total of 400 business paying approximately \$400 more per year for signage.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There should be a positive effect on competition and employment within private industry which will be able to work in an area not previously open to private industry. The businesses which advertise should also be positively affected because signage will be upgraded more often.

Jude W. P. Patin
Secretary
9503#031

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

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

Coinsurance for Non-Use of PPO

In accordance with the applicable provisions of R.S. 49:950 et seq., the Administrative Procedure Act, and R.S. 42:871(C) and 874(A)(2), vesting the Board of Trustees with the sole responsibility for administration of the State Employees Group Benefits Program and granting the power to adopt and promulgate rules with respect thereto, notice is hereby given that the Board of Trustees intends to amend the plan document as follows.

The purpose, intent, and effect of these amendments are to change the coinsurance level to 50 percent for use of a non-PPO when the service is available from a PPO in the region where the service is provided.

The board proposes to amend the plan document of Benefits for the State Employees Group Benefits Program, effective July 1, 1995, in the following particulars:

AMENDMENT NUMBER ONE

In the SCHEDULE OF BENEFITS, under the headings COMPREHENSIVE MEDICAL BENEFITS, Percentage Payable after Satisfaction of Applicable Deductibles and in the footnotes thereto, change 70 percent/70 percent to 50 percent/50 percent in each and every instance.

AMENDMENT NUMBER TWO

Subparagraph (b) of Paragraph 2, entitled Out-of-Pocket Expenses, in Article 3, Section I, Subsection A, is amended to read:

2. Out-of-Pocket Expenses - the sum of

(a) ...

(b) 50 percent of all such eligible medical expenses which exceed the deductibles for that calendar year and for which benefits were paid at 50 percent;

(c)-(d)...

AMENDMENT NUMBER THREE

Paragraph 1 of Article 3, Section I, Subsection C, entitled Benefits for Eligible Medical Expenses, is amended to read:

1. Fifty percent of the first \$5,000 of eligible expenses incurred with non-PPO providers in an area where PPO contracts are in force and can provide the needed medical service or dispense the prescription drug;

AMENDMENT NUMBER FOUR

Paragraph 2 of Subsection B in Article 3, Section X, entitled Preferred Provider Programs, is amended to read:

2. If a non-PPO provider is used in an area where there are PPO providers of the same service, then the plan member is reimbursed 50 percent of the eligible expenses. If there is no PPO provider...made to plan member.

Interested persons may present their views, in writing, to James R. Plaisance, Executive Director, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA 70804, until 4:30 p.m. on Monday, April 24, 1995.

A public hearing will be held on Thursday, April 27, 1995, beginning at 9:30 a.m., in the auditorium of the State Police Training Academy, 7901 Independence Boulevard, Baton Rouge, LA 70806. Interested persons are invited to attend and present oral comments concerning the proposed amendments.

James R. Plaisance
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Coinsurance for Non-use of PPO-50 Percent

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be an estimated savings of \$9,512,000 to the State Employees Group Benefits Program according to the programs consulting actuary, the Segal Company.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no effect on revenue collections of state or local governmental units as a result of this rule change.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
Implementation of this rule change will have no cost or economic benefit to the plan members of the State Employees Group Benefits Program as a group, although individual members may have reimbursements raised or lowered based on the individual claims.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
Competition and employment will not be affected.

James R. Plaisance
Executive Director
9503#067

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

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

Credit of HMO Deductibles

In accordance with the applicable provisions of R.S. 49:950 et seq., the Administrative Procedure Act, and R.S. 42:871(C) and 874(A)(2), vesting the Board of Trustees with the sole responsibility for administration of the State Employees Group Benefits Program and granting the power to adopt and promulgate rules with respect thereto, notice is hereby given that the Board of Trustees intends to adopt the following administrative policy.

The purpose, intent, and effect of this policy is to credit deductible and copay amounts met during the first six months of the calendar year by HMO members who transfer into the State Employees Group Benefits Program indemnity plan on July 1.

The board proposes to adopt the following administrative policy applicable to members of a health maintenance organization (HMOs) who elect, during the annual open enrollment period, to transfer from a HMO with which the board has contracted to the State Employees Group Benefits Program indemnity plan on July 1:

"Members of a health maintenance organization (HMO) with which the board has contracted who elect, during the annual open enrollment period, to transfer to the State Employees Group Benefits Program indemnity plan on July 1 receive credit for deductible and copayment amounts met with the HMO during the first six months of the calendar year in which the transfer is made."

Interested persons may present their views, in writing, to James R. Plaisance, Executive Director, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA 70804, until 4:30 p.m. on Monday, April 24, 1995.

A public hearing will be held on Thursday, April 27, 1995, beginning at 9:30 a.m., in the auditorium of the State Police Training Academy, 7901 Independence Boulevard, Baton Rouge, LA 70806. Interested persons are invited to attend and present oral comments concerning the proposed amendments.

James R. Plaisance
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Credit of HMO Deductibles and Coinsurance

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be an estimated cost of \$88,000-\$98,000 to the State Employees Group Benefits Program according to the program's consulting actuary, the Segal Company.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections of state or local governmental units as a result of this rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Implementation of this rule change will have no cost or economic benefit to the plan members of the State Employees Group Benefits Program as a group, although individual members may have reimbursements raised or lowered based on the individual claims.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition and employment will not be affected.

James R. Plaisance
Executive Director
9505#065

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

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

Dental Surgery Procedures

In accordance with the applicable provisions of R.S. 49:950 et seq., the Administrative Procedure Act, and R.S. 42:871(C) and 874(A)(2), vesting the Board of Trustees with the sole responsibility for administration of the State Employees Group Benefits Program and granting the power to adopt and promulgate rules with respect thereto, notice is hereby given that the Board of Trustees intends to amend the plan document as follows.

The purpose, intent, and effect of this amendment is to eliminate as eligible expenses all procedures in the schedule of dental surgical benefits other than the excision of impacted teeth.

The board proposes to amend plan document of benefits for the State Employees Group Benefits Program, effective July 1, 1995, in the following particulars:

Subsection A of Article 3, Section V, entitled Dental Surgical Benefits, is amended to read:

V. DENTAL SURGICAL BENEFITS

A. When disease, illness, accident or injury requires the covered person to undergo excision of one or more impacted teeth, and the procedure is performed by a doctor of dental surgery (D.D.S.) or doctor of dental medicine (D.M.D.) while this coverage is in force as to such person, the program will pay the eligible expense actually incurred for professional charges for such surgical procedure, including the usual pre-operative and post-operative care, not to exceed the maximum amount payable for the procedure as allowed by the fee schedule. No other dental surgical expense will be considered eligible under this provision.

Subsection B is unchanged.

Subsection C is deleted.

Interested persons may present their views, in writing, to James R. Plaisance, Executive Director, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA 70804, until 4:30 p.m. on Monday, April 24, 1995.

A public hearing will be held on Thursday, April 27, 1995, beginning at 9:30 a.m., in the auditorium of the State Police Training Academy, 7901 Independence Boulevard, Baton Rouge, LA 70806. Interested persons are invited to attend and present oral comments concerning the proposed amendments.

James R. Plaisance
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Dental Surgery Procedures Deletion

- I. **ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**
There will be an estimated savings of \$250,000-\$296,000 to the State Employees Group Benefits Program according to the program's consulting actuary, the Segal Company.
- II. **ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**
There will be no effect on revenue collections of state or local governmental units as a result of this rule change.
- III. **ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**
Implementation of this rule change will have no cost or economic benefit to the plan members of the State Employees Group Benefits Program as a group, although individual members may have reimbursements raised or lowered based on the individual claims.
- IV. **ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**
Competition and employment will not be affected.

James R. Plaisance
Executive Director
9503#068

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

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

Premium Rate Adjustment

In accordance with the applicable provisions of R.S. 49:950 et seq., the Administrative Procedure Act, and R.S. 42:871(C) and 874(A)(2), vesting the Board of Trustees with the sole responsibility for administration of the State Employees Group Benefits Program and granting the power to adopt and promulgate rules with respect thereto, and pursuant to the authority granted by R.S. 42:874(A)(10)(b), notice is hereby given that the Board of Trustees intends to adopt the following cost assessment allocation:

Costs of \$24,600,000 for the fiscal year July 1, 1995 - June 30, 1996 are assessed to all employee/retiree members of the State Employees Group Benefits Program who are enrolled for health coverage under the comprehensive medical indemnity plan of the state or in a Health Maintenance Organization with which the Board of Trustees has contracted, such costs to be allocated on a prorata basis in accordance with the classification of coverage for which the employees/retiree members are enrolled.

A complete list showing the amount of the allocation for each employee/retiree member in each class of coverage is available from the offices of the State Employees Group

Benefits Program, 5825 Florida Boulevard, Baton Rouge, LA 70804.

The assessment is to be collected in the same manner as premiums for health coverage.

NOTE: The board will seek appropriation from the legislature to fund up to 50 percent of the assessment on behalf of each employee/retiree member.

Interested persons may present their views, in writing, to James R. Plaisance, Executive Director, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA 70804, until 4:30 p.m. on Monday, April 24, 1995.

A public hearing will be held on Thursday, April 27, 1995, beginning at 9:30 a.m. in the auditorium of the State Police Training Academy, 7901 Independence Boulevard, Baton Rouge, LA 70806. Interested persons are invited to attend and present oral comments concerning the proposed amendments.

James R. Plaisance
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Cost Adjustment**

- I. **ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**
Implementation of the cost adjustment by the Board of Trustees of the State Employees Group Benefits Program will result in no costs or savings to this program. If the state funds 50 percent of the cost adjustment, it will cost state and local agencies approximately \$13,000,000. If the state of Louisiana does not fund this increase, the entire cost will be paid by the individual group benefits or HMO members. It is anticipated that this rate adjustment in conjunction with other benefit modifications and cost savings measures adopted by the board which total in excess of \$10 million will cover any cash shortfall, projected to be \$28-38 million, for fiscal year 1995/96.
- II. **ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**
Revenue collections by the state employees group benefits program will be increased by approximately \$24.6 million.
- III. **ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**
Implementation of this rule change will increase the cost of premiums to all state employees who have health coverage with the indemnity plan or an HMO. Further, it will be requested that the state fund one-half of the cost adjustment and the state employees will pay one-half of the cost adjustment.
- IV. **ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**
Competition and employment will not be affected.

Ann B. Davenport
Deputy Director
9503#062

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

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

Prescription Drug Deductible

In accordance with the applicable provisions of R.S. 49:950 et seq., the Administrative Procedure Act, and R.S. 42:871(C) and 874(A)(2), vesting the Board of Trustees with the sole responsibility for administration of the State Employees Group Benefits Program and granting the power to adopt and promulgate rules with respect thereto, notice is hereby given that the Board of Trustees intends to amend the plan document as follows.

The purpose, intent, and effect of this amendment is to increase the calendar year deductible for prescription drugs, surgical and medical supplies to \$150, and to make such deductible separate from the calendar year deductible for other eligible expenses.

The board proposes to amend plan document of benefits for the State Employees Group Benefits Program, effective July 1, 1995, in the following particulars:

In the SCHEDULE OF BENEFITS, under the headings COMPREHENSIVE MEDICAL BENEFITS, Deductibles, delete:

"Prescription drugs, surgical supplies and medical supplies (in addition to Calendar Year Deductible) \$100 (Not subject to Family Unit Maximum or annual stop-loss)" and insert in lieu thereof:

"Prescription drugs, surgical supplies, and medical supplies (In addition to and separate from Calendar Year Deductible) \$150 (Not subject to Family Unit Maximum or annual stop-loss)"

Interested persons may present their views, in writing, to James R. Plaisance, Executive Director, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA 70804, until 4:30 p.m. on Monday, April 24, 1995.

A public hearing will be held on Thursday, April 27, 1995, beginning at 9:30 a.m., in the auditorium of the State Police Training Academy, 7901 Independence Boulevard, Baton Rouge, LA 70806. Interested persons are invited to attend and present oral comments concerning the proposed amendments.

James R. Plaisance
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Prescription Drug Deductible-\$150

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no cost or savings to the State Employees Group Benefits Program according to the program's consulting actuary, the Segal Company.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections of state or local governmental units as a result of this rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Implementation of this rule change will have no cost or economic benefit to the plan members of the State Employees Group Benefits Program as a group, although individual members may have reimbursements raised or lowered based on the individual claims.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition and employment will not be affected.

James R. Plaisance
Executive Director
9503#066

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

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

Surviving Spouses and Dependents

In accordance with the applicable provisions of R.S. 49:950 et seq., the Administrative Procedure Act, and R.S. 42:871(C) and 874(A)(2), vesting the Board of Trustees with the sole responsibility for administration of the State Employees Group Benefits Program and granting the power to adopt and promulgate rules with respect thereto, notice is hereby given that the Board of Trustees intends to amend the plan document and administrative policy as follows.

The purpose, intent, and effect of these amendments are:

1. To allow surviving spouses and surviving dependent children to continue coverage under the State Employees Group Benefits Program even in the event that the surviving spouse is covered by another group plan.

2. To allow the state to pay up to 50 percent of the premium costs on behalf of surviving spouses and dependent children.

The board proposes to amend plan document of benefits for the State Employees Group Benefits Program and its administrative policy, effective July 1, 1995, in the following particulars:

AMENDMENT NUMBER ONE

Article 1, Section III, Subsection F is amended to read as follows:

"F. Continued coverage for surviving dependents' benefits under this contract for covered surviving dependents of a deceased covered employee or retiree shall terminate at the end of the month during which the employee's or retiree's death occurs, unless the surviving covered dependents elect to continue coverage. It shall be the responsibility of the

participant employer or surviving covered dependent to notify the program within 60 days of the death of the employee or retiree and the program shall notify the surviving dependents of their right to continue coverage.

Application for continued coverage must be made in writing to the program within 60 days of receipt of notification and premium payment must be made within 45 days of the date the continuation option is exercised for coverage retroactive to the date coverage would have otherwise terminated.

Coverage for the surviving spouse under this Section III (F) will continue until the earliest of the following events occurs:

1. failure to pay the applicable premium;
2. death of the surviving spouse.

Coverage for a surviving dependent child under this Section III (F) will continue until the earliest of the following events occurs:

1. failure to pay the applicable premium;
2. coverage as an employee under any group health plan, except as provided under Article 1, Section III (K) (4);
3. 36 months beyond the date coverage would otherwise have terminated under the provisions of Article 1, Section I (1)(2) and (3), or Article 1, Section I (J) and Article 2, Section II.

Surviving spouses and dependents shall be entitled to continue to receive the same premium contributions as active employees and retirees from the state of Louisiana."

AMENDMENT NUMBER TWO

The provisions of Article 1, Section III, Subsection K, Paragraph 5 are deleted.

AMENDMENT NUMBER THREE

Article 1, Section III, Subsection K, Paragraph 4 is amended to read as follows:

"4. Effective January 1, 1990, if a covered person under this plan, other than a surviving spouse or surviving dependent children, becomes covered under another group health plan and the latter plan contains a pre-existing condition limitation or exclusion with respect to a medical condition such covered person may continue coverage under this plan AT HIS OR HER OWN EXPENSE, until such time as he or she would no longer qualify for benefits under the applicable provisions of Article 1 Section III (E) (F) (G) or (H) or, if earlier, until such time as the pre-existing condition limitation or exclusion under the latter health plan no longer applies. The covered person shall furnish to the program any information that may be required to document the provisions of any pre-existing condition limitation."

AMENDMENT NUMBER FOUR

Article 1, Section III, Subsection C, Paragraph 1 is amended to read as follows:

"C. Surviving Dependents

Benefits under this contract for covered dependents of a deceased covered employee shall terminate at the end of the calendar month in which the employee's death occurred unless the surviving covered dependents elect to continue coverage. Application for such continued coverage must be made within 60 days following the covered employee's death.

1. The surviving legal spouse of an active or retired employee may continue coverage until the spouse's remarriage."

AMENDMENT TO ADMINISTRATIVE POLICY

The following administrative policy will apply to any surviving spouse and surviving dependents who have previously been denied coverage solely because they were covered by another employer sponsored group health plan:

"Any surviving spouse or surviving dependents (of a covered plan member) who have previously been denied coverage solely because of coverage under another employer sponsored health plan shall be permitted to make application for continued coverage within the first six months following the effective date of the plan document amendments allowing surviving spouses and surviving dependent children to continue coverage under the State Employees Group Benefits Program even in the event that the surviving spouse is covered by another group plan."

Interested persons may present their views, in writing, to James R. Plaisance, Executive Director, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA 70804, until 4:30 p.m. on Monday, April 24, 1995.

A public hearing will be held on Thursday, April 27, 1995, beginning at 9:30 a.m., in the auditorium of the State Police Training Academy, 7901 Independence Boulevard, Baton Rouge, LA 70806. Interested persons are invited to attend and present oral comments concerning the proposed amendments.

James R. Plaisance
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Surviving Spouses and Dependents

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The Board of Trustees at its regular meeting on March 9, 1995 voted to allow surviving spouses and surviving dependents to continue benefits in the program even if they have other group health coverage. Also, the board voted to request 50 percent contribution of premium from the state for all surviving spouses and dependents. Estimated annual costs to fund those surviving spouses and dependents currently covered is \$1.55 million per year.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Additional revenue of \$1.55 million will be necessary for the funding of 50 percent of the surviving spouses and surviving dependents premium costs. Any additional surviving spouses and dependents that may enroll or continue coverage as a result of this rule change will cost the state an average of \$685 per contract. The number of contracts that may be affected by this rule change is undeterminable.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Surviving spouses and dependents that currently are forced to cancel coverage due to another group health policy will be allowed to continue with the program as a result of this rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

James R. Plaisance
Executive Director
9503#069

David W. Hood
Senior Fiscal Analyst

Interested persons may present their views, in writing, to James R. Plaisance, Executive Director, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA 70804, until 4:30 p.m. on Monday, April 24, 1995.

A public hearing will be held on Thursday, April 27, 1995, beginning at 9:30 a.m., in the auditorium of the State Police Training Academy, 7901 Independence Boulevard, Baton Rouge, LA 70806. Interested persons are invited to attend and present oral comments concerning the proposed amendments.

James R. Plaisance
Executive Director

NOTICE OF INTENT

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

Treatment of TMJ

In accordance with the applicable provisions of R.S. 49:950 et seq., the Administrative Procedure Act, and R.S. 42:871(C) and 874(A)(2), vesting the Board of Trustees with the sole responsibility for administration of the State Employees Group Benefits Program and granting the power to adopt and promulgate rules with respect thereto, notice is hereby given that the Board of Trustees intends to amend the plan document as follows.

The purpose, intent, and effect of these amendments are to provide a \$600 lifetime benefit for splint therapy for treatment of Temporomandibular Joint Syndrome (TMJ) which will include the cost of one initial x-ray; and to further provide that any surgical treatment for TMJ must be approved on an individual basis upon a showing that splint therapy was tried but not successful.

The board proposes to amend plan document of benefits for the State Employees Group Benefits Program, effective July 1, 1995, in the following particulars:

AMENDMENT NUMBER ONE

Add Paragraph 35 to Article 3, Section I, Subsection F, entitled Eligible Expenses, as follows:

35. Splint therapy for the treatment of Temporomandibular Joint Dysfunction (TMJ), limited to a lifetime benefit of \$600 to include the cost of a splint and the initial panorex x-ray only.

Surgical treatment for TMJ shall be eligible for benefits only following a demonstrated failure of splint therapy and only upon specific case-by-case approval by the program.

AMENDMENT NUMBER TWO

Add Subsection MM to Article 3, Section VIII, entitled Exceptions and Exclusions for all Medical Benefits, as follows:

MM. Any treatment for a diagnosis of Temporomandibular Joint Dysfunction (TMJ), except those benefits specifically delineated in Article 3, Section I, 35.

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Lifetime Benefit—Treatment of TMJ—\$600**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be an estimated cost of \$579,000-\$638,000 to the State Employees Group Benefits Program according to the program's consulting actuary, the Segal Company.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections of state or local governmental units as a result of this rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Implementation of this rule change will have no cost or economic benefit to the plan members of the State Employees Group Benefits Program as a group, although individual members may have reimbursements raised or lowered based on the individual claims.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition and employment will not be affected.

James R. Plaisance
Executive Director
9503#063

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

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

Well Baby Care Expenses

In accordance with the applicable provisions of R.S. 49:950 et seq., the Administrative Procedure Act, and R.S. 42:871(C) and 874(A)(2), vesting the Board of Trustees with the sole responsibility for administration of the State Employees Group Benefits Program and granting the power to adopt and

promulgate rules with respect thereto, notice is hereby given that the Board of Trustees intends to amend the plan document as follows.

The purpose, intent, and effect of this amendment is to subject all well baby care expenses to the baby's own deductible and coinsurance reimbursement levels.

The board proposes to amend plan document of benefits for the State Employees Group Benefits Program, effective July 1, 1995, in the following particulars:

Paragraph 27 of Article 3, Section I, Subsection F, entitled Eligible Expenses, is amended to read:

27. Well-baby care expenses, including facility and professional charges (subject to the fee schedule and exclusions for noncovered items);

Interested persons may present their views, in writing, to James R. Plaisance, Executive Director, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA 70804, until 4:30 p.m. on Monday, April 24, 1995.

A public hearing will be held on Thursday, April 27, 1995, beginning at 9:30 a.m., in the auditorium of the State Police Training Academy, 7901 Independence Boulevard, Baton Rouge, LA 70806. Interested persons are invited to attend and present oral comments concerning the proposed amendments.

James R. Plaisance
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Well Baby Care Expenses

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be an estimated savings of \$150,000-\$200,000 to the State Employees Group Benefits Program according to the program's consulting actuary, the Segal Company.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The will be no effect on revenue collections of state or local governmental units as a result of this rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Implementation of this rule change will have no cost or economic benefit to the plan members of the State Employees Group Benefits Program as a group, although individual members may have reimbursements raised or lowered based on the individual claims.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition and employment will not be affected.

James R. Plaisance
Executive Director
9503#064

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Hunting Season Dates (1995-1996)

The Wildlife and Fisheries Commission does hereby give notice of its intent to promulgate rules and regulations governing the hunting of resident game birds and game quadrupeds.

The text of the proposed rule may be viewed in its entirety at Wildlife and Fisheries Headquarters, 2000 Quail Drive, Baton Rouge, LA 70810 and at the Office of the State Register, 1051 North Third Street, Baton Rouge, LA 70802.

Resident Game Birds and Animals

Shooting hours: one-half hour before sunrise to one-half hour after sunset. Also consult regulation pamphlet for seasons or specific regulations on Wildlife Management Areas or specific localities.

SPECIES	SEASON DATES	DAILY BAG LIMIT	POSSESSION LIMIT
Quail	Nov. 23 - Feb. 29	10	20
Rabbit	Oct. 7 - Feb. 29	8	16
Squirrel	Oct. 7 - Jan. 28	8	16
Deer	See Schedule	1 Antlered and 1 Antlerless (When Legal)	6/season (By all Methods)
Turkey	See Schedule	1	3/season

DEER HUNTING SCHEDULE				
AREA	ARCHERY	STILL HUNT	MUZZLELOADER (All Either Sex)	WITH OR WITHOUT DOGS
1	Oct. 1 - Jan. 31	Nov. 18-Dec. 3 Jan. 5-Jan. 15	Dec. 4-Dec. 8	Dec. 9-Jan. 4
2	Oct. 1 - Jan. 21	Oct. 28-Dec. 3	Dec. 4-Dec. 8	Dec. 9-Jan. 4
3	Oct. 1 - Jan. 21	Oct. 21-Dec. 3 Dec. 16-Jan. 4	Dec. 4-Dec. 8	
4	Oct. 1 - Jan. 21	Nov. 18-Dec. 3 Dec. 9-Jan. 7	Dec. 4-Dec. 8	
5	Oct. 1 - Jan. 21	Nov. 18-Nov. 26	Dec. 4-Dec. 8 (Bucks Only)	
6	Oct. 1 - Jan. 21	Nov. 18-Dec. 1	Dec. 2-Dec. 8	Dec. 9-Jan. 21
7	Oct. 1 - Jan. 21	Oct. 21-Nov. 5 Nov. 18-Nov. 26	Dec. 4-Dec. 8	Dec. 16-Jan. 21
8	Oct. 1 - Jan. 21	Nov. 18-Dec. 1 Jan. 5-Jan. 21	Dec. 2-Dec. 8	Dec. 9-Jan. 4

TURKEY HUNTING SCHEDULE	
AREA	SEASON DATES
A	March 23-April 21
B	March 16-April 21
D	April 13-April 30
E	March 23-March 31

CITATION: None - Changes annually

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 21:

Public hearings will be held at regularly scheduled Wildlife and Fisheries Commission Meetings from April through July. Additionally, interested persons may submit written comments relative to the proposed rule until May 19, 1995 to Hugh A. Bateman, Administrator, Wildlife Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000.

Glynn Carver
Vice-Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Hunting Season Dates (1995-1996)

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Establishment of hunting regulations is an annual process. The cost of implementing the proposed rules, aside from staff time, is the production of the regulation pamphlet. Cost of printing the 1994-95 pamphlet was \$22,350 and no major increase in expenditures is anticipated.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Projected hunting license fee collections for FY 94-95 will be approximately \$4.5-5 million. Additionally, hunting and related activities generates approximately \$13 million in states sales tax and \$3.5 million in state income tax (Southwick and Assoc., 1991). Failure to adopt rule changes would result in no hunting season being established and a potential loss of these revenues.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
Hunting in Louisiana generates in excess of \$629,166,000 annually through the sale of outdoor related equipment, associated items and other economic benefits. Figures are based on the national surveys by Southwick and Assoc. (1991) for the IAFWA.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
Hunting in Louisiana provides 9,370 jobs. Not establishing hunting seasons might have a negative and direct impact on these positions.

Fredrick J. Prejean, Sr.
Undersecretary
9503#013

David W. Hood
Senior Fiscal Analyst

NOTICE OF INTENT

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

License Moratorium (LAC 76:VII.347)

The Wildlife and Fisheries Commission does hereby give notice of its intent to promulgate a rule to prohibit the issuance of additional 1995 gear licenses for saltwater gill nets, trammel nets or seines.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishing

**§347. License Moratorium: Saltwater Gill Nets,
Trammel Nets and Seines**

No additional 1995 gear licenses for saltwater gill nets, trammel nets or seines shall be issued; provided, however, that the department shall issue renewal licenses to those individuals, persons, firms or corporations who held valid licenses for the 1994 license year for the above enumerated gear.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:301.5.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 21:

The commission will conduct public hearings at the April monthly meeting at 10 a.m., April 6, 1995 at the Department of Wildlife and Fisheries Building, 2000 Quail Drive, Baton Rouge, LA and at its May monthly meeting at 10 a.m., May 4, 1995 at the Peltier Hall, Nicholls State University, Thibodaux, LA; and at 10 a.m., Tuesday, April 25, 1995 at the Department of Wildlife and Fisheries Building, 2000 Quail Drive, Baton Rouge, LA.

Interested persons may submit written comments relative to the proposed rule until 4:30 p.m., May 5, 1995 to Joe L. Herring, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000.

Perry Gisclair
Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Gear License Moratorium

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
No additional implementation costs are anticipated, except for some incidental expenses associated with increased surveillance by the Enforcement Division to insure compliance during the first few months of the moratorium.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There could be potential loss of future revenues due to the limitations set by this moratorium. Also, many gear licenses are sold in conjunction with other vessel and commercial licenses, causing a possible additional loss in revenues. However, the effect on revenue collections cannot be determined.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There may be potential loss of revenue of an undetermined magnitude from those who participated in selective fisheries prior to 1994 and no longer are able to renew their licenses for the 1995 calendar year.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

As a result of this moratorium, employment may be affected to the extent in which additional entries into the fisheries are prevented. The impact on competition may be similar to employment. Neither can be reliably measured at this time.

shore line of the Pearl River a distance of 0.25 miles to a point (Y-555,214) (X-2,569,277) on the western shore line of the Pearl River; thence easterly a distance of 1.15 miles to the Pearl River Beacon No. 8 (Y-556,011) (X-2,571,507); thence southeasterly a distance of 7.5 miles to the point of beginning.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:434.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 21:

Interested persons may submit written comments relative to the proposed rule until 4:30 p.m., May 5, 1995 to Ron Dugas, Department of Wildlife and Fisheries, 1600 Canal Street, New Orleans, LA 70112.

Glynn Carver
Vice-Chairman

Fredrick J. Prejean, Sr.
Undersecretary
9503#056

John R. Rombach
Legislative Fiscal Officer

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

RULE TITLE: Public Oyster Seed Ground
Addition—Lake Borgne

NOTICE OF INTENT

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

Public Oyster Seed Ground—Lake Borgne
(LAC 76:VII.513)

The Louisiana Wildlife and Fisheries Commission does hereby give notice of their intent to set aside additional areas in Lake Borgne, St. Bernard Parish as public oyster seed grounds. This is being done under the authority vested in them through R.S. 56:434.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 5. Oyster

§513. Public Oyster Seed Ground Addition - Lake Borgne

The Lake Borgne Public Oyster Seed Ground is described as that portion of the state waterbottoms beginning at the most northerly point of Malheureux Point (Y-518,620) (X-2,584,920) on the southern shore line of Lake Borgne; thence southwesterly a distance of 16.6 miles to the most easterly point of Proctor Point (Y-468,858) (X-2,512,804) on the southwestern shore line of Lake Borgne; thence northerly a distance of 5.6 miles to the most easterly point of Alligator Point (Y-498,467) (X-2,511,442) on the northern shore line of Lake Borgne; thence northeasterly along the northern shore line of Lake Borgne a distance of 19.1 miles to the intersection with the western shore line of the Pearl River (Y-553,875) (X-2,569,290); thence northerly along the western

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no state or local governmental implementation costs.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenues to any local governmental unit and a small effect on state units from the proposed action to not renew six oyster leases in the Lake Borgne area between the period of 1996 and 2001. Loss in revenue will occur from lease payments of \$2 per acre per year. Loss from oyster severance tax of 2½ cents per barrel will also occur. These losses may be offset by the increase from 2½ cents to 3 cents per barrel severance tax for oyster fished from public grounds and would depend on the quantity of oysters fished.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There will be costs or economic loss of an undetermined magnitude by the oyster lease holders depending on the productivity, the quantity of oysters available for harvest on the leased acres and the price per unit.

Economic benefits of an undetermined magnitude may also occur to oystermen who fish public oyster seed ground areas for sale, personal consumption or use of harvested oysters for oyster bed propagation.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Based on the acreage, location and time frame being considered, there will be little or no effect on competition or employment as a result of the proposed action not to renew the six oyster leases.

Fredrick J. Prejean, Sr.
Undersecretary
9503#057

John R. Rombach
Legislative Fiscal Officer

POTPOURRI

POTPOURRI

Department of Health and Hospitals Office of Public Health

Petro Processors Public Health Assessment

The Louisiana Office of Public Health, Section of Environmental Epidemiology, is releasing the Petro Processors, Inc., Public Health Assessment for public comment. The Public Health Assessment identifies and evaluates the environmental contaminants at the Petro Processors Superfund site and the public health implications related to exposure from these contaminants. The public comment period for Petro Processors located in Alsen, East Baton Rouge Parish is from March 20, 1995 to May 18, 1995. The document will be available on March 20, 1995 at the following repositories:

State Repositories
Contact: Grace Moore
at (504) 342-4929

Baker Branch Library
4761 Groom Road
Baton Rouge, LA 70714
(504) 775-3125

Office of Public Health
234 Loyola Ave., Suite 620
New Orleans, LA 70112
(504)568-8537

Alsen Community Action
Service Center
393 Old Rafe Mayer Road
Baton Rouge, LA 70807
(504) 775-8584

Dept. of Environmental Quality
7290 Bluebonnet, 4th Floor
Baton Rouge, LA 70809
(504) 765-0487

East Baton Rouge Health Unit
353 N. 12th Street
Baton Rouge, LA 70802
(504) 342-1734

U.S. EPA Region 6 Library
1445 Ross Ave, 12th Floor
Dallas, TX 75202
(214)665-6444

There will be a public meeting on Tuesday, April 11, 1995 from 6:30 p.m. to 8 p.m. at the Alsen Recreation Center, 101 Old Rafe Mayer Road, Baton Rouge, LA 70807. At the public meeting, LOPH/SEE will explain the results of the Public Health Assessment, answer questions, and accept comments from the public.

Written comments will be included in the appendix to the final Public Health Assessment. Comments should be received prior to the ending date of May 18, 1995. Direct comments to Dr. Lina Balluz, Public Health Assessment Supervisor, Louisiana Office of Public Health, Section of Environmental Epidemiology, 234 Loyola Ave., Suite 620, New Orleans, LA 70112, (504) 568-8537

The comments received during the public comment period will be addressed in an appendix to the final Public Health Assessment. Personal health identifiers will not be included in the final document.

Eric Baumgartner, M.D., M.P.H.
Assistant Secretary

9503#016

POTPOURRI

Department of Social Services Office of Community Services

Anticipated Funds Availability for 1995 Louisiana Emergency Shelter Grants Program

The Louisiana Department of Social Services (DSS) anticipates the availability of \$1,647,000 in grant funds for distribution to applicant units of local government under the 1995 State Emergency Shelter Grants Program (ESGP). Program funds are allocated to the state by the U.S. Department of Housing and Urban Development (HUD) through authorization by the Stewart B. McKinney Homeless Assistance Act, as amended. Funding available under the Emergency Shelter Grants Program is dedicated for the rehabilitation, renovation or conversion of buildings for use as emergency shelters for the homeless, and for payment of certain operating costs and social services expenses in connection with emergency shelter for the homeless. The program also allows use of funding in homeless prevention activities as an adjunct to other eligible activities. As specified under current state ESGP policies, eligible applicants are limited to units of general local government for all parish jurisdictions and municipal jurisdictions with a minimum population of 10,000 according to recent census figures. Recipient units of local government may make all or part of grant amounts available to private nonprofit organizations for use in eligible activities.

Application packages for the State ESG Program have been mailed to the chief elected official of each qualifying unit of general local government. In order to be considered for funding, applications must be received by DSS/Office of Community Services by 4 p.m., Friday, April 28, 1995.

Nonprofit organizations in qualifying jurisdictions which are interested in developing a project proposal for inclusion in an ESGP funding application should contact their respective unit of local government to apprise of their interest. To be eligible for funding participation, a private nonprofit organization as defined by ESGP regulations must be one which is exempt from taxation under subtitle A of the Internal Revenue Code, has an accounting system and a voluntary board, and practices nondiscrimination in the provision of assistance.

The State DSS will continue use of a geographic allocation formula (initially implemented for the 1992 State ESG Program) in the distribution of the State's ESG funding to ensure that each region of the State is allotted a specified minimum of State ESG grant assistance for eligible ESGP projects. Regional allocations for the State's 1995 ESG Program have been formulated based on factors for low income populations in the parishes of each region according to recent U.S. Census Bureau data. Within each region, grant distribution shall be conducted through a competitive grant award process. The following table lists the allocation factors and amounts for each region:

Region	Factor	Allocation
Region 1 New Orleans	.1572303	\$258,958
Region 2 Baton Rouge	.1120504	184,547
Region 3 Thibodaux	.0698830	115,097
Region 4 Lafayette	.1522066	250,684
Region 5 Lake Charles	.0531705	87,572
Region 6 Alexandria	.0764176	125,860
Region 7 Shreveport	.1248105	205,563
Region 8 Monroe	.0985996	162,394
Region 9 Northshore	.0746534	122,954
Region 10 Jefferson	.0809781	133,371

Regional funding amounts for which applications are not received shall be subject to statewide competitive award to applicants from other regions and/or shall be reallocated among other regions in accordance with formulations consistent with the above factors. Should an eligible local government wish to apply for supplemental funds above the applicable maximum amount specified below, a separate second stage proposal may be submitted for consideration of award of funds remaining from grant distribution to other regions.

Grant awards shall be for a minimum of \$30,000. Applicable grant maximums for first stage applications are as follows:

Individual grant awards to applicant jurisdictions of less than 49,000 population shall not exceed \$70,000.

For a jurisdiction of over 49,000 population, the maximum grant award shall not exceed the ESGP allocation for that jurisdiction's respective region.

A jurisdiction applying for grant funding through primary and second stage applications may receive up to the following maximum award:

An applicant jurisdiction of less than 49,000 population may be awarded total grant amounts not to exceed \$110,000.

An applicant jurisdiction of over 49,000 population may be awarded total grant amounts not to exceed \$300,000. The jurisdiction with the largest homeless population may be awarded grant funding up to \$400,000.

Grant specifications, minimum and maximums awards may be revised at DSS's discretion in consideration of individual applicant's needs, total program funding requests, and available funding. DSS reserves the right to negotiate the final grant amounts, component projects, and local match with all applicants to ensure judicious use of program funds. Program applications must meet State ESGP requirements and must demonstrate the means to assure compliance if the proposal is selected for funding. If, in the determination of DSS, an application fails to meet program purposes and standards, even if such application is the only eligible proposal submitted from a region or subregion, such application may be rejected *in toto*, or the proposed project(s) may be subject to alterations as deemed necessary by DSS to meet appropriate program standards.

Proposals accepted for review will be rated on a comparative basis based on information provided in grant applications. Recipients of grant amounts will be determined in accordance with the following selection criteria:

Nature and extent of unmet needs in the applicant's jurisdiction as demonstrated by data supplied by applicant including sources of information (studies done, inventory of existing shelters, their use and capacity, estimates by applicant and homeless providers of additional shelter beds needed, reliable surrogates for homeless need including local unemployment data, welfare statistics, unique local circumstances)

40 points

The extent to which proposed activities will address needs for housing and supportive services and/or complete the development of a comprehensive system of services which will provide a continuum of care to assist homeless persons to achieve independent living

30 points

The ability of the applicant to carry out the proposed activities promptly and effectively

15 points

Coordination of the proposed project(s) with available community resources, so as to be able to match the needs of homeless persons with appropriate supportive services and assistance

15 points

ESGP recipients are required to secure matching funds (including in-kind contributions) in an amount at least equal to their ESG Program funding unless a jurisdiction has been granted an exemption in accordance with program provisions.

The value of donated materials and buildings, voluntary activities and other in-kind contributions may be included with "hard cash" amounts in the calculation of matching funds. A local government grantee may comply with this requirement by providing the matching funds itself, or through provision by nonprofit recipients.

A recipient local government may at its option elect to use up to 2.5774 percent of grant funding for costs directly related to administering grant assistance, or may allocate all grant amounts for eligible program activities. Programs rules do not allow the use of ESGP funds for administrative costs of nonprofit subgrantees.

Availability of ESGP funding is subject to HUD's approval of the State's Consolidated Plan for Fiscal Year 1995. No expenditure authority or funding obligations shall be implied based on the information in this notice of funds availability.

Inquiries and comments regarding the 1995 Louisiana Emergency Shelter Grants Program may be submitted in writing to the Office of Community Services, Division of Community Services Grants Management, Box 3318, Baton Rouge, LA 70821, telephone (504) 342-2277.

Gloria Bryant-Banks
Secretary

9503#077

POTPOURRI

Department of Social Services Office of Community Services

Residential Services to Foster Children

The Office of Community Services (OCS) in the Department of Social Services announces that it will implement a new procedure for accepting proposals from prospective providers of residential services to foster children in restrictive care settings and in private agency foster care programs. Effective May 1, 1995, individuals and/or agencies that contact the Office of Community Services requesting information on how their current or planned residential program can be funded by OCS, or submitting proposals to provide residential services to foster children, will be placed on a list which will include the name, address and phone number of the inquirer/proposer.

All persons and agencies on the list will be notified at the time that the office seeks to develop a specific residential program in a specific geographical area. The prospective residential providers will be mailed a full description of the type and scope of program sought and the geographical area to be served along with an invitation to prepare and submit to OCS a proposal for that service. The notification will include a list of other materials such as OCS residential agreements

and rate setting procedures that prospective providers may request to be mailed to them or that can be obtained at the OCS state office to assist proposers in preparation of their proposals. The name and phone number of an OCS representative will be given for prospective providers to contact for more information.

A committee of professionals working in the foster care and residential programs will evaluate the proposals and select the one(s) most fitting the needs of the foster care program. It is expected that this solicitation process will result in an efficient and equitable manner of handling the many and varied requests the office receives from citizens who wish to provide residential services to foster children.

Gloria Bryant-Banks
Secretary

9503#076

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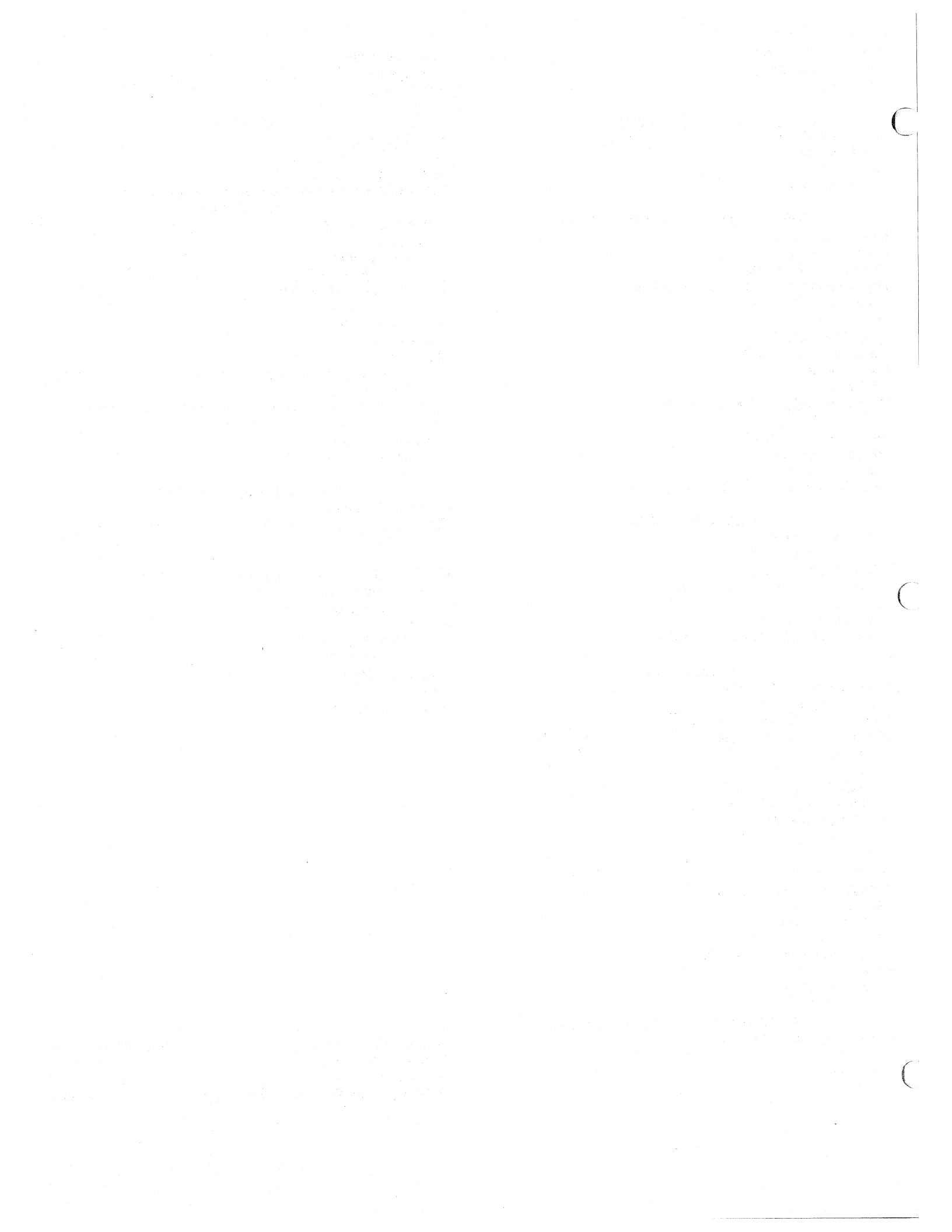
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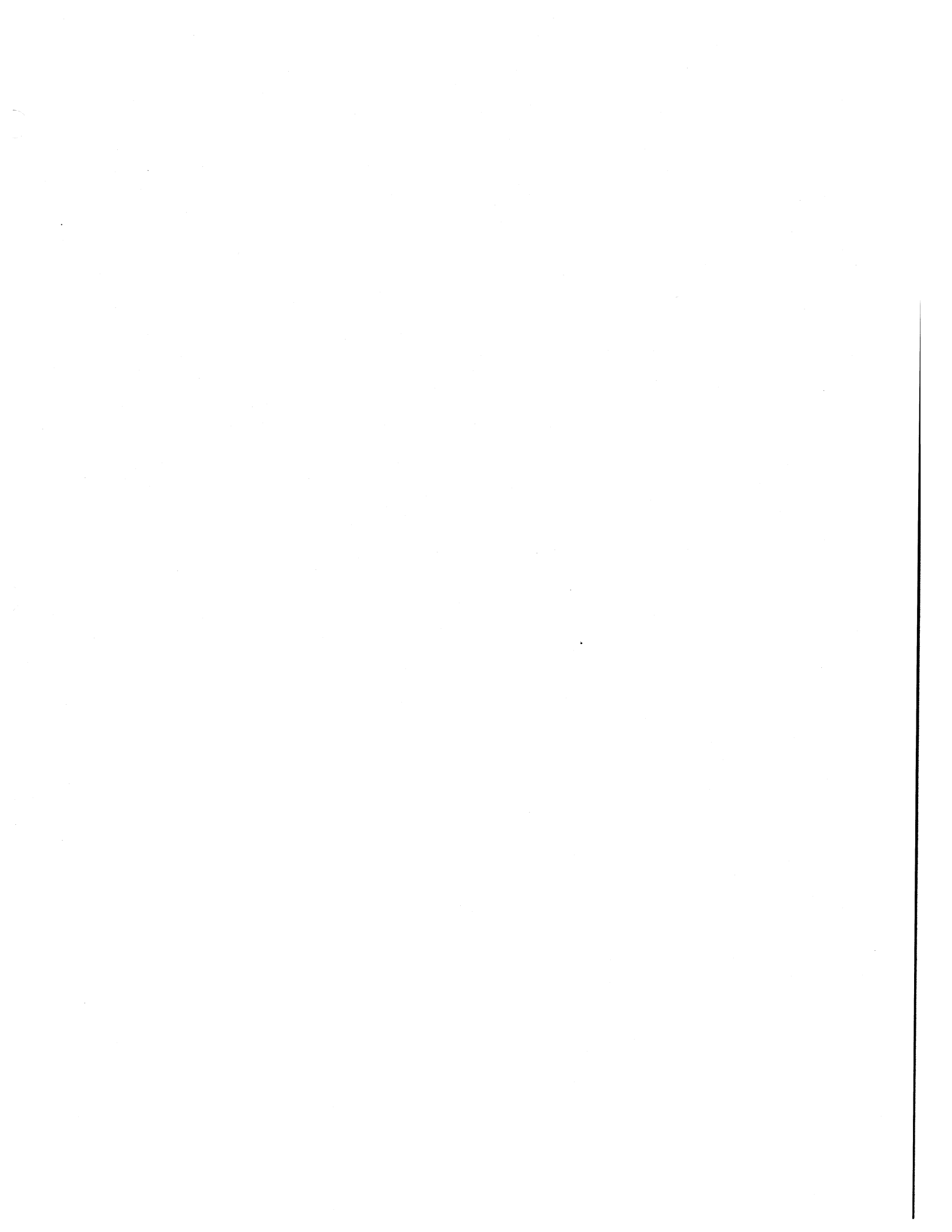
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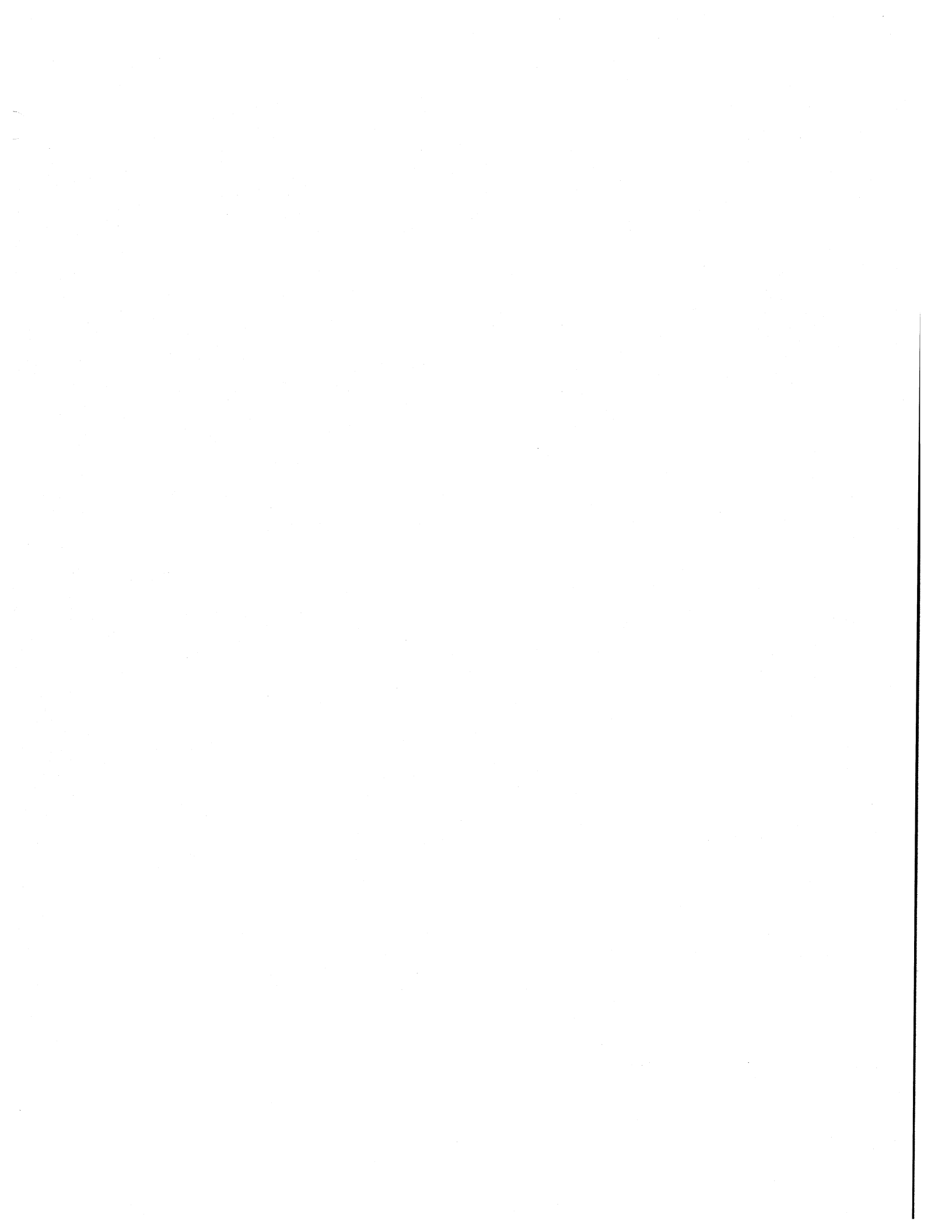




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