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Executive Orders

EXECUTIVE ORDER MJF 97-45

Bond Allocation—Parish of Ascension

WHEREAS: pursuant to the Tax Reform Act of 1986 (hereafter "the Act") and Act 51 of the 1986 Regular Session of the Louisiana Legislature, Executive Order MJF 96-25 (hereafter "MJF 96-25") was issued on August 27, 1996, to establish (1) a method for allocating bonds subject to private activity bond volume limits, including the method of allocating bonds subject to the private activity bond volume limits for the calendar year of 1997 (hereafter "the 1997 Ceiling"); (2) the procedure for obtaining an allocation of bonds under the 1997 Ceiling; and (3) a system of central record keeping for such allocations; and

WHEREAS: the Parish of Ascension, State of Louisiana, has requested an allocation from the 1997 Ceiling to be used in connection with the acquisition, construction, and installation of a solid waste sewage disposal facility at the Geismar site plant complex of Allied Signal, Inc., located at 5525 Highway 3115, Carville, LA, in accordance with the provisions of Section 146 of the *Internal Revenue Code of 1986*, as amended;

NOW THEREFORE I, M.J. "MIKE" FOSTER, JR., Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: The bond issue, as described in this Section, shall be and is hereby granted an allocation from the 1997 Ceiling as follows:

Amount of Allocation	Name of Issuer	Name of Project
$2,000,000	Parish of Ascension State of Louisiana	Allied Signal, Inc.

SECTION 2: The granted allocation shall be used only for the bond issue described in Section 1 and for the general purpose set forth in the "Application for Allocation of a Portion of the State of Louisiana's Private Activity Bond Ceiling" submitted in connection with the bond issue described in Section 1.

SECTION 3: The granted allocation shall be valid and in full force and effect, provided that such bonds are delivered to the initial purchasers thereof on or before December 23, 1997.

SECTION 4: All references in this Order to the singular shall include the plural, and all plural references shall include the singular.

SECTION 5: The undersigned certifies, under penalty of perjury, that the granted allocation was not made in consideration of any bribe, gift, or gratuity, or any direct or indirect contribution to any political campaign. The undersigned also certifies that the granted allocation meets the requirements of Section 146 of the *Internal Revenue Code of 1986*, as amended.

SECTION 6: This Order is effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have 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 10th day of November, 1997.

M.J. "Mike" Foster, Jr.
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
9712#014

EXECUTIVE ORDER 97-46

Bond Allocation—Industrial Development
Board of the Parish of Caddo, Inc.

WHEREAS: pursuant to the Tax Reform Act of 1986 (hereafter "the Act") and Act 51 of the 1986 Regular Session of the Louisiana Legislature, Executive Order MJF 96-25 (hereafter "MJF 96-25") was issued on August 27, 1996, to establish (1) a method for allocating bonds subject to private activity bond volume limits, including the method of allocating bonds subject to the private activity bond volume limits for the calendar year of 1997 (hereafter "the 1997 Ceiling"); (2) the procedure for obtaining an allocation of bonds under the 1997 Ceiling; and (3) a system of central record keeping for such allocations; and

WHEREAS: the Industrial Development Board of the Parish of Caddo, Inc. has requested an allocation from the 1997 Ceiling to be used in connection with financing the acquisition, construction, and installation of solid waste disposal and sewage treatment facilities at the Atlas refinery of Pennzoil Products Company located at 3333 Midway, Shreveport, LA, in accordance with the provisions of Section 146 of the *Internal Revenue Code of 1986*, as amended;

NOW THEREFORE I, M.J. "MIKE" FOSTER, JR., Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: The bond issue, as described in this Section, shall be and is hereby granted an allocation from the 1997 Ceiling as follows:

Amount of Allocation	Name of Issuer	Name of Project
$8,500,000	Industrial Development Board of the Parish of Caddo, Inc.	Atlas

SECTION 2: The granted allocation shall be used only for the bond issue described in Section 1 and for the general purpose set forth in the "Application for Allocation of a Portion of the State of Louisiana's Private Activity Bond Ceiling" submitted in connection with the bond issue described in Section 1.

SECTION 3: The granted allocation shall be valid and in full force and effect, provided that such bonds are delivered to the initial purchasers thereof on or before December 23, 1997.

SECTION 4: All references in this order to the singular shall include the plural, and all plural references shall include the singular.

SECTION 5: The undersigned certifies, under penalty of perjury, that the granted allocation was not made in consideration of any bribe, gift, or gratuity, or any direct or indirect contribution to any political campaign. The undersigned also certifies that the granted allocation meets the requirements of Section 146 of the *Internal Revenue Code of 1986*, as amended.

SECTION 6: This order is effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have 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 10th day of November, 1997.

M.J. "Mike" Foster, Jr.
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
9712#015

EXECUTIVE ORDER MJF 97-47

Bond Allocation—Calcasieu Parish Public Trust Authority

WHEREAS: pursuant to the Tax Reform Act of 1986 (hereafter "the Act") and Act 51 of the 1986 Regular Session of the Louisiana Legislature, Executive Order MJF 96-25 (hereafter "MJF 96-25") was issued on August 27, 1996, to establish (1) a method for allocating bonds subject to private activity bond volume limits, including the method of allocating bonds subject to the private activity bond volume limits for the calendar year of 1997 (hereafter "the 1997 Ceiling"); (2) the procedure for obtaining an allocation of bonds under the 1997 Ceiling; and (3) a system of central record keeping for such allocations; and

WHEREAS: the Calcasieu Parish Public Trust Authority has requested an allocation from the 1997 Ceiling to be used in connection with the expansion, construction, installation, and equipping of a certain solid waste and waste water treatment system located at the ethylene plant of WPT Corporation on 1820 Paktank Road, Parish of Calcasieu, LA, in accordance with the provisions of Section 146 of the *Internal Revenue Code of 1986*, as amended;

NOW THEREFORE I, M.J. "MIKE" FOSTER, JR., Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: The bond issue, as described in this Section, shall be and is hereby granted an allocation from the 1997 Ceiling as follows:

Amount of Allocation	Name of Issuer	Name of Project
$10,889,475	Calcasieu Parish Public Trust Authority	WPT Corporation

SECTION 2: The granted allocation shall be used only for the bond issue described in Section 1 and for the general purpose set forth in the "Application for Allocation of a Portion of the State of Louisiana's Private Activity Bond Ceiling" submitted in connection with the bond issue described in Section 1.

SECTION 3: The granted allocation shall be valid and in full force and effect, provided that such bonds are delivered to the initial purchasers thereof on or before December 23, 1997.

SECTION 4: All references in this Order to the singular shall include the plural, and all plural references shall include the singular.

SECTION 5: The undersigned certifies, under penalty of perjury, that the granted allocation was not made in consideration of any bribe, gift, or gratuity, or any direct or indirect contribution to any political campaign. The undersigned also certifies that the granted allocation meets the requirements of Section 146 of the *Internal Revenue Code of 1986*, as amended.

SECTION 6: This Order is effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have 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 10th day of November, 1997.

M. J. "Mike" Foster, Jr.
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
9712#016

EXECUTIVE ORDER 97-48

Bond Allocation—Parish of St. James

WHEREAS: pursuant to the Tax Reform Act of 1986 (hereafter "the Act") and Act 51 of the 1986 Regular Session of the Louisiana Legislature, Executive Order MJF 96-25 (hereafter "MJF 96-25") was issued on August 27, 1996, to establish (1) a method for allocating bonds subject to private activity bond volume limits, including the method of allocating bonds subject to the private activity bond volume limits for the calendar year of 1997 (hereafter "the 1997 Ceiling"); (2) the procedure for obtaining an allocation of bonds under the 1997 Ceiling; and (3) a system of central record keeping for such allocations; and

WHEREAS: the Parish of St. James, State of Louisiana, has requested an allocation from the 1997 Ceiling to be used in connection with the acquisition, construction, and installation of solid waste disposal facilities at the direct reduced iron production facility of American Iron Reduction, L.L.C., located on the Mississippi River, Parish of St. James, in accordance with the provisions of Section 146 of the *Internal Revenue Code of 1986*, as amended;

NOW THEREFORE I, M.J. "MIKE" FOSTER, JR., Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: The bond issue, as described in this Section, shall be and is hereby granted an allocation from the 1997 Ceiling as follows:

Amount of Allocation	Name of Issuer	Name of Project
$8,000,000	Parish of St. James State of Louisiana	American Iron Reduction, L.L.C.

SECTION 2: The granted allocation shall be used only for the bond issue described in Section 1 and for the general purpose set forth in the "Application for Allocation of a Portion of the State of Louisiana's Private Activity Bond Ceiling" submitted in connection with the bond issue described in Section 1.

SECTION 3: The granted allocation shall be valid and in full force and effect, provided that such bonds are delivered to the initial purchasers thereof on or before December 23, 1997.

SECTION 4: All references in this Order to the singular shall include the plural, and all plural references shall include the singular.

SECTION 5: The undersigned certifies, under penalty of perjury, that the granted allocation was not made in consideration of any bribe, gift, or gratuity, or any direct or indirect contribution to any political campaign. The undersigned also certifies that the granted allocation meets the requirements of Section 146 of the *Internal Revenue Code of 1986*, as amended.

SECTION 6: This Order is effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have 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 10th day of November, 1997.

M.J. "Mike" Foster
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
9712#017

EXECUTIVE ORDER MJF 97-49

Bond Allocation—Industrial Development Board of the Parish of Calcasieu, Inc.

WHEREAS: pursuant to the Tax Reform Act of 1986 (hereafter "the Act") and Act 51 of the 1986 Regular Session of the Louisiana Legislature, Executive Order MJF 96-25 (hereafter "MJF 96-25") was issued on August 27, 1996, to establish (1) a method for allocating bonds subject to private activity bond volume limits, including the method of allocating bonds subject to the private activity bond volume limits for the calendar year of 1997 (hereafter "the 1997 Ceiling"); (2) the procedure for obtaining an allocation of bonds under the 1997 Ceiling; and (3) a system of central record keeping for such allocations; and

WHEREAS: the Industrial Development Board of the Parish of Calcasieu, Inc. has requested an allocation from the 1997 Ceiling to be used in connection with the acquisition, construction, and installation of wastewater treatment facilities at the refinery facilities of CITGO Petroleum Corporation, located at 4401 Highway 108, Lake Charles, LA, in accordance with the provisions of Section 146 of the *Internal Revenue Code of 1986*, as amended;

NOW THEREFORE I, M.J. "MIKE" FOSTER, JR., Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: The bond issue, as described in this Section, shall be and is hereby granted an allocation from the 1997 Ceiling as follows:

Amount of Allocation	Name of Issuer	Name of Project
$2,000,000	Industrial Development Board of the Parish of Calcasieu, Inc.	CITGO Petroleum Corporation

SECTION 2: The granted allocation shall be used only for the bond issue described in Section 1 and for the general purpose set forth in the "Application for Allocation of a Portion of the State of Louisiana's Private Activity Bond Ceiling" submitted in connection with the bond issue described in Section 1.

SECTION 3: The granted allocation shall be valid and in full force and effect, provided that such bonds are delivered to the initial purchasers thereof on or before December 23, 1997.

SECTION 4: All references in this Order to the singular shall include the plural, and all plural references shall include the singular.

SECTION 5: The undersigned certifies, under penalty of perjury, that the granted allocation was not made in consideration of any bribe, gift, or gratuity, or any direct or indirect contribution to any political campaign. The undersigned also certifies that the granted allocation meets the requirements of Section 146 of the *Internal Revenue Code of 1986*, as amended.

SECTION 6: This Order is effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have 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 10th day of November, 1997.

M. J. "Mike" Foster, Jr.
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
9712#018

EXECUTIVE ORDER MJF 97-50

Bond Allocation—Parish of Ascension

WHEREAS: pursuant to the Tax Reform Act of 1986 (hereafter "the Act") and Act Number 51 of the 1986 Regular Session of the Louisiana Legislature, Executive Order MJF 96-25 (hereafter "MJF 96-25") was issued on August 27, 1996, to establish (1) a method for allocating bonds subject to private activity bond volume limits, including the method of allocating bonds subject to the private activity bond volume limits for the calendar year of 1997 (hereafter "the 1997 Ceiling"); (2) the procedure for obtaining an allocation of bonds under the 1997 Ceiling; and (3) a system of central record keeping for such allocations; and

WHEREAS: the Parish of Ascension, State of Louisiana has requested an allocation from the 1997 Ceiling to be used in connection with the acquisition, construction, and installation of a solid waste and sewage disposal facilities at the Geismar site plant complex of BASF Corporation, located at 8404 Highway 75, Geismar, LA in accordance with the provisions of Section 146 of the *Internal Revenue Code of 1986*, as amended;

NOW THEREFORE I, M.J. "MIKE" FOSTER, JR., Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: The bond issue, as described in this Section, shall be and is hereby granted an allocation from the 1997 Ceiling as follows:

Amount of Allocation	Name of Issuer	Name of Project
$7,000,000	Parish of Ascension State of Louisiana	BASF Corporation

SECTION 2: The granted allocation shall be used only for the bond issue described in Section 1 and for the general purpose set forth in the "Application for Allocation of a Portion of the State of Louisiana's Private Activity Bond Ceiling" submitted in connection with the bond issue described in Section 1.

SECTION 3: The granted allocation shall be valid and in full force and effect, provided that such bonds are delivered to the initial purchasers thereof on or before December 23, 1997.

SECTION 4: All references in this Order to the singular shall include the plural, and all plural references shall include the singular.

SECTION 5: The undersigned certifies, under penalty of perjury, that the granted allocation was not made in consideration of any bribe, gift, or gratuity, or any direct or indirect contribution to any political campaign. The undersigned also certifies that the granted allocation meets the requirements of Section 146 of the *Internal Revenue Code of 1986*, as amended.

SECTION 6: This Order is effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have 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 10th day of November, 1997.

M.J. "Mike" Foster
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
9712#019

EXECUTIVE ORDER MJF 97-51

Bond Allocation—Parish of DeSoto

WHEREAS: pursuant to the Tax Reform Act of 1986 (hereafter "the Act") and Act Number 51 of the 1986 Regular Session of the Louisiana Legislature, Executive Order MJF 96-25 (hereafter "MJF 96-25") was issued on August 27, 1996, to establish (1) a method for allocating bonds subject to private activity bond volume limits, including the method of allocating bonds subject to the private activity bond volume limits for the calendar year of 1997 (hereafter "the 1997 Ceiling"); (2) the procedure for obtaining an allocation of bonds under the 1997 Ceiling; and (3) a system of central record keeping for such allocations; and

WHEREAS: the Parish of DeSoto, State of Louisiana has requested an allocation from the 1997 Ceiling to be used in connection with the acquisition, construction, and installation of sewage and solid waste disposal facilities at the Mansfield pulp and paper mill located approximately 17 miles east of Mansfield, Parish of DeSoto, Louisiana, approximately 4 miles west of Louisiana Highway 1, in accordance with the provisions of Section 146 of the *Internal Revenue Code of 1986*, as amended;

NOW THEREFORE I, M.J. "MIKE" FOSTER, JR., Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: The bond issue, as described in this Section, shall be and is hereby granted an allocation from the 1997 Ceiling as follows:

Amount of Allocation	Name of Issuer	Name of Project
$2,000,000	Parish of DeSoto State of Louisiana	International Paper Company

SECTION 2: The granted allocation shall be used only for the bond issue described in Section 1 and for the general purpose set forth in the "Application for Allocation of a Portion of the State of Louisiana's Private Activity Bond Ceiling" submitted in connection with the bond issue described in Section 1.

SECTION 3: The granted allocation shall be valid and in full force and effect, provided that such bonds are delivered to the initial purchasers thereof on or before December 23, 1997.

SECTION 4: All references in this Order to the singular shall include the plural, and all plural references shall include the singular.

SECTION 5: The undersigned certifies, under penalty of perjury, that the granted allocation was not made in consideration of any bribe, gift, or gratuity, or any direct or indirect contribution to any political campaign. The undersigned also certifies that the granted allocation meets the requirements of Section 146 of the *Internal Revenue Code of 1986*, as amended.

SECTION 6: This Order is effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have 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 10th day of November, 1997.

M.J. "Mike" Foster, Jr.
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
9712#020

EXECUTIVE ORDER MJF 97-52

State Employees Group Benefit
Program Study Commission

WHEREAS: Executive Order MJF 97-44, signed on October 24, 1997, created and established the State Employees Group Benefit Program Study Commission (hereafter "commission"), and ordered the commission to submit a comprehensive report to the governor by February 1, 1998;

WHEREAS: it is necessary to extend the time period in which the commission shall submit its report to the Governor;

NOW THEREFORE I, M.J. "MIKE" FOSTER, JR., Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: Section 3 of Executive Order MJF 97-44 is amended to provide as follows:

> The commission shall submit a comprehensive report to the governor by March 1, 1998, which addresses the issues set forth in Section 2.

SECTION 2: All other sections and subsections of Executive Order MJF 97-44 shall remain in full force and effect.

SECTION 3: The provisions of this Order are effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have 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 November, 1997.

M.J. "Mike" Foster, Jr.
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
9712#005

EXECUTIVE ORDER MJF 97-53

Governor's Aviation Advisory Commission

WHEREAS: Senate Concurrent Resolution Number 78 of the 1997 Regular Legislative Session (hereafter "the resolution") created the Governor's Aviation Advisory Commission (hereafter "commission") within the Office of the Governor "to study and to make recommendations to the Governor relative to the interrelationships of the general airports, the administration of the airports, and to aviation development programs"; and

WHEREAS: the resolution mandates that the initial meeting of the commission shall be called by the Governor;

NOW THEREFORE I, M.J. "MIKE" FOSTER, JR., Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: To facilitate the provisions of Senate Concurrent Resolution Number 78 of the 1997 Regular Legislative Session, the president of the Senate or his designee shall serve temporarily as chair of the Governor's Aviation Advisory Commission until the membership of the commission elects a chair.

SECTION 2: The temporary chair shall call the initial meeting of the commission and shall schedule the meeting to be held prior to December 15, 1997.

SECTION 3: The Department of Transportation and Development shall provide the support staff for the commission and the facilities for its initial meeting.

SECTION 4: All departments, commissions, boards, agencies, and officers of the state, or any political subdivision thereof, are authorized and directed to cooperate with the commission in implementing the provisions of this Order.

SECTION 5: The provisions of this Order are effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have 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 26th day of November, 1997.

M.J. "Mike" Foster, Jr.
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
9712#006

EXECUTIVE ORDER MJF 97-54

Latin American Business
Development Commission

WHEREAS: the Congress of the United States ratified the North American Free Trade Agreement (hereafter "NAFTA"), thereby signifying the desire of the United States to open the American business community to Latin American markets and to aggressively pursue the elimination of trade barriers in those markets to American goods and services;

WHEREAS: in recent years, Latin America has become the fourth largest and fastest growing market for American goods and services;

WHEREAS: the ratification of NAFTA, combined with an increase in trade agreements between Latin American governments and the United States, will open Latin American markets that formerly were unavailable to businesses operating in the state of Louisiana;

WHEREAS: the Louisiana International Trade Commission, created by Executive Order MJF 97-12, issued on February 21, 1997, was established to stimulate growth in, and attract international trade and investment to, Louisiana businesses;

WHEREAS: by Act Number 588 of the 1997 Regular Session of the Louisiana Legislature, the Louisiana International Trade Commission was replaced and legislatively superseded by the creation of the Louisiana International Trade Development Board, R.S. 51:1351-8 (hereafter "the board"); and

WHEREAS: it would be beneficial to the future economic development of the State of Louisiana to create a commission which will focus specifically on Louisiana's trade with and investments in Latin America that will be charged with the duty of assisting Louisiana businesses in gaining a foothold and more aggressively competing in emerging Latin American markets;

NOW THEREFORE I, M.J. "MIKE" FOSTER, JR., Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: The Louisiana Latin American Business Development Commission (hereafter "commission") is created and established within the executive branch, Department of Economic Development.

SECTION 2: The duties and functions of the commission shall include, but are not limited to, the following:

A. the identification and development of business and trade opportunities in Latin America for Louisiana businesses and/or services;

B. the identification of trade agreements between the United States and Latin America that may be beneficial to Louisiana businesses and/or services;

C. the methods that will enable products grown, manufactured or produced in Louisiana, to compete more aggressively in existing and/or emerging Latin American markets; and

D. the means and techniques to attract Latin American trade to and/or investments in Louisiana markets, and Louisiana trade to and/or investments in Latin American markets.

SECTION 3: The commission shall submit on July 1 a comprehensive annual report to the board and the secretary of Department of Economic Development that addresses the issues set forth in Section 2.

SECTION 4: The advice and recommendations of the commission shall be consistent with the goals and objectives of both the board and the Louisiana Economic Development Council.

SECTION 5: The commission shall be comprised of 11 members who shall be appointed by and serve at the pleasure of the Governor. The membership of the commission shall be selected as follows:

A. the Governor, or the Governor's designee;

B. the secretary of the Department of Economic Development, or the secretary's designee;

C. the commissioner of Financial Institutions, or the commissioner's designee;

D. one member of the Louisiana International Trade Development Board;

E. one member of the Louisiana Economic Development Council; and

F. eight citizens of the state of Louisiana with at least five years of experience in one or more of the following fields: international trade, finance, economics, oil and gas services, maritime activities, agriculture, world health, and/or environmental protection.

SECTION 6: The Governor shall select the chair of the commission. The membership of the commission shall elect all other officers.

SECTION 7: The commission shall meet at regularly scheduled intervals and at the call of the chair.

SECTION 8: Support staff for the commission and facilities for its meetings shall be provided by the Department of Economic Development.

SECTION 9: The members of the commission shall not receive compensation or a per diem. Nonetheless, contingent upon the availability of funds, members who are not an employee of the state of Louisiana or one of its political subdivisions, or an elected official, may receive reimbursement from the Office of the Governor for actual travel expenses incurred, in accordance with state guidelines and procedures, with the prior written approval of the commissioner of administration and the Office of the Governor.

SECTION 10: All departments, commissions, boards, agencies, and officers of the state, or any political subdivision thereof, are authorized and directed to cooperate with the commission in implementing the provisions of this Order.

SECTION 11: This Order is effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have 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 3rd day of December 1997.

M.J. "Mike" Foster, Jr.
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
9712#007

EXECUTIVE ORDER MJF 97-55

DWI/Vehicular Homicide Task Force

WHEREAS: Executive Order MJF 96-9, signed on April 15, 1996, establishes the Governor's DWI/Vehicular Homicide Task Force (hereafter "task force"); and

WHEREAS: it is necessary to expand the membership of that task force to include the state attorney general;

NOW THEREFORE I, M.J. "MIKE" FOSTER, JR., Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: Section 2 of Executive Order MJF 96-9, is amended to add Subsection O, which shall provide as follows:

O. The attorney general of the State of Louisiana, or the attorney general's designee.

SECTION 2: All other sections and subsections of Executive Order MJF 96-9 shall remain in full force and effect.

SECTION 3: The provisions of this Order are effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have 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 3rd day of December, 1997.

M.J. "Mike" Foster, Jr.
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
9712#008

Emergency Rules

DECLARATION OF EMERGENCY

Department of Agriculture and Forestry
Forestry Commission
and
Department of Revenue
Tax Commission

1998 Timber Stumpage Values
(LAC 7:XXXIX.101)

Editor's Note: All Agriculture and Forestry rules, found at LAC, Title 7, will be renumbered during the next few months, so that each Part (I through XLIII) will begin with a Chapter 1 and continue with sequential chapters (through Chapter 99), as needed. A revised *Louisiana Administrative Code*, Title 7, is scheduled for publication during Fall, 1997. As shown below, the *Louisiana Register* is promulgating all Title 7 emergency, proposed, and final rules under the new numbering system.

In accordance with the emergency provisions of the Administrative Procedure Act, RS. 49:953(B), the Department of Agriculture and Forestry, Forestry Commission and the Department of Revenue, Tax Commission find that this emergency rule setting forth the determination by the two commissions of the current average stumpage market value of trees, timber and pulpwood for the purpose of predicating severance tax for the 1998 tax year is required so that timber severance tax computation and collection can be accomplished beginning in January, 1998. By law, these values are set annually in a meeting of the Forestry Commission and the Tax Commission on the second Monday in December. Failure to adopt the values on or before January 1, 1998 and the resultant noncollection of severance tax will cause imminent peril to public health, safety, and welfare in that the monies generated from the severance tax go to state and parish governmental entities for such uses as fire protection, police and road maintenance; and are necessary for maintaining essential governmental services.

The effective date of this emergency rule is January 1, 1998 and it shall be in effect for 120 days or until the final rule takes effect through the normal promulgation process, whichever occurs first.

Title 7
AGRICULTURE AND ANIMALS
PART XXXIX. Forestry
Chapter 1. Timber Stumpage
§101. Stumpage Values

The Louisiana Forestry Commission, and the Louisiana Tax Commission, as required by R.S. 47:633, determined the following timber stumpage values based on current average stumpage market values to be used for severance tax computations for 1998.

Trees and Timber	Price/scale	Price/ton
1. Pine Sawtimber	$392.40/MBF	$49.05/ton
2. Hardwood Sawtimber	$207.96/MBF	$21.89/ton
3. Pine Chip and Saw	$ 89.53/cord	$33.16/ton
Pulpwood		
5. Pine Pulpwood	$ 25.46/cord	$ 9.43/ton
6. Hardwood Pulpwood	$ 15.79/cord	$ 5.54/ton

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

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Forestry, and the Louisiana Forestry Commission, LR 4:9 (January 1978), amended LR 5:7 (January 1979), LR 6:728 (December 1980), LR 7:627 (December 1981), LR 8:651 (December 1982), LR 9:848 (December 1983), LR 10:1038 (December 1984), LR 11:1178 (December 1985), amended by the Department of Agriculture and Forestry, Office of Forestry and the Louisiana Forestry Commission, LR 12:819 (December 1986), LR 13:432 (August 1987), LR 14:9 (January 1988), LR 15:5 (January 1989), LR 16:16 (January 1990), LR 17:476 (May 1991), LR 18:6 (January 1992), LR 19:611 (May 1993), LR 20:408 (April 1994), LR 21:930 (September 1995), LR 21:1069 (October 1995), amended by the Louisiana Forestry Commission and Louisiana Tax Commission, LR 22:581 (July 1996), LR 23:943 (August 1997), amended by the Department of Agriculture and Forestry, Forestry Commission and the Department of Revenue, Tax Commission, LR 24:

Billy Weaver, Chairman
Forestry Commission

Malcolm Price, Chairman
Tax Commission

9712#064

DECLARATION OF EMERGENCY

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

Eligibility of Aliens

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following emergency 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 adopted in accordance with the Administrative Procedure Act, R.S. 49:953.B et seq., and shall be in effect for the maximum period of 120 days allowed under the Administrative Procedure Act or until adoption of the rule, whichever occurs first.

The Personal Responsibility and Work Opportunity Act of 1996 (P.L. 104-193) significantly changed Medicaid eligibility for individuals who are not citizens of the United States. Medicaid must be provided to eligible citizens or nationals, but certain noncitizens may be eligible to receive only treatment for an emergency medical condition. Effective January 1, 1997, the department promulgated an emergency rule which adopted the mandatory provisions of P.L. 104-193. This rule addressed only the citizenship requirement: every applicant for Medicaid under any classification addressed in this rule must meet all requirements for eligibility (*Louisiana Register*, Volume 23, Numbers 1, 4, and 9). Previous regulations for Medicaid eligibility of lawful permanent residents and aliens permanently residing in the United Stated under color of law (PRUCOL) no longer apply and were replaced by the January 1997 rule.

Effective August 5, 1997, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 was amended by §§5301-5306 and §§5562-5563 of The Balanced Budget Act of 1997 as follows:

(a) the eligibility period of refugees and asylees (includes those whose deportation has been withheld under §243(h) of the INA and Cuban or Haitian entrants) increased from five to seven years; and

(b) the definition of qualified alien was expanded to include aliens granted status as Cuban and Haitian entrants.

All noncitizens are classified as qualified aliens or nonqualified aliens. Nonqualified aliens include both illegal and ineligible persons.

Definitions

Illegal Aliens—aliens who were never legally admitted to the United States for any period of time, or were admitted for a limited period of time and did not leave the United States when their period of time expired. Illegal aliens are eligible only for emergency services if they meet all eligibility criteria other than citizenship.

Ineligible Aliens—aliens lawfully admitted to the United States but only for a temporary or specified period of time as legal nonimmigrants. The following categories of individuals are ineligible aliens:

1. foreign government representatives on official business and their families and servants;
2. visitors for business or pleasure, including exchange visitors;
3. aliens in travel status while traveling directly through the U.S.;
4. crewmen on shore leave;
5. treaty traders and investors and their families;
6. foreign students;
7. international organization representation and personnel and their families and servants;
8. temporary workers, including agricultural contract workers; and
9. members of foreign press, radio, film, or other information media and their families.

Ineligible aliens are eligible only for emergency services if they meet all eligibility criteria other than citizenship.

Qualified Aliens—aliens who are:

1. lawful permanent residents;
2. refugees;
3. asylees;
4. aliens who have had deportation withheld under §243(h) of the Immigration and Nationality Act (INA);
5. aliens granted parole for at least one year by the INS; or
6. aliens granted conditional entry under immigration law in effect before April 1, 1980;
7. aliens granted status as a Cuban or Haitian entrant.

Qualified aliens who are otherwise eligible for Medicaid are eligible for regular Medicaid coverage.

Emergency Medical Services—services necessary for treatment of an emergency medical condition as follows. The alien has, after sudden onset, a medical condition (including emergency labor and delivery) manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in placing the patient's health in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part. Emergency medical services do not include any organ transplant procedure or routine prenatal or post-partum care.

Mandatory Qualified Aliens—aliens who are:

1. qualified aliens who were in the United States prior to August 22, 1996 and are members of these groups:
   a. lawful permanent residents to whom 40 qualifying quarters of Social Security can be credited;
   b. refugees until seven years after the date of the alien's entry into the United States;
   c. asylees until seven years after the grant of asylum;
   d. aliens who have had deportation withheld under §243(h) of the INA until seven years after the grant of withholding;
   e. honorably discharged veterans who fulfill the minimum active-duty service requirements; aliens on active duty in the United States armed forces; the spouse or unmarried dependent child(ren) of such individuals; and the unremarried surviving spouse of a deceased, honorably discharged veteran;
   f. an alien granted status as a Cuban or Haitian entrant until seven years after status granted.
2. qualified aliens entering the United States on or after August 22, 1996, who are members of the groups below:
   a. refugees for seven years from date of entry;
   b. asylees for seven years from date of entry;
   c. aliens whose deportation has been withheld under §423(h) of the INA for seven years from grant of withholding;
   d. honorably discharged veterans who fulfill the minimum active-duty service requirements; aliens on active duty in the United States armed forces; the spouse or unmarried dependent child(ren) of such individuals; and the unremarried surviving spouse of a deceased, honorably discharged veteran;

e. an alien with Cuban or Haitian entrance status until seven years from grant of status.

3. Native Americans born in Canada who have at least 50 percent Native American blood who enter and reside in the United States.

Optional Qualified Aliens—are persons who meet the definition of qualified aliens but who are not mandatory qualified aliens. Effective December 21, 1997, the state has elected to provide regular Medicaid coverage to optional qualified aliens who were in the United States prior to August 22, 1996.

Optional qualified aliens entering the United States on or after August 22, 1996 (those not described as mandatory qualified alien above) are not eligible for Medicaid benefits for five years after entry into the United States. Such qualified aliens are eligible for emergency services only. Upon expiration of the five-year period, coverage for regular Medicaid services shall be considered if the optional group of qualified aliens meets all eligibility criteria.

Adoption of this rule on an emergency basis is necessary to avoid sanctions or penalties from the federal government arising from failure to adopt appropriate regulations related to amendments to the Personal Responsibility and Work Opportunity Act of 1996 (P.L. 104-193) contained in the Balanced Budget Act of 1997 (P.L. 105-33).

Emergency Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the provisions of Section 401 of the Personal Responsibility and Work Opportunity Act of 1996 (P.L. 104-193) as amended by the Balanced Budget Act of 1997 (P.L. 105-33) regarding Medicaid eligibility for noncitizens.

Effective for dates of service December 21, 1997 and after, the state elects to provide regular Medicaid coverage to optional qualified aliens who were in the United States prior to August 22, 1996, who meet all eligibility criteria.

Optional qualified aliens entering the United States on or after August 22, 1996 are not eligible for Medicaid for five years after entry into the United States. Such qualified aliens are eligible for emergency services only. Upon expiration of the five-year period, coverage for regular Medicaid services shall be considered if the optional qualified alien meets all eligibility criteria.

Interested persons may submit written comments to Thomas D. Collins, Office of the Secretary, Bureau of Health Services Financing, Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this emergency rule. A copy of this emergency rule is available at parish Medicaid offices for review by interested parties.

Bobby P. Jindal
Secretary

9712#088

DECLARATION OF EMERGENCY

Department of Public Safety and Corrections
Board of Pardons

Clemency Filing and Processing
(LAC 22:V.Chapter 1)

(*Editor's Note*: The following emergency rule, adopted October 15, 1997, was received by the Office of the State Register on December 9, 1997.)

Pursuant to the emergency provisions of the Administrative Procedure Act, R.S. 49: 953(B) and R.S. 15:572 et seq. , the Board of Pardons, at its meeting of October 15, 1997, adopted the following emergency rules and procedures for processing and filing for clemency (pardon or commutation of sentence to include restoration of parole and/or good time). It is specifically provided that rules previously adopted and adhered to, unless included herein, are void.

Title 22
CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT
Part V. Board of Pardons

Chapter 1. Applications

§101. General

A. Any completed application will be considered for hearing by the board on the first Tuesday of each month. Should the first Tuesday fall on a legal holiday, the board will meet the following Tuesday. The board shall also meet at the discretion of the chairman to transact such other business as deemed necessary.

B. Applications must be received in the Board of Pardons office by the fifteenth of the month to be placed on the docket for consideration the following month.

C. Four members of the board shall constitute a quorum for the transaction of business, and all actions of the board shall require the favorable vote of at least four members of the board.

D. Any offender sentenced to death shall submit an application within one year from the date of the direct appeal denial.

E. Any offender sentenced to life may not apply until he has served 15 years from the date of sentence, unless he has sufficient evidence which would have caused him to have been found not guilty.

F. No application will be considered by the board until it deems the application to be complete in accordance with the following rules and procedures in Chapter 1.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:572.1 and 15:572.4

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Pardons, LR 16:1062 (December 1990), amended LR 23:

§103. Filing Procedure

A. All Applicants

1. Every application must be submitted on the form approved by the Board of Pardons and must contain the following information:

a. name of applicant;

b. prison number [Department of Corrections (DOC) number];

c. date of birth;

d. race/sex;

e. education (highest grade completed);

f. age at time of offense;

g. present age;

h. offender class;

i. place of incarceration (incarcerated applicant only);

j. parish of conviction/judicial district/court docket number;

k. offense(s) charged, convicted of or plead to;

l. parish where offense(s) committed;

m. date of sentence;

n. length of sentence;

o. time served;

p. prior parole and/or probation;

q. when and how parole or probation completed;

r. prior clemency hearing/recommendation/approval;

s. reason for requesting clemency;

t. relief requested and narrative detailing the events surrounding the offense;

u. institutional disciplinary reports (incarcerated applicants only); total disciplinary reports, number within the last 12 months; nature and date of last violation; and custody status.

2. The application shall be signed and dated by applicant and shall contain a prison or mailing address and home address.

3. An application must be completed. If any required information does not apply, the response should be "NA".

B. In addition to the information submitted by application, the following required documents must be attached as they apply to each applicant:

1. Incarcerated Applicants. Any applicant presently confined in any institution must attach a current master prison record and time computation/jail credit worksheet and have the signature of a classification officer verifying the conduct of the applicant as set out in §103.A.1.u. and a copy of conduct report. Applicants sentenced to death must attach proof of direct appeal denial.

2. Parolees. Applicants presently under parole supervision or who have completed parole supervision must attach a copy of their master prison record or parole certificate.

3. Probationers. Applicants presently under probation supervision or who have completed probationary period must attach a certified copy of sentencing minutes or copy of automatic first offender pardon.

4. First Offender Pardons [R.S. 15:572 (B)]. Applicants who have received an Automatic First Offender Pardon must attach a copy of the Automatic First Offender Pardon.

C. No additional information or documents may be submitted until applicant has been notified that he/she will be given a hearing unless applicant has a life sentence and has served less than 15 years and has documentation proving innocence. The Board of Pardons will not be responsible for items submitted prior to notification that a hearing will be granted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:572.4.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Pardons, LR 16:1062 (December 1990), amended LR 23:

§105. Discretionary Powers of the Board

A.1. The Board of Pardons, at its discretion, may deny any applicant a hearing for any of the following reasons:

a. serious nature of the offense;

b. insufficient time served on sentence;

c. insufficient time after release;

d. proximity of parole/good time date;

e. institutional disciplinary reports;

f. probation/parole—unsatisfactory/violated;

g. past criminal record; or

h. any other factor determined by the board.

2. However, nothing in this Chapter shall prevent the board from hearing any case.

B. Any applicant denied under this Chapter shall be notified, in writing, of the reason(s) for denial and thereafter may file a new application two years from date of the letter of denial. Any applicant with a life sentence denied after August 15, 1997 may reapply six years after the initial denial; three years after the subsequent denial; and every two years thereafter.

C. Any fraudulent documents or information submitted by applicant will result in an automatic denial by the board and no new application will be accepted until four years have elapsed from the date of letter of denial. Any lifer denied because of fraudulent documents may reapply 10 years from the date of letter of initial denial; seven years if subsequent denial; and six years for denials thereafter.

D. In any matters not specifically covered by these rules, the board shall have discretionary powers to act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:572.4

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Pardons, LR 16:1062 (December 1990), amended LR 23:

§107. Contact with the Board of Pardons

A. Contact with the Board of Pardons or any member is prohibited except by appearing/testifying at a public hearing or by written letter addressed to the Board of Pardons.

B. If a board member is improperly contacted, he/she must immediately notify the individual that the contact is illegal. The letter must be accompanied by a copy of R.S.15:573.1, and the contact must be reported to the other board members.

C. Any prohibited contact after an individual has been informed of the prohibition as provided in §107.B shall be fined not more than $500 or imprisoned for not more than six months or both.

D. All letters in favor of pardon, clemency, or commutation of sentence are subject to public inspection. Exceptions to this Section are:

1. letters from any victim of a crime committed by the applicant being considered for pardon, clemency, or commutation of sentence, or any person writing on behalf of the victim;

2. any letters written in opposition to pardon, clemency, or commutation of sentence.

E. All letters written by elected or appointed public officials in favor of or opposition to pardon, clemency, or commutation of sentence received after August 15, 1997 are subject to public inspection and shall be recorded in a central register maintained by the board. The register shall contain, the name of the individual whose pardon, clemency, or commutation of sentence is subject of the letter, the name of the public official who is the author of the letter and the date the letter was received by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:573.1, 15:574.12 and 44:1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Pardons, LR 16:1062 (December 1990), amended LR 23:

§109. Hearing Granted

A. After notice to an applicant that a hearing has been granted the applicant must provide the Board of Pardons office with proof of advertisement within 90 days from the date of notice to grant a hearing. Advertisement must be published in the official journal of the parish where the offense occurred. This ad must state:

"I, (applicant's name), DOC Number, have applied for clemency"

and must be published for three days within a 30-day period without cost to the Department of Public Safety and Corrections, Corrections Services, Board of Pardons.

B. Applicant may submit additional information, e.g., letters of recommendation and copies of certificates of achievement and employment/residence agreement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:572.4, 15:574.12 and 44:1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Pardons, LR 16:1063 (December 1990), amended LR 23:

§111. Notice of Public Hearing Dates

A. After receipt of all documents required by §§103 and 109.A and the clemency investigation from the appropriate probation and parole district, the board shall set the matter for public hearing.

B. At least 30 days prior to public hearing date, the board shall give written notice of the date, time, and place to the following:

1. the district attorney and sheriff of the parish in which the applicant was convicted; and, in Orleans Parish, the superintendent of police;
2. the applicant;
3. the victim who has been physically or psychologically injured by the applicant (if convicted of that offense), and the victim's spouse or next of kin, unless the injured victim's spouse or next of kin advises the board, in writing, that such notification is not desired;
4. the spouse or next of kin of a deceased victim when the offender responsible for the death is the applicant (if convicted of that offense), unless the spouse or next of kin advises the board, in writing, that such notification is not desired;
5. the Crime Victims Services Bureau of the Department of Public Safety and Corrections; and
6. any other interested person who notifies the Board of Pardons, in writing, giving name and return address.

C. The district attorney, injured victim, spouse, or next of kin, and any other persons who desire to do so shall be given a reasonable opportunity to attend the hearing. The district attorney or his representative, victim, victim's family, and a victim advocacy group, may appear before the Board of Pardons by means of telephone communication from the office of the local district attorney.

D. Only three persons in favor, to include the applicant, and three in opposition, to include the victim/victim's family member, will be allowed to speak at the hearing. However, there is no limit on written correspondence in favor of and/or opposition to the applicant's request.

E. If an applicant is released from custody and/or supervision prior to public hearing date, the case will be closed without notice to the applicant. Applicant may reapply two years from the date of release.

F. Applicant's failure to attend and/or notify the Board of Pardons office of his/her inability to attend the hearing will result in an automatic denial. The applicant may reapply two years from the date of scheduled hearing. Lifers who fail to attend and/or advise of inability to attend may reapply in six years if it is his/her initial hearing, three years if subsequent hearing date, and two years thereafter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:572.4 and 15:574.12(G) and R.S. 44:1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Correction, Board of Pardons, LR 16:1063 (December 1990), amended LR 23:

§113. Denials by Board after Public Hearing

A. The board shall notify the applicant of the denial. Applicant may submit a new application two years after the date of letter of denial. Any applicant serving life may apply six years after initial denial, three years after subsequent denial and thereafter every two years.

B. The board shall terminate hearing should the applicant become disorderly, threatening, or insolent. Any hearing terminated due to applicant's disorderly, threatening, or insolent behavior is an automatic denial and the applicant may reapply four years from the date of hearing except those serving life sentence who may reapply 10 years from the date of initial hearing termination, seven years from the subsequent hearing termination, and six years from hearing termination thereafter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:572.4

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Pardons, LR 23:

§115. Denial/No Action Taken by Governor after Favorable Recommendation

A. The board shall notify the applicant after its receipt of notification that favorable recommendation was denied or no action was taken by the governor. Applicant may submit a new application one year from the date of the letter of denial or notice of no action.

B. An applicant who has been paroled, released under good time parole supervision, or released from sentence within one year of the date of letter of denial or notice of no action by the governor, may submit a new application two years after the date of release from confinement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:572.4

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Pardons, LR 23:

§117. Governor Grants

The Office of the Governor will notify the applicant if any clemency is granted. Applicant may submit a new application for additional relief four years from the date of notice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 1S:S72.4

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Pardons, LR 23:

Sally L. McKissack
Chairman

9712#043

DECLARATION OF EMERGENCY

Department of Revenue
Office of Alcohol and Tobacco Control

Responsible Vendor Program Fees (LAC 55:VII.501)

In accordance with the emergency provisions of R.S. 49:953(B) of the Administrative Procedure Act and the authority of R.S. 26:906, the Department of Revenue, Office of Alcohol and Tobacco Control hereby finds that emergency action is deemed necessary for the immediate implementation of the provisions of the Louisiana Responsible Vendor Program ("program") and hereby adopts an emergency rule, effective November 21, 1997. Act 1054 of the 1997 Regular Session of the Louisiana Session enacted Chapter 7, consisting of §§901 through 909, of Title 26 of the Revised Statutes and thereby established minimum standards for the training of employees of licensed establishments who sell or serve alcoholic beverages in the normal course of their employment. It further provided for the certification process for those training programs that wish to instruct these employees in matters such as the effects of alcohol, absorption rate, identifying underage individuals, and state laws and local ordinances that regulate the sale of alcoholic beverages and tobacco products. Finally, it provided for establishment of a fee to be charged to each licensed establishment for the development and administration of this program.

The Office of Alcohol and Tobacco Control finds that the establishment of the fee of $35 per establishment, per year is necessary for the immediate implementation of the program in order to protect the public from the imminent threat to public health and safety associated with the sale of alcoholic beverages to underage individuals and the effects and consequences of the irresponsible consumption of alcoholic beverages.

For the foregoing reasons, the Office of Alcohol and Tobacco Control hereby adopts Chapter 5 of Part VII of Title 55 of the *Louisiana Administrative Code*, by promulgating a new §501, relative to the establishment of the fee of $35/licensed establishment/year to cover the cost of the Louisiana Responsible Vendor Program.

This emergency rule shall remain in effect for 120 days or until the final rule takes effect through normal promulgation process, whichever occurs first.

Title 55
PUBLIC SAFETY
Part VII. Alcohol and Tobacco Control

Chapter 5. Responsible Vendor Program

§501. Fees

A. In accordance with the authority of R.S. 26:906, the Office of Alcohol and Tobacco Control hereby establishes a fee of $35 per establishment, per year for the development and administration of the Louisiana Responsible Vendor Program.

B. Except as provided in §501.C, beginning November 24, 1997, this fee shall be assessed on all renewal applications and to each new applicant seeking a retail permit to deal in alcoholic beverages.

C. The fee established in §501.A shall not be assessed to those parties seeking a Special Event Permit as defined in R.S. 26:793(A).

AUTHORITY NOTE: Promulgated in accordance with R.S. 26:906.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of Alcohol and Tobacco Control, LR 24:

Murphy P. Painter
Commissioner

9712#086

DECLARATION OF EMERGENCY

Department of Revenue
Tax Commission

Ad Valorem Taxation (LAC 61:V.Chapters 1-35)

The Tax Commission, at its meeting of December 9, 1997, exercised the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B), and pursuant to its authority under R.S. 47:1837, adopted the following additions, deletions and amendments to the real/personal property rules and regulations.

This emergency rule is necessary in order for ad valorem tax assessment tables to be disseminated to property owners and local tax assessors no later than the statutory valuation date of record of January 1, 1998. Cost indexes required to finalize these assessment tables are not available to this office until late October 1997. The effective date of this emergency rule is January 1, 1998.

Title 61
REVENUE AND TAXATION
Part V. Ad Valorem Taxation
Chapter 1. Constitutional and Statutory Guides to Property Taxation

§101. Constitutional Principles for Property Taxation

A. Assessments. Property subject to ad valorem (property) taxation shall be listed on the assessment rolls at its assessed valuation, which, except as provided in §101.C, shall be a percentage of its fair market value. The percentage of fair market value shall be uniform throughout the state upon the same class of property.

B. Classification

1. The classification of property subject to ad valorem taxation and the percentage of fair market value applicable to each classification for the purpose of determining assessed valuation are as follows:

	Classifications	Percentages
a.	land	10%
b.	improvements for residential purposes	10%
c.	electric cooperative properties, excluding land	15%
d.	public service properties, excluding land	25%
e	other property (including personal property)	15%

2. The legislature may enact laws defining electric cooperative properties and public service properties. (See R.S. 47:1851).

C. Use Value. Bona fide agricultural, horticultural, marsh and timber lands, as defined by general law, shall be assessed for tax purposes at 10 percent of use value rather than fair market value. The legislature may provide by law similarly for buildings of historic architectural importance.

D. Valuation. Each assessor shall determine the fair market value of all property subject to taxation within his respective parish or district, except public service properties, which shall be valued at fair market value by the Tax Commission or its successor. Each assessor shall determine the use value of property which is to be so assessed under the provisions of §101.C. Fair market value and use value of property shall be determined in accordance with criteria which shall be established by law and which shall apply uniformly throughout the state.

E. Review. The correctness of assessments by the assessor shall be subject to review first by the parish governing authority, then by the Tax Commission or its successor, and finally by the courts, all in accordance with procedures established by law.

AUTHORITY NOTE: Promulgated in accordance with Louisiana Constitution of 1974, Article VII, Section 18.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 15:1097 (December 1989), amended by the Department of Revenue, Tax Commission, LR 24:

§103. Exempt Property

A. In addition to the homestead exemption provided for in Section 20 of Article VII of the constitution, the following property and no other shall be exempt from the ad valorem tax:

1. public lands; other public property used for public purposes;

2. property of nonprofit organizations operated exclusively for religious, dedicated places of burial, charitable, health, welfare, fraternal, or educational purposes;

3. property of bona fide labor organizations and certain businesses and trade and professional organizations;

4. property of nonprofit organizations organized for fraternal and charitable purposes;

Note: See Louisiana Constitution of 1974, Article VII, Section 21.B, for specific conditions of authorization.

Note: None of the property listed in §103.A.2, 3, and 4 shall be exempt if owned, operated, leased or used for commercial purposes unrelated to the exempt purposes of the corporation or association.

* * *

6. stocks and bonds, except bank stocks, the tax on which shall be paid by the banking institution;

* * *

8. loans by life insurance companies to policyholders, if secured solely by their policies;

* * *

13. personal property used in the home or on loan in a public place;

14. irrevocably dedicated places of burial held by individuals for purposes of burial of themselves or members of their families;

15. agricultural products while owned by the producer, agricultural machinery and other implements used exclusively for agricultural purposes (including crop dusting aircraft), animals on the farm, and property belonging to an agricultural fair association (also see R.S. 47:1707);

* * *

17. rights-of-way granted to the Department of Transportation and Development (DOTD);

* * *

20. ships and oceangoing tugs, towboats and barges engaged in international trade and domiciled in Louisiana ports. However, this exemption shall not apply to harbor, wharf, shed, and other port dues or to any vessel operated in the coastal trade of the states of the United States;

21. materials, boiler fuels, and energy sources used by public utilities to fuel the generation of electricity;

22. all incorporeal movables of any kind or nature whatsoever, except public service properties, bank stocks, and credit assessments on premiums written in Louisiana by insurance companies and loan and finance companies. (See Louisiana Civil Code of 1870, as amended, and R.S. 47:1709).

B. Also exempt are raw materials, goods, commodities, articles and personal property imported into this state from outside the states of the United States or, held in storage while in transit through this state which are moving in interstate commerce.

Note: See Louisiana Constitution, Article VII, Section 21.D; R.S. 47:1951.1; R.S. 47:1951.2; and R.S. 47:1951.3 for specific conditions of authorization.

Note: Property described in §103.B, whether or not entitled to exemption, shall be reported to the proper taxing authorities on the forms required by law.

C. Motor vehicles used on the public highways of this state, from state, parish and special ad valorem taxes. This exemption shall not extend to any general or special tax levied by a municipal governing authority, or by a district created by it, unless the governing authority thereof provides for the exemption by ordinance or resolution.

D. New manufacturing establishments and additions to existing manufacturing establishments to be granted tax exemptions by the Board of Commerce and Industry, with the approval of the governor, as authorized by Article VII, Section 21.F of the Louisiana Constitution of 1974.

E. Coal or lignite stockpiled in Louisiana for use in Louisiana for industrial or manufacturing purposes or for boiler fuel, gasification, feedstock, or process purposes.

F. Value of enhancements to certain structures located in downtown, historic, or economic development districts to be granted a limited exemption by the Board of Commerce and Industry, if approved by the governor and the local governing authority, as authorized by Article VII, Section 21.H of the Louisiana Constitution of 1974.

G. Goods held in inventory by distribution centers, to be granted tax exemptions by the parish economic development or governing authority, with the approval of each affected tax recipient body in the parish, as authorized by Article VII, Section 21.I of the Louisiana Constitution of 1974.

AUTHORITY NOTE: Promulgated in accordance with Louisiana Constitution of 1974, Article VII, Section 21.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 12:36 (January 1986), LR 15:1097 (December 1989), LR 17:1213 (December 1991), amended by the Department of Revenue, Tax Commission, LR 24:

§123. Statutes Pertaining to Specific Personal Property

Listing and Assessing of Notes and Indebtedness

1. All credits, including open accounts, bills receivable, judgments and all promissory notes, not exempt, shall be assessed at the personal property ratio. Valuation shall be at an average of the capital employed in the business after deduction from accounts payable, bills payable and other liabilities of a similar character, not exempt. Liabilities due from branches or subsidiaries shall not be deducted (R.S. 47:1962).

2. Indebtedness and all evidence of indebtedness, shall be taxable only at the situs and domicile of the holder or owner thereof (R.S. 47:1952).

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1952 and R.S. 47:1962.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:921 (November 1984), LR 15:1097 (December 1989), amended by the Department of Revenue, Tax Commission, LR 24:

Chapter 3. Real and Personal Property

§309. Tax Commission Miscellaneous Forms

A. TC Form 8, Agreement to Suspend Subscription of Ad Valorem Tax Form, should be used when audit or other circumstances deem it appropriate.

B. TC Form 9, Insurance Companies Form, should be sent to all property and casualty insurance companies, both foreign and domestic, licensed to write insurance in Louisiana.

C. TC Form 33, Abstract of Assessments Form, shall be annually completed and furnished to the Tax Commission by each parish assessor on or before the filing of the parish assessment rolls for certification by the Tax Commission.

D. TC Forms CO1, CO2 and CO3, should be used to electronically process change order requests submitted by tax assessors' offices.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2326.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 21:186 (February 1995), amended LR 22:117 (February 1996), amended by the Department of Revenue, Tax Commission, LR 24:

Chapter 7. Watercraft

§701. Guidelines for Ascertaining Fair Market Value of Watercraft

* * *

B. Valuation

* * *

2. The same procedure shall be used as for other forms of machinery and equipment. That is, cost of the vessel will be brought up to current value through use of the appropriate index and depreciated based on the effective age of the vessel. The appropriate cost index, percent good factors and composite multipliers appear in Tables 703.A and 703.B.

3. Consideration of obsolescence when using the cost approach—economic and/or functional obsolescence is a loss in value of personal property above and beyond physical deterioration. Upon a showing of evidence of such loss, substantiated by the taxpayer in writing, economic or functional obsolescence shall be given. If economic and/or functional obsolescence is not given when warranted, an appreciated value greater than fair market value may result.

4. Gulf of Mexico Watercraft Fleet. When determining the three approaches to value, the assessor may use a variable annual income approach, as compiled by a certified marine surveyor-appraisal company, at the request of the Louisiana Assessors' Association, for weighting and correlating current market conditions as a part of the fair market valuation process.

AUTHORITY NOTE: Promulgated in accordance with the Louisiana Constitution of 1974, Article VII, Sections 18 and 21, R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:922 (November 1984), LR 12:36 (January 1986), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 20:198 (February 1994), amended by the Department of Revenue, Tax Commission, LR 24:

§703. Tables—Watercraft

A. Floating Equipment—Motor Vessels

Floating Equipment—Motor Vessels				
Cost Index (Average)		Average Economic Life 12 Years		
Year	Index	Effective Age	Percent Good	Composite Multiplier
1997	0.993	1	94	.93
1996	1.009	2	87	.88

1995	1.024	3	80	.82
1994	1.061	4	73	.77
1993	1.091	5	66	.72
1992	1.112	6	58	.64
1991	1.126	7	50	.56
1990	1.148	8	43	.49
1989	1.179	9	36	.42
1988	1.242	10	29	.36
1987	1.295	11	24	.31
1986	1.314	12	22	.29
1985	1.326	13	20	.27

B. Floating Equipment—Barges (Nonmotorized)

Floating Equipment—Barges (Nonmotorized)				
Cost Index (Average)		Average Economic Life 20 Years		
Year	Index	Effective Age	Percent Good	Composite Multiplier
1997	0.993	1	97	.96
1996	1.009	2	93	.94
1995	1.024	3	90	.92
1994	1.061	4	86	.91
1993	1.091	5	82	.89
1992	1.112	6	78	.87
1991	1.126	7	74	.83
1990	1.148	8	70	.80
1989	1.179	9	65	.77
1988	1.242	10	60	.75
1987	1.295	11	55	.71
1986	1.314	12	50	.66
1985	1.326	13	45	.60
1984	1.346	14	40	.54
1983	1.383	15	35	.48
1982	1.408	16	31	.44
1981	1.474	17	27	.40
1980	1.626	18	24	.39
1979	1.788	19	22	.39
1978	1.955	20	21	.41
1977	2.102	21	20	.42

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:924 and 10:925 (November 1984), LR 12:36 (January 1986), LR 13:188 (March 1987), LR 13:764 (December 1987), LR 14:872 (December 1988), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 19:212 (February 1993), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), LR 23:204 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:

Chapter 9. Oil and Gas Properties

§905. Reporting Procedures

* * *

B. Surface Equipment

* * *

6. Property Class Number 6—Field Improvements—docks, lease buildings, equipment sheds and buildings, warehouses, land and leasehold improvements, etc.—furnish year constructed and cost. Use composite multiplier from appropriate table on original cost, and extend fair market value for each.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 19:212 (February 1993), amended by the Department of Revenue, Tax Commission, LR 24:

§907. Tables—Oil and Gas

A. The cost-new schedules below cover only that portion of the well subject to ad valorem taxation. Economic and/or functional obsolescence is a loss in value of personal property above and beyond physical deterioration. Upon a showing of evidence of such loss, substantiated by the taxpayer in writing, economic or functional obsolescence shall be given. If economic and/or functional obsolescence is not given when warranted, an appreciated value greater than fair market value may result.

1. Oil, Gas and Associated Wells; Region 1—North Louisiana

Table 907.A-1 Oil, Gas and Associated Wells Region 1—North Louisiana				
Producing Depths	Cost—New by Depth, per Foot		15 Percent of Cost—New by Depth, per Foot	
	$ Oil	$ Gas	$ Oil	$ Gas
0-1,249 ft.	6.97	8.44	1.05	1.27
1,250-2,499 ft.	7.30	7.51	1.10	1.13
2,500-3,749 ft.	9.11	8.67	1.37	1.30
3,750-4,999 ft.	11.27	10.97	1.69	1.65
5,000-7,499 ft.	15.66	17.77	2.35	2.67
7,500-9,999 ft.	17.40	26.24	2.61	3.94
10,000-2,499 ft.	25.53	32.99	3.83	4.95
12,500-Deeper ft.	N/A	68.55	N/A	10.28

2. Oil, Gas and Associated Wells; Region 2—South Louisiana

Table 907.A-2 Oil, Gas and Associated Wells Region 2—South Louisiana				
Producing Depths	Cost—New by Depth, per Foot		15 Percent of Cost - New by Depth, per Foot	
	$ Oil	$ Gas	$ Oil	$ Gas
0 - 1,249 ft.	26.69	45.01	4.00	6.75
1,250 - 2,499 ft.	21.14	41.37	3.17	6.21
2,500 - 3,749 ft.	21.50	30.95	3.23	4.64
3,750 - 4,999 ft.	21.70	30.99	3.26	4.65
5,000 - 7,499 ft.	19.89	31.17	2.98	4.68
7,500 - 9,999 ft.	26.06	28.18	3.91	4.23
10,000 -12,499 ft.	31.75	37.91	4.76	5.69
12,500 -14,999 ft.	45.02	52.34	6.75	7.85
15,000 -17,499 ft.	62.46	68.56	9.37	10.28
17,500 -19,999 ft.	85.31	106.00	12.80	15.90
20,000 -Deeper ft.	73.18	122.67	10.98	18.40

3. Oil, Gas and Associated Wells; Region 3—Offshore State Waters

Table 907.A-3 Oil, Gas and Associated Wells Region 3—Offshore State Waters*				
Producing Depths	Cost—New by Depth, per Foot		15 Percent of Cost—New by Depth, per Foot	
	$ Oil	$ Gas	$ Oil	$ Gas
0-1,249 ft.	N/A	105.86	N/A	15.88
1,250-2,499 ft.	168.29	252.07	25.24	37.81
2,500-3,749 ft.	66.16	199.04	9.92	29.86
3,750-4,999 ft.	135.59	103.89	20.34	15.58
5,000-7,499 ft.	91.01	100.22	13.65	15.03
7,500-9,999 ft.	90.68	93.73	13.60	14.06
10,000-12,499 ft.	85.73	92.62	12.86	13.89
12,500-14,999 ft.	86.51	108.32	12.98	16.25
15,000-17,499 ft.	86.51	98.51	12.98	14.78
17,500-Deeper ft.	109.95	134.08	16.49	20.11

* As classified by Louisiana Office of Conservation.

4. Instructions for Use of Tables 907.A-1, 907.A-2 and 907.A-3 and Procedure for Arriving at Assessed Value

a. Determine if well is located in Region 1 by reference to Table 907.B-1.

b. Multiply depth of well by appropriate 15 percent of Cost-New amount as indicated in Table 907.A-1, 907.A-2 or 907.A-3.

c. Multiply the appropriate percent good factor based on age of the well as found in Table 907.B-2.

d. Use Oil Cost—New to assess all active service wells for region where located.

e. See explanations in Section 901.E regarding the assessment of multiple completion wells.

f. For wells recompleted at a deeper depth, multiply depreciated cost-new by 1.5. For wells recompleted at a shallower depth, use the new perforation depth to determine fair market value.

B. Parishes Considered to be Located in Region I; Serial Number to Percent Good Conversion; Producing Property (Well, Surface Equipment and Facilities) Total Assessment Limit (Economic Obsolescence); Adjustments for Allowance of Economic Obsolescence

1. Parishes Considered to be Located in Region I

Table 907.B-1 Parishes Considered to be Located in Region 1			
Bienville	DeSoto	Madison	Tensas
Bossier	East Carroll	Morehouse	Union
Caddo	Franklin	Natchitoches	Webster
Caldwell	Grant	Ouachita	West Carroll
Catahoula	Jackson	Red River	Winn
Claiborne	LaSalle	Richland	
Concordia	Lincoln	Sabine	

2. Serial Number to Percent Good Conversion Chart

Table 907.B-2 Serial Number to Percent Good Conversion Chart			
Year	Beginning Serial Number	Ending Serial Number	25 Year Life Percent Good
1997	220034	Higher	96
1996	218653	220033	92
1995	217588	218652	88
1994	216475	217587	84
1993	215326	216474	80
1992	214190	215325	76
1991	212881	214189	72
1990	211174	212880	68
1989	209484	211173	64
1988	207633	209483	60
1987	205211	207632	56
1986	202933	205210	52
1985	197563	202932	48
1984	189942	197562	44
1983	184490	189941	40
1982	179370	184489	36

1981	173109	179369	32
1980	166724	173108	28
1979	Lower	166723	26*
VAR.	900000	Higher	50

* Reflects residual or floor rate.

Note: For any serial number categories not listed above, use year well completed to determine appropriate percent good. If spud date is later than year indicated by serial number; or, if serial number is unknown, use spud date to determine appropriate percent good.

3. Producing Property (Well, Surface Equipment and Facilities) Total Assessment Limit (Economic Obsolescence)

Table 907.B-3
Producing Property (Well, Surface Equipment and Facilities) Total Assessment Limit (Economic Obsolescence)

Production Sold BOPD/BCPD or MCFGPD	Oil/Condensate Assessment Limit	Gas Assessment Limit
0.5	520	60
1	1,040	120
1.5	1,560	190
2	2,080	250
2.5	2,600	310
3	3,120	370
3.5	3,640	430
4	4,160	490
4.5	4,680	560
5	5,200	620
6	6,240	740
7	7,280	860
8	8,320	990
9	9,360	1,110
10	10,400	1,230
15	15,600	1,850
20	20,810	2,460
25	26,010	3,080
30	31,210	3,700
35	36,410	4,310
40	41,610	4,930
45	46,810	5,540
50	52,010	6,160
60	62,420	7,390
70	72,820	8,620
80	83,220	9,860
90	93,620	11,090
100	104,030	12,320
125	130,030	15,400
150	156,040	18,480
175	182,040	21,560
200	208,050	24,640
250	260,060	30,800
300	312,080	36,960
350	364,090	43,120
400	416,100	49,280
450	468,110	55,440
500	520,130	61,590
600	---	73,910
700	---	86,230
800	---	98,550
900	---	110,870
1,000	---	123,190
2,000	---	246,380
3,000	---	369,560
4,000	---	492,750
5,000	---	615,940

4. Adjustments for Allowance of Economic Obsolescence

a. All "incapable" wells (25 bbl oil or 250 mcf gas, or less, per day), as defined in R.S. 47:633, as well as all active service wells (e.g., injection, salt water disposal, water source, etc.) shall be allowed a 40 percent reduction. Taxpayer shall provide the assessor with the proper Office of Conservation forms to document claim for such reduction.

b. All inactive (shut-in) wells shall be allowed a 60 percent reduction.

c. Deduct any additional obsolescence that has been appropriately documented by the taxpayer, as warranted, to reflect fair market value.

d. Economic obsolescence credits shall be based on representative daily production from the prior year(s) (See Table 907.B-3), as a means of establishing a maximum assessed value to be applied to wells, surface equipment and facilities, which can be applied to single well leases, multiple well leases or to fields. This table is based on a crude oil/condensate price of $19 and a natural gas price of $2.25.

e. All oil and gas property assessments may be based on an individual cost basis.

f. Sales, properly documented, should be considered by the assessor as fair market value, provided the sale meets all tests relative to it being a valid sale.

C. Surface Equipment

1. Listed below is the cost-new of major items used in the production, storage, transmission and sale of oil and gas. Any equipment not shown shall be assessed on an individual basis.

2. All surface equipment, including other property associated or used in connection with the oil and gas industry in the field of operation, must be rendered in accordance with guidelines established by the Tax Commission and in accordance with requirements set forth on LAT Form 12-Personal Property Tax Report - Oil and Gas Property.

3. Oil and gas personal property will be assessed in seven major categories, as follows:

a. oil, gas and associated wells;
b. oil and gas equipment (surface equipment);
c. tanks (surface equipment);
d. lines (oil and gas lease lines);
e. inventories (material and supplies);
f. field improvements (docks, buildings, etc.);
g. other property (not included above).

4. The updated cost-new values, as compiled by a valuation consultant company, at the request of the Louisiana Assessors' Association, shall be the basis for assessing those items of surface equipment so provided. Otherwise, use the cost-new values listed below for assessing all other surface equipment.

5. The cost-new values listed below are to be adjusted to allow depreciation by use of the appropriate percent good listed in Table 907.B-2. The average age of the well/lease/field will determine the appropriate year to be used for this purpose.

6. Economic and/or functional obsolescence is a loss in value of personal property above and beyond physical deterioration. Upon a showing of evidence of such loss, substantiated by the taxpayer in writing, economic or functional obsolescence shall be given. If economic and/or functional obsolescence is not given when warranted, an appreciated value greater than fair market value may result.

7. Sales, properly documented, should be considered by the assessor as fair market value, provided the sale meets all tests relative to it being a valid sale.

Table 907.C-1
Surface Equipment

Property Description	$ Cost New
Actuators - (See Metering Equipment)	
Automatic Control Equipment - (See Safety Systems)	
Automatic Tank Switch Unit - (See Metering Equipment)	
Barges - Concrete - (Assessed on an individual basis)	
Barges - Storage - (Assessed on an individual basis)	
Barges - Utility - (Assessed on an individual basis)	
Barges - Work - (Assessed on an individual basis)	
Communication Equipment - (See Telecommunications)	
Dampeners - (See Metering Equipment - "Recorders")	
Desorbers - (No metering equipment included):	
125Number	56,710
300Number	62,530
500Number	71,160
Destroilets - (See Metering Equipment - "Regulators")	
Desurgers - (See Metering Equipment - "Regulators")	
Desilters - (See Metering Equipment - "Regulators")	
Diatrollers - (See Metering Equipment - "Regulators")	
Docks, Platforms, Buildings - (Assessed on an individual basis)	
Dry Dehydrators (Driers) - (See Scrubbers)	
Engines - Unattached - (Only includes engine and skids): Per Horsepower	180
Evaporators - (Assessed on an individual basis)	
Expander Unit - (No metering equipment included): Per Unit	20,800
Flow Splitters - (No metering equipment included):	
48 in. diameter vessel	10,130
72 in. diameter vessel	13,420
96 in. diameter vessel	20,560
120 in. diameter vessel	29,220
Fire Control System - (Assessed on an individual basis)	
Furniture and Fixtures - (Assessed on an individual basis) (Field operations only, according to location.)	
Gas Compressors - Package Unit - (skids, scrubbers, cooling system, and power controls. No metering or regulating equipment.):	
Up to 1500 horsepower - Per hp	620
1501 and up - Per hp	400
Gas Coolers - (No metering equipment);	
5,000 MCF/D	16,000
10,000 MCF/D	18,000
20,000 MCF/D	56,000
50,000 MCF/D	127,000
100,000 MCF/D	208,000
Generators - Package Unit only - (No special installation) - Per kW	440
Glycol Dehydration - Package Unit - (including pressure gauge, relief valve and regulator. No other metering equipment.):	
Up to 4.0 MMCF/D	11,220
4.1 to 5.0 MMCF/D	12,510
5.1 to 10.0 MMCF/D	21,040
10.1 to 15.0 MMCF/D	33,930
15.1 to 20.0 MMCF/D	49,780
20.1 to 25.0 MMCF/D	52,180
25.1 to 30.0 MMCF/D	72,980
30.1 to 50.0 MMCF/D	118,580
50.1 to 75.0 MMCF/D	158,360
75.1 and Up MMCF/D	200,000

Heaters - (includes unit, safety valves, regulators and automatic shut-down. No metering equipment.):	
Steam Bath - Direct Heater:	
24 in. diameter vessel - 250,000 Btu/hr rate	3,910
30 in. diameter vessel - 500,000 Btu/hr rate	4,910
36 in. diameter vessel - 750,000 Btu/hr rate	5,910
48 in. diameter vessel - 1,000,000 Btu/hr rate	8,760
60 in. diameter vessel - 1,500,000 Btu/hr rate	10,800
Water Bath - Indirect Heater:	
24 in. diameter vessel - 250,000 Btu/hr rate	4,890
30 in. diameter vessel - 500,000 Btu/hr rate	5,890
36 in. diameter vessel - 750,000 Btu/hr rate	8,310
48 in. diameter vessel - 1,000,000 Btu/hr rate	10,730
60 in. diameter vessel - 1,500,000 Btu/hr rate	13,360
Steam - (Steam Generators):	
24 in. diameter vessel - 250,000 Btu/hr rate	5,070
30 in. diameter vessel - 450,000 Btu/hr rate	6,360
36 in. diameter vessel - 500 to 750,000 Btu/hr rate	9,510
48 in. diameter vessel - 1 to 2,000,000 Btu/hr rate	10,930
60 in. diameter vessel - 2 to 3,000,000 Btu/hr rate	12,360
72 in. diameter vessel - 3 to 6,000,000 Btu/hr rate	19,510
96 in. diameter vessel - 6 to 8,000,000 Btu/hr rate	23,440
Heat Exchange Units-Skid Mounted - (See Production Units)	
Heater Treaters - (Necessary controls, gauges, valves and piping. No metering equipment included.):	
Heater - Treaters - (Non-metering):	
4 x 20 ft.	8,510
4 x 27 ft.	10,960
6 x 20 ft.	11,470
6 x 27 ft.	14,420
8 x 20 ft.	18,360
8 x 27 ft.	21,510
10 x 20 ft.	24,290
10 x 27 ft.	28,560
Heater - Treaters - (Metering) - (Also includes metering section with dump counters.):	
3 x 15 ft.	8,400
4 x 22 ft.	14,000
6 x 22 ft.	16,400
8 x 22 ft.	23,600
10 x 22 ft.	30,000
L.A.C.T. (Lease Automatic Custody Transfer) - See Metering Equipment)	
L.T.X. (Low Temperature Extraction) - (includes safety valves, temperature controllers, chokes, regulators, metering equipment, etc. - complete unit.):	
Range I - Up to 5.0 MMCF/D	73,180
Range II - 5.1 to 10.0 MMCF/D	95,910
Range III - 10.1 to 15.0 MMCF/D	123,240
Range IV - 15.1 and Up MMCF/D	158,200
Liqua Meter Units - (See Metering Equipment)	
Manifolds - (See Metering Equipment)	
Material and Supplies - Inventories - (Assessed on an individual basis)	
Meter Calibrating vessels - (See Metering Equipment)	
Meter Prover Tanks - (See Metering Equipment)	

Meter Runs - (See Metering Equipment)	
Meter Control Stations - (not considered Communication Equipment) - (Assessed on an individual basis)	
Metering Equipment	
Actuators - hydraulic, pneumatic and electric valves	3,310
Controllers - time cycle valve - valve controlling device (also known as Intermitter)	1,040
Fluid Meters:	
1 Level Control	
24 in. diameter vessel - 1/2 bbl. dump	2,530
30 in. diameter vessel - 1 bbl. dump	3,240
36 in. diameter vessel - 2 bbl. dump	4,490
2 Level Control	
20 in. diameter vessel - 1/2 bbl. dump	2,360
24 in. diameter vessel - 1/2 bbl. dump	2,840
30 in. diameter vessel - 1 bbl. dump	3,560
36 in. diameter vessel - 2 bbl. dump	4,800
L.A.C.T. and A.T.S. Units:	
30 lb. discharge	15,800
60 lb. discharge	18,000
Manifolds - Manual Operated:	
High Pressure	
per well	12,400
per valve	4,200
Low Pressure	
per well	6,000
per valve	2,000
Manifolds - Automatic Operated:	
High Pressure	
per well	22,400
per valve	7,400
Low Pressure	
per well	16,000
per valve	5,400
Note: Automatic Operated System includes gas hydraulic and pneumatic valve actuators, (or motorized valves), block valves, flow monitors - in addition to normal equipment found on manual operated system. NO METERING EQUIPMENT INCLUDED.	
Meter Runs - piping, valves and supports - no meters:	
2 in. piping and valve	3,400
3 in. piping and valve	3,800
4 in. piping and valve	4,600
6 in. piping and valve	6,400
8 in. piping and valve	9,600
10 in. piping and valve	12,800
12 in. piping and valve	16,000
14 in. piping and valve	21,780
16 in. piping and valve	28,440
18 in. piping and valve	35,200
20 in. piping and valve	45,780
22 in. piping and valve	57,690
24 in. piping and valve	70,600
Metering Vessels (Accumulators):	
1 bbl. calibration plate (20 x 9)	1,960
5 bbl. calibration plate (24 x 10)	2,130
7.5 bbl. calibration plate (30 x 10)	2,960
10 bbl. calibration plate (36 x 10)	3,690
Recorders (Meters) - Includes both static element and tube drive pulsation dampener - also one and two pen operations.	
per meter	1,380
Solar Panel (also see Telecommunications)	
per unit (10 ft. x 10 ft.)	200

Pipe Lines - Lease Lines Steel 2 in. nominal size - per mile 2½ in. nominal size - per mile 3 and 3½ in. nominal size - per mile 4, 4½ and 5 in. nominal size - per mile 6 in. nominal size - per mile Plastic - PVC 2 in. nominal size - per mile 2½ in. nominal size - per mile 3 in. nominal size - per mile 4 in. nominal size - per mile 6 in. nominal size - per mile Plastic - Fiberglass 2 in. nominal size - per mile 3 in. nominal size - per mile 4 in. nominal size - per mile 6 in. nominal size - per mile Note: Allow 85 percent obsolescence credit for lines that are inactive, idle, open on both ends and dormant, which are being carried on corporate records solely for the purpose of retaining right of ways on the land and/or due to excessive capital outlay to refurbish or remove the lines.	 14,690 24,710 28,470 33,730 47,730 2,200 3,600 4,000 6,000 11,800 12,910 20,380 29,130 76,400
Pipe Stock - (Assessed on an individual basis)	
Pipe Stock - Exempt - Under Louisiana Constitution, Article X, Section 4 (19-C)	
Production Units: Class I - per unit - separator and 1 heater Class II - per unit - separator and 1 heater	 12,820 15,220
Production Process Units - These units are by specific design and not in the same category as gas compressors, liquid and gas production units or pump-motor units. (Assessed on an individual basis.)	
Prover Tanks: 5 bbl. (4 x 8) 10 bbl. (5 x 8) 15 bbl. (6 x 9) 20 bbl. (6 x10) 25 bbl. (8 x 9)	 4,600 5,800 7,510 9,130 10,510
Pumps - in Line - per horsepower rating of motor	160
Pump-Motor Unit - Pump and Motor only Class I - (water flood, s/w disposal, p/l, etc.) Up to 300 hp - rated on per hp of motor Class II - (high pressure injection, etc.) 301 and up hp - rated on per hp of motor	(Per hp) 200 240
Pumping Units - Conventional and Beam Balance Units - (Unit value includes motor) - assessed according to well depth on which unit is operating. 0 - 1,250 ft. well depth 1,251 - 2,500 ft. well depth 2,501 - 3,750 ft. well depth 3,751 - 5,000 ft. well depth 5,001 - 7,500 ft. well depth 7,501 -10,000 ft. well depth 10,001 - 12,500 ft. well depth 12,501 - 15,000 ft. well depth 15,001 - 17,500 ft. well depth 17,501 - 20,000 ft. well depth 20,001 - deeper ft. well depth Note: For "Air Balance" and "Heavy Duty" units, multiply the above values by 1.30.	 3,670 6,200 8,710 9,800 13,110 14,400 16,910 23,800 31,000 39,800 49,510

Regenerators (Accumulator) - (See Metering Equipment)	
Regulators: per unit	1,400
Safety Systems Onshore and Marsh Area Basic Case: well only well and production equipment with surface op. ssv, add Offshore 0 - 3 Miles Wellhead safety system (excludes wellhead actuators) per well production train glycol dehydration system P/L pumps and LACT Compressors Wellhead Actuators (does not include price of the valve) 5,000 psi 10,000 psi and over Note: For installation costs - add 25 percent	 2,800 3,200 4,800 8,000 20,000 12,000 28,000 17,600 2,000 3,000
Sampler - (See Metering Equipment - "Fluid Meters")	
Scrubbers - Two Classes Class I - Manufactured for use with other major equipment and, at times, included with such equipment as part of a package unit. 8 in. diameter vessel 10 in. diameter vessel 12 in. diameter vessel Class II - Small "in-line" scrubber used in flow system usually direct from gas well. Much of this type is "shop-made" and not considered as major scrubbing equipment. 8 in. diameter vessel 12 in. diameter vessel Note: NO METERING OR REGULATING EQUIPMENT INCLUDED IN THE ABOVE.	 1,690 2,440 2,760 800 1,040
Separators - (No metering equipment included) 125 psi vessel 230 psi vessel 500 psi vessel 600 psi vessel 1,000 psi vessel 1,200 psi vessel 1,440 psi vessel 1,500 psi vessel 2,000 psi vessel 3,000 psi vessel 4,000 psi vessel 5,000 psi vessel 6,000 psi vessel	 7,330 9,070 13,330 14,000 16,000 18,670 21,330 22,670 28,670 33,330 40,670 48,000 57,330
Skimmer Tanks - (See Flow Tanks in Tanks Section)	
Stabilizers - per unit	3,110
Sump/Dump Tanks - (See Metering Equipment - "Fluid Tanks")	

Tanks - No metering equipment	Per Barrel*
Flow Tanks (receiver or gunbarrel)	
50 to 548 bbl. range	
average tank size - 250 bbl.	21.60
Stock Tanks (lease tanks)	
100 to 750 bbl. range	
average tank size - 300 bbl.	15.80
Storage Tanks (Closed Top)	
1,000 barrel	11.50
1,500 barrel	10.20
2,000 barrel	9.80
2,001 - 5,000 barrel	8.20
5,001 - 10,000 barrel	7.20
10,001 - 15,000 barrel	12.00
15,001 - 55,000 barrel	10.80
55,001 - 150,000 barrel	9.60
Internal Floating Roof	
10,000 barrel	12.60
20,000 barrel	11.00
30,000 barrel	10.40
50,000 barrel	9.70
55,000 barrel	9.60
80,000 barrel	7.80
100,000 barrel	7.60
Pontoon Floating Roof	
10,000 barrel	12.10
20,000 barrel	11.60
40,000 barrel	10.90
50,000 barrel	10.20
80,000 barrel	8.20
100,000 barrel	8.00
150,000 barrel	7.00
* (I.E.: tank size bbl. x Number of bbls. x cost-new factor.)	
Telecommunications Equipment	
Microwave System	
Telephone and data transmission	40,000
Radio telephone	3,000
Supervisory controls	
remote terminal unit, well	6,600
master station	15,000
towers (installed):	
heavy duty, guyed, per foot	160
light duty, guyed	20
heavy duty, self supporting	510
light duty, self supporting	110
Equipment building, per sq. ft.	160
Solar panels, per unit (10 ft. x 10 ft.)	200
Utility Compressors - per horsepower - rated on motor	400
Vapor Recovery Unit - No Metering Equipment	
0 - 30 psi - 80 MCF/D	7,240
0 - 30 psi - 160 MCF/D	14,510
0 - 60 psi - 80 MCF/D	15,000
Water Flood Equipment - (See "Pump-Motor, Class I")	
Waterknockouts - Includes unit, backpressure valve and regulator, but, no metering equipment.	
24 in. diameter vessel	2,890
30 in. diameter vessel	3,600
36 in. diameter vessel	4,310
48 in. diameter vessel	5,910
72 in. diameter vessel	8,530
96 in. diameter vessel	12,800
120 in. diameter vessel	19,200

Table 907.C-2
Service Stations
Marketing Personal Property
***Alternative Procedure**

Property Description	$ Cost New
Air and Water Units:	
Above ground	360
Below ground	220
Air Compressors:	
⅓ to 1 hp	670
½ to 5 hp	1,420
Car Wash Equipment:	
In Bay (roll over brushes)	22,000
In Bay (pull through)	38,730
Tunnel (40 to 50 ft.)	73,710
Tunnel (60 to 75 ft.)	80,580
Drive on Lifts:	
Single Post	2,240
Dual Post	3,760
Lights:	
Light Poles (each)	110
Lights - per pole unit	240
Pumps:	
Non-electronic - self contained and/or remote controlled computer	
Single	1,380
Dual	2,380
Computerized - non-self service, post pay, pre/post pay. self contained and/or remote controlled dispensers	
Single	1,670
Dual	2,930
Read-out Equipment (at operator of self service)	
Per Hose Outlet	490
Rotators - (Additional Equipment)	
Small and medium signs	640
Large signs	1,110
Signs:	
Station Signs	
6 ft. lighted - installed on 12 ft. pole	1,000
10 ft. lighted - installed on 16 ft. pole	3,240
Attachment Signs (for station signs)	
Lighted "self-serve" (4 x 11 ft.)	760
Lighted "pricing" (5 x 9 ft.)	1,270
High Rise Signs - 16 ft. lighted - installed on:	
1 pole	6,000
2 poles	7,490
3 poles	8,760
Attachment Signs (for high rise signs)	
Lighted "self-serve" (5 x 17 ft.)	3,000
Lighted "pricing" (5 x 9 ft.)	1,270
Submerged Pumps - (used with remote control equipment, according to number used - per unit)	690
Tanks - (average for all tank sizes)	
Underground - per gallon	0.64

*This alternative assessment procedure should be used only when acquisition cost and age are unknown or unavailable. Otherwise, see general business section (Chapter 25) for normal assessment procedure.

Note: The above represents the cost-new value of modern stations and self-service marketing equipment. Other costs associated with such equipment are included in improvements. Old style stations and equipment should be assessed on an individual basis, at the discretion of the tax assessor, when evidence is furnished to substantiate such action.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2326.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 12:36 (January 1986), LR 13:188 (March 1987), LR 13:764 (December 1987), LR 14:872 (December 1988), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 19:212 (February 1993), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), LR 23:205 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:

Chapter 11. Drilling Rigs and Related Equipment

§1101. Guidelines for Ascertaining the Fair Market Value of Drilling Rigs and Related Equipment

* * *

C. Valuation. The valuation standard for drilling rigs and related equipment is fair market value. Fair market value for drilling rigs and related equipment, when using the cost approach, is to be achieved through use of the information provided the assessor on LAT Form 13. The assessor shall take the depth of operating capability or engine rated horsepower and apply the appropriate assessment of the drilling rig as presented in Table 1103.A, 1103.B, 1103.C or 1103.D, as appropriate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2326.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 22:117 (February 1996), amended by the Department of Revenue, Tax Commission, LR 24:

§1103. Drilling Rigs and Related Equipment Tables

A.1. Land Rigs

Table 1103.A Land Rigs		
Depth 0 to 7,000 ft.		
Depth (ft.)	**Fair Market Value**	**Assessment**
3,000	$ 101,730	$ 15,300
4,000	133,700	20,100
5,000	172,000	25,800
6,000	210,400	31,600
7,000	237,300	35,600
Depth 8,000 to 10,000 ft.		
Depth (Ft.)	**Fair Market Value**	**Assessment**
8,000	$ 260,400	$ 39,100
9,000	283,600	42,500
10,000	307,100	46,100
Depth 11,000 to 15,000 ft.		
Depth (ft.)	**Fair Market Value**	**Assessment**
11,000	$ 330,610	$ 49,600
12,000	364,020	54,600
13,000	400,730	60,100
14,000	434,340	65,100
15,000	458,650	68,800
Depth 16,000 to 20,000 ft.		
Depth (ft.)	**Fair Market Value**	**Assessment**
16,000	$ 482,960	$ 72,400
17,000	505,770	75,900
18,000	528,080	79,200
19,000	555,490	83,300
20,000	598,200	89,700
Depth 21,000 + ft.		
Depth (ft.)	**Fair Market Value**	**Assessment**
21,000	$ 640,910	$ 96,100
25,000 +	811,750	121,800

2. Barges (Hull)

a. Assess barges (hull) at 25 percent of the assessment for the rig value bracket, and add this to the proper rig assessment to arrive at total for barge and its drilling rig.

b. Living quarters are to be assessed on an individual basis.

B. Jack-Ups

Table 1103.B Jack-Ups			
Type	**Water Depth Rating**	**Fair Market Value**	**Assessment**
IC	0-199 ft.	$ 10,330,000	$ 1,549,950
	200-299 ft.	18,500,000	2,775,000
		35,300,000	5,295,000
	300- Up ft.		
IS	0-199 ft.	4,500,000	675,000
	200-299 ft.	8,000,000	1,200,000
	300- Up ft.	13,510,000	2,026,500
MC	0-100 ft.	1,975,000	296,250
	101-199 ft.	1,625,000	243,750
	200-250 ft.	7,600,000	1,140,000
MS	0-250 ft.	700,000	105,000
	250- Up ft.	7,420,000	1,113,000

IC - Independent Leg Cantilever
IS - Independent Leg Slot
MC - Mat Cantilever
MS - Mat Slot

C. Submersible Rigs

Table 1103.C Semisubmersible Rigs		
Water Depth Rating	**Fair Market Value**	**Assessment**
0- 800 ft.	44,920,000	6,738,000
801-1,800 ft.	65,000,000	9,750,000
1,801-2,500 ft.	120,000,000	18,000,000
2,501- Up ft.	150,000,000	22,500,000

D. Well Service Rigs—Land Only (Good Condition)

Table 1103.C Well Service Rigs—Land Only (Good Condition)		
Engine Rated hp	**Fair Market Value**	**Assessment**
220	$ 80,000	$ 12,000
300	90,000	13,500
400	115,000	17,250
500 +	150,000	22,500

Note: The fair market values and assessed values indicated by these tables are based on the current market (sales) appraisal approach and not the cost approach.

E. Consideration of Obsolescence

1. Functional obsolescence is a loss in value of personal property above and beyond physical deterioration. Upon a showing of evidence of such loss, substantiated by the taxpayer in writing, functional obsolescence shall be given.

2. If functional obsolescence is not given when warranted, an appreciated value greater than fair market value may result.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:939 (November 1984), LR 12:36 (January 1986), LR 13:188 (March 1987), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 22:117 (February 1996), LR 23:205 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:

Chapter 13. Pipelines

§1301. Guidelines for Ascertaining the Fair Market Value of Pipelines

A. General

* * *

2. Both classes of pipelines are to be assessed in the taxing district where located. A copy of LAT Form 14 is to be provided the pipeline owner. Surface equipment associated with pipelines (compressor stations, booster stations, etc.) are to be reported separately on LAT Form 5. Surface pipeline related equipment is to be valued individually at cost factored to current value less physical deterioration. Pipelines are to be valued for assessment purposes at cost less physical deterioration. A cost schedule is provided for the various sizes of "other pipelines" (See Tables 1307.A and B). Represented in these schedules is the cost-new, as of the appropriate assessment date, for the different size pipelines. This cost is to be reduced for the appropriate allowance for physical deterioration (See Table 1307.C), based on the age of the pipeline, by multiplying replacement cost by the appropriate percent good factor. Where significant functional and economic obsolescence has been proven to the assessor, appropriate allowance should be made on an individual basis.

B. Lease lines. The category "lease lines" represents pipelines which are generally in the 2 inches to 6 inches size range. These pipelines are considered to be subject to changes in routes due to equipment and well requirements; and, generally are not of the same quality as "other pipelines." These lines are generally associated with wells and surface equipment on the oil and gas production field. Fiberglass and plastic lines which are now being used in some areas are also covered in this category. Refer to Oil and Gas Properties Section, Surface Equipment (See Table 907.C-1) for "lease lines".

C. Other Pipelines. The category "other pipelines" is generally represented by the larger gathering and transmission pipelines, but includes all lines, other than plastic, 2 inches and larger in diameter. This class of pipelines is normally of better quality, requiring more rigid controls, and not subject to changes in routes as are "lease lines". Tables 1307.A and 1307.B describe the cost-new per mile for various size pipelines in the "other pipelines" category.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:940 (November 1984), LR 12:36 (January 1986), LR 13:188 (March 1987), LR 13:764 (December 1987), LR 15:1097 (December 1989), amended by the Department of Revenue, Tax Commission, LR 24:

§1305. Reporting Procedures

* * *

C. Use schedules adopted by the Tax Commission and report cost per mile, calculate and extend "total reproduction cost".

* * *

E. Refer to current cost tables (1307.A and B) and depreciation guidelines (Table 1307.C) adopted by the Tax Commission. Yearly depreciation will be allowed, according to actual age, on an economic life of 25 years, however, as long as pipeline is in place and subject to operation, the remaining percent good shall not be lower than the percentage for an actual age of 19 years.

* * *

G. Economic obsolescence should be recognized with a service factor calculated using the following formula:

$$\text{Service Factor} = \left(\frac{\text{Actual Throughput}}{\text{Rated Capacity}}\right)^{0.6}$$

This service factor represents remaining utility for the pipeline and should be applied in addition to normal depreciation.

H. Pipeline sales, properly documented, should be considered by the assessor as the fair market value, provided the sale meets all tests relative to it being a valid sale.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:940 (November 1984), LR 17:1213 (December 1991), amended by the Department of Revenue, Tax Commission, LR 24:

§1307. Pipeline Transportation Tables

A. Current Costs for Other Pipelines Onshore

Table 1307.A Current Costs for Other Pipelines Onshore	
Diameter (inches)	**Cost Per Mile**
2	$ 76,050
4	83,070
6	94,760
8	111,130
10	132,170
12	157,890
14	188,280
16	223,340
18	263,080
20	307,500
22	356,590
24	410,350
26	468,790
28	531,900
30	599,690
32	672,150
34	749,290
36	831,100
38	917,590
40	1,008,750
42	1,104,580
44	1,205,090
46	1,310,280
48	1,420,140

Note: excludes river and canal crossings.

B. Current Costs for Other Pipelines Offshore

Table 1307.B Current Costs for Other Pipelines Offshore	
Diameter (inches)	**Cost Per Mile**
6	$ 391,520
8	398,920
10	408,420
12	420,030
14	433,760
16	449,590
18	467,540
20	487,590
22	509,760
24	534,040
26	560,420
28	588,920
30	619,530
32	652,240
34	687,070
36	724,010
38	763,050
40	804,210
42	847,480
44	892,860
46	940,350
48	989,950

C. Pipeline Transportation Allowance for Physical Deterioration (Depreciation)

Table 1307.C Pipeline Transportation Allowance for Physical Deterioration (Depreciation)	
Effective Age	**Percent Good**
1	96
2	92
3	88
4	84
5	80
6	76
7	72
8	68
9	64
10	60
11	56
12	52
13	48
14	44
15	40

16	36
17	32
18	28
19 and older	26*

* Reflects residual or floor rate.

Note: See §1305.G for method of recognizing economic obsolescence.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:941 and 10:942 (November 1984), LR 12:36 (January 1986), LR 16:1063 (December 1990), amended by the Department of Revenue, Tax Commission, LR 24:

Chapter 15. Aircraft

§1503. Aircraft (Including Helicopters) Table

Aircraft

Table 1503 Aircraft (Including Helicopters)				
Cost Index (Average)		Average Economic Life (10 Years)		
Year	Index	Effective Age	Percent Good	Composite Multiplier
1997	0.993	1	92	.91
1996	1.009	2	84	.85
1995	1.024	3	76	.78
1994	1.061	4	67	.71
1993	1.091	5	58	.63
1992	1.112	6	49	.54
1991	1.126	7	39	.44
1990	1.148	8	30	.34
1989	1.179	9	24	.28
1988	1.242	10	21	.26
1987	1.295	11	20	.26

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:943 (November 1984), LR 12:36 (January 1986), LR 13:188 (March 1987), LR 13:764 (December 1987), LR 14:872 (December 1988), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 19:212 (February 1993), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), LR 23:206 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:

Chapter 17. Inventories

§1705. Guidelines Pertaining to Specific Merchandise Inventories

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2322.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 13:188 (March 1987), amended LR 13:764 (December 1987), LR 14:872 (December 1988), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 21:186 (February 1995), repealed by the Department of Revenue, Tax Commission, LR 24:

§1707. Forms—Inventories

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837, R.S. 47:1961 and R.S. 47:2322.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 13:764 (December 1987), amended LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 21:186 (February 1995), repealed by the Department of Revenue, Tax Commission, LR 24:

Chapter 25. General Business Assets

§2503. Tables Ascertaining Economic Lives, Percent Good and Composite Multipliers of Business and Industrial Personal Property

* * *

B. Cost Indices

Table 2503.B Cost Indices		
Year	National Average 1926 = 100	January 1, 1997 = 100*
1997	1052.7	0.993
1996	1036.0	1.009
1995	1020.4	1.024
1994	985.0	1.061
1993	958.0	1.091
1992	939.8	1.112
1991	928.5	1.126
1990	910.2	1.148
1989	886.5	1.179
1988	841.4	1.242
1987	806.9	1.295
1986	795.4	1.314
1985	787.9	1.326
1984	776.4	1.346
1983	755.8	1.383
1982	742.4	1.408
1981	709.2	1.474
1980	642.8	1.626
1979	584.4	1.788
1978	534.7	1.955
1977	497.1	2.102
1976	472.1	2.214
1975	444.3	2.352
1974	398.4	2.623
1973	344.1	3.037
1972	332.1	3.147

*Reappraisal Date: January 1, 1997 - 1045.1 (Base Year)

* * *

D. Composite Multipliers

Table 2503.D Composite Multipliers 1998 (1999 Orleans Parish)

Age	3 Yrs.	5 Yrs.	8 Yrs.	10 Yrs.	12 Yrs.	15 Yrs.	20 Yrs.	25 Yrs.
1	.70	.84	.89	.91	.93	.94	.96	.97
2	.49	.70	.80	.85	.88	.91	.94	.96
3	.35	.53	.69	.78	.82	.87	.92	.95
4	.21	.36	.57	.71	.77	.84	.91	.95
5		.25	.47	.63	.72	.80	.89	.95
6		.22	.37	.54	.64	.76	.87	.93
7			.29	.44	.56	.70	.83	.91
8			.25	.34	.49	.63	.80	.90
9			.24	.28	.42	.58	.77	.88
10				.26	.36	.53	.75	.88
11				.26	.31	.48	.71	.88
12					.29	.41	.66	.84
13					.27	.34	.60	.80
14						.31	.54	.75
15						.29	.48	.72
16						.28	.44	.68
17							.40	.65
18							.39	.63
19							.39	.61
20							.41	.59
21							.42	.55
22								.51
23								.49
24								.52
25								.61
26								.63

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 9:69 (February 1983), LR 10:944 and 10:945 (November 1984), LR 12:36 (January 1986), LR 13:188 (March 1987), LR 13:764 (December 1987), LR 14:872 (December 1988), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 19:212 (February 1993), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), LR 23:207 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:

Chapter 27. Guidelines For Application, Classification and Assessment of Land Eligible to be Assessed at Use Value

§2717. Tables—Use Value

* * *

C. Average Assessed Values Per Acre of Marshland, by Class

Table 2717.C-1 Average Assessed Value Per Acre of Marshland, by Class West Zone

Class	Assessed Value per Acre
Fresh Water Marsh	$7.00
Brackish Water Marsh	$6.00
Salt Water Marsh	$5.00

Table 2717.C-2 Parishes Considered To Located Be In the West Zone

Acadia	Iberia	St. Landry	Vermilion
Calcasieu	Jefferson Davis	St. Martin	
Cameron	Lafayette	St. Mary	

Table 2717.C-3 Average Assessed Value Per Acre of Marshland, By Class East Zone

Class	Assessed Value Per Acre
Fresh Water Marsh	$ 5.00
Brackish Water Marsh	$ 4.00
Salt Water Marsh	$ 3.00

Table 2717.C-4 Parishes Considered To Be Located In the East Zone

Ascension	Lafourche	St. Charles	Terrebonne
Assumption	Livingston	St. James	West Baton Rouge
East Baton Rouge	Orleans	St. John	
Iberville	Plaquemines	St. Tammany	
Jefferson	St. Bernard	Tangipahoa	

Note: Only the parishes listed above should have lands classified as marshland. All other parishes should classify such land as All Other Acreage.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:2301 through R.S. 47:2308.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 9:69 (February 1983), LR 12:36 (January 1986), LR 13:248 (April 1987), LR 13:764 (December 1987), LR 14:110 (February 1988), LR 17:1213 (December 1991), LR 22:117 (February 1996), LR 23:208 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:

Chapter 31. Public Exposure of Assessments; Appeals

§3101. Public Exposure of Assessments, Appeals to the Board of Review and Board of Review Hearings

* * *

Form 3101
Exhibit A
Appeal to Board of Review by Taxpayer for Real and Personal Property

Name: ________________ Parish/District: ________________
Taxpayer
Address: ________________ City, State, Zip: ________________
Ward: ________________ Assessment/Tax Bill Number: _______
Address or Legal Description of Property Being Appealed. Also, please identify building by place of business for convenience of appraisal.

____
____
____

I hereby request the review of the assessment of the above described property pursuant to L.R.S. 47:1992. I timely filed my reports (if personal property) as required by law, and I have reviewed my assessment with my assessor.

The assessor has determined Fair Market Value of this property at:
Land $________ *Improvement $________ Total $________
I am requesting that the Fair Market Value of this property be fixed at:
Land $________ *Improvement $________ Total $________
The assessor has determined assessment of this property at:
Land $________ *Improvement $________ Total $________
I am requesting that the assessment of this property be fixed at:
Land $________ *Improvement $________ Total $________

*NOTE: Report personal property on Improvement line above.

I understand that property is assessed at a percentage of fair market value which means the price for the property which would be agreed upon between a willing and informed buyer and a willing and informed seller under usual and ordinary circumstances, the highest price the property would bring on the open market if exposed for sale for a reasonable time. I understand that I must provide the Board of Review with evidence of fair market value to support my claim.

I feel that the Fair Market Value of this property as of January 1, 1995, the official reappraisal date on which assessments are currently based, was:
Land $________ *Improvement $________ Total $________

Please notify me of the date, place and time of my appeal at the address shown below.

____
Appellant (Taxpayer/Taxpayer's Rep./Assessor)

Address: ________________________
____
____

Telephone No. ________________________

Date of Appeal: ________________________

Your request for review will be heard on the ___ day of _______ 19__ at _____M. at________________________________
Company, Street Address, including Room Number

NOTE: If appellant disputes Board of Review's decision, appellant may appeal to La. Tax Commission by completing and submitting Appeal Form 3103.A to LTC within 10 days of postal date of BoR's written determination. For further information, call LTC at (504) 925-7830.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1992.

HISTORICAL NOTE: Promulgated by the Louisiana Tax Commission, LR 4:339 (September 1978), amended by the Department of Revenue and Taxation, Tax Commission, LR 13:188 (March 1987), LR 13:764 (December 1987), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 23:208 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:

§3103. Appeals to the Louisiana Tax Commission

* * *

La. Tax Commission
P. O. Box 66788
Baton Rouge, LA 70896
(504)925-7830(B.R.)
(504)568-5259(N.O.)

Form 3103.A
Exhibit A
Appeal to Louisiana Tax Commission By Taxpayer or Assessor for Real and Personal Property

Name: ________________ Parish/District: ________________
Taxpayer
Address: ________________ City, State, Zip: ________________
Board of Review
Ward: ___ Asses./Tax Bill Number: ________ Appeal Number: _____
(Attach copy of complete appeal submitted to the Board of Review)
Address or Legal Description of Property Being Appealed. Also, please identify building by place of business for convenience of appraisal.

____
____
____

I hereby appeal the decision of the Board of Review on the assessment of the above described property pursuant to L.R.S. 47:1992. I timely filed my appeal as required by law.

The original Fair Market Value by the assessor was:
Land $________ *Improvement $________ Total $________
The proposed Fair Market Value by the taxpayer was:
Land $________ *Improvement $________ Total $________
The revised Fair Market Value by the Board of Review was:
Land $________ *Improvement $________ Total $________
The original assessment by the assessor was:
Land $________ *Improvement $________ Total $________
The proposed assessment by the taxpayer was:
Land $________ *Improvement $________ Total $________
The revised assessment by the Board of Review was:
Land $________ *Improvement $________ Total $________
*NOTE: Report personal property on Improvement line above.

I understand that property is assessed at a percentage of fair market value which means the price for the property which would be agreed upon between a willing and informed buyer and a willing and informed seller under usual and ordinary circumstances, the highest price the property would bring on the open market if exposed for sale for a reasonable time. I feel that the Fair Market Value of this property as of January 1, 1995, the official reappraisal date on which assessments are based, was:
Land $________ *Improvement $________ Total $________

I will call the following witness(es): ________________________
____

Presentation of my case will take approximately __ minutes. Please notify me of the date, place and time of my appeal at the address shown below.

____
Appellant(Taxpayer/Taxpayer's Rep./Assessor)
Address: ________________________
____
____
____
Telephone Number: ________________________
____
Date of Appeal

Form 3103.B
Exhibit B

Appointment of Taxpayer Agent
in
Louisiana Tax Commission
Ad Valorem Tax Appeal

I. Appellant Taxpayer:
Name ______________________________
Address ______________________________
____
Telephone Number ______________________________

II. Authorized Taxpayer Agent:
Name of Agent ______________________________
Address ______________________________
____
Telephone Number ______________________________

III. Scope of Authorized Appointment:

A. Duration:
______ Tax Year ____ (Days, Months, etc.) ______ Until Revoked.

B. Agent Authority:
1. ____ General powers granted to represent taxpayer in all matters.
2. ____ Specified powers as listed.
(a.) ___ File notices of protest and present protests before the Louisiana Tax Commission.
(b.) ___ Receive confidential information filed by taxpayer.
(c.) ___ Negotiate and resolve disputed tax matters without further authorization.
(d.) ___ Represent taxpayer during appeal process.

C. Properties Authorized to Represent:
1. ____ All property.
2. ____ The following property only (give assessment number, and municipal address or legal description).

____
____
____

(Continue on attached pages as needed.)

IV. The undersigned owner or legally authorized corporate officer does hereby appoint the above named taxpayer agent as provided herein.

By: ______________________________
Signature Date

Name ______________________________
Address ______________________________
____
Title or Position ______________________________

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837, R.S. 47:1989 and R.S. 47:1992.

HISTORICAL NOTE: Promulgated by the Louisiana Tax Commission, LR 4:339 (September 1978), amended by the Department of Revenue and Taxation, Tax Commission, LR 10:947 (November 1984), LR 15:1097 (December 1989), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), amended by the Department of Revenue, Tax Commission, LR 24:

§3105. Practice and Procedure for Public Service Properties Hearings

A. The Tax Commission or its designated representative, as provided by law (that is a hearing officer), shall conduct hearings to consider the written protest of an appellant taxpayer, who shall be required to use Form 3105.A. The appeal shall be filed within 30 days of the Tax Commission's dated Certificate of Value to the taxpayer. The taxpayer shall also submit an "Exhibit B, Appointment of Taxpayer Agent," Form 3103.B, for any attorney or other representative of the taxpayer, who is not a full time employee of the taxpayer.

* * *

LTC Docket Number__________

La. Tax Commission
P.O. Box 66788
Baton Rouge, LA 70896
(504)925-7830(B.R.)
(504)568-5259(N.O.)

Form 3105.A
Exhibit A
Appeal to Louisiana Tax Commission
by Taxpayer or Assessor
for Public Service Property

Name: ____________________ Parish/District: ______________
Taxpayer
Address: ______________ City, State, Zip: ______________
Address or Legal Description of Property Being Appealed __________
____

I hereby appeal the decision of the Board of Review on the assessment of the above described property.

The Fair Market Value of the Louisiana Tax Commission is:
Land $________ Improvement $__________ Total $__________
I am requesting that the Fair Market Value be fixed at:
Land $________ Improvement $__________ Total $__________
The assessment of the Louisiana Tax Commission is:
Land $________ Improvement $__________ Total $__________
I am requesting that the assessment be fixed at:
Land $________ Improvement $__________ Total $__________

I understand that property is assessed at a percentage of fair market value which means the price for the property which would be agreed upon between a willing and informed buyer and a willing and informed seller under usual and ordinary circumstances, the highest price the property would bring on the open market if exposed for sale for a reasonable time.

I feel that the Fair Market Value of this property as of January 1, 1995, the official reappraisal date on which assessments are currently based, was:
Land $________ *Improvement $__________ Total $__________

I will call the following witness(es): ______________________
____

Presentation of my case will take approximately ____ minutes. Please notify me of the date, place and time of my appeal at the address shown below.

____
Appellant(Taxpayer/Taxpayer's Rep./Assessor)
Address: ______________________
____
____
____
Telephone Number: ______________________
____
Date of Appeal

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:1856.

HISTORICAL NOTE: Promulgated by the Louisiana Tax Commission, LR 4:339 (September 1978), amended by the Department of Revenue and Taxation, Tax Commission, LR 10:947 (November 1984), LR 15:1097 (December 1989), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 23:209 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:

Chapter 35. Miscellaneous

§3501. Service Fees—Tax Commission

A. The Tax Commission is authorized by R.S. 47:1838 to levy and collect fees on an interim basis for the period beginning on July 1, 1996, and ending on June 30, 1998, in connection with services performed by the Tax Commission as follows:

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1835 and R.S. 47:1838.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 19:212 (February 1993), amended LR 20:198 (February 1994), amended by the Department of Revenue, Tax Commission, LR 24:

§3507. Claim for Taxes Paid in Error

* * *

Form 3507
Claim for Refund or Credit
of Taxes Paid in Error

I. Claimant:
Name ________________________________
Mailing Address ____________________________
City ____________________ State ____ Zip ________

II. Property:
Parish ____________ Ward ___ Assessment Number ________
Amount of Claim __________________ Description of Property:

III. Basis of Claim:
Dual or multiple payment ________________________
Payment on nonexistent property ____________________
Payment on property in which taxpayer no longer has an interest ________________________
Property is eligible for homestead exemption ____________
Clerical error in assessment rolls ____________________
Other ____________________________________
The following documents are attached to this form as proof of the basis for this claim: ____________________

IV. Date of Erroneous Payment: ____________________
The following proof of date of payment is attached to document the date(s) of payment(s):

Copy of canceled check(s) (both sides) ________________
Receipted tax bill ____________________________
Other ____________________________________

V. Signature: ________________________________
Property Owner/Authorized Agent

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2108.1.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 16:1063 (December 1990), amended LR 19:212 (February 1993), LR 20:198 (February 1994), LR 22:117 (February 1996), LR 23:209 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:

Malcolm B. Price, Jr.
Chairman

9712#070

DECLARATION OF EMERGENCY

Department of Social Services
Office of Family Support

Support Enforcement—Distribution (LAC 67:III.2514)

The Department of Social Services, Office of Family Support has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953(B) to adopt the following rule in Support Enforcement Services (SES), the child support enforcement program, effective December 3, 1997. This emergency rule shall remain in effect for a period of 120 days.

Public Law 105-33, the Balanced Budget Act of 1997, signed into law on August 5, 1997, amended §457 of Public Law 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, which governs the distribution of support collected under Title IV-D of the Social Security Act. The Department of Health and Human Services, Administration for Children and Families, issued Action Transmittal OCSE-AT-97-17 on October 21, 1997 directing states to take immediate action. Under the existing rule, funds collected in excess of a Family Independence Temporary Assistance Program (FITAP) grant amount, up to the amount of the court-ordered monthly support, are disbursed to the Applicant/Recipient. These funds must now be retained for reimbursement of the recipient's FITAP payments. Failure to implement the change in distribution would subject the state of Louisiana to sanctions since the state must pay the federal share of assigned support collected.

Additionally, P.L. 104-193, as clarified by the Action Transmittal, mandated that state tax intercepts be distributed as all other collections, so the words "and/or state tax" are being deleted from LAC 67:III.2514.B.

Title 67
SOCIAL SERVICES
Part III. Office of Family Support
Subpart 4. Support Enforcement Services

Chapter 25. Support Enforcement

Subchapter D. Collection and Distribution of Support Payments

§2514. Distribution of Child Support Collections

A. Effective December 3, 1997, the agency will distribute child support collections in the following manner:

1. In cases in which the Applicant/Recipient (AR) currently receives Family Independence Temporary Assistance Program (FITAP) benefits, collections received in a month will be retained by the state to reimburse previous and current assistance amounts. If the collection amount exceeds the amount of reimbursed grant, the excess will be refunded to the AR up to the current arrearage amount.

2. - 4. ...

B. There are general exceptions to distribution. Any collections received through intercept programs or income assignments are subject to refund to the noncustodial parent based on federal and state laws and regulations. Effective December 3, 1997, amounts collected through IRS intercepts will be applied to arrears in this order:

1. - 2. ...

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193 and P.L. 105-33.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 23:304 (March 1997), amended LR 24:

Madlyn B. Bagneris
Secretary

9712#042

DECLARATION OF EMERGENCY

Department of Transportation and Development
Office of Weights and Measures

Minimum Standards for Reflectivity of
Work-Site Materials (LAC 73:III.Chapter 3)

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B), and under the authority of Act 1303 of the 1997 Regular Session of the Louisiana Legislature, the Department of Transportation and Development adopts the following emergency rule setting forth minimum standards for reflective materials.

This emergency adoption is necessary in order to prevent imminent peril to the health, safety or welfare of the citizens of Louisiana for the reasons set forth below:

This emergency rule complies with the requirements set forth in Act 1330 of the 1997 Regular Session of the Louisiana Legislature. Act 1330 specifies that unless and until the following emergency rules are adopted, "no contract for highway construction, repair, or maintenance shall be awarded." Therefore, it is necessary that these emergency rules become effective immediately so that the business of the Department of Transportation and Development and the services it provides to the citizens of the state of Louisiana may continue. Construction, repair and maintenance of the state's highways are essential to the health, safety and welfare of Louisiana citizens.

The effective date of this emergency rule is December 20, 1997, and it shall remain in effect for 120 days or until the final rule takes effect through the normal promulgation process, whichever occurs first.

Title 73
WEIGHTS, MEASURES AND STANDARDS
Part III. Weights and Measures

(*Editor's Note:* Text in existing §301, promulgated in LR 21:706 (July 1995), has been moved to Chapter 5, Materials and Testing, §501, Manuals.)

Chapter 3. Minimum Standards for Reflectivity of Work-Site Materials

§301. Minimum Standards for Reflective Sign Sheeting

A. Reflective sheeting shall be one of the following types as specified on the plans and conforming to ASTM D 4956 except as modified herein. The sheeting shall be an approved product listed in QPL 13.

1. Type I. A medium-intensity retro reflective sheeting referred to as "engineering grade" and typically enclosed lens glass-bead sheeting.
2. Type II. A medium-high-intensity retro reflective sheeting sometimes referred to as "super engineering grade" and typically enclosed lens glass-bead sheeting.
3. Type III. A high-intensity retro reflective sheeting, that is typically encapsulated glass-bead retro reflective material.
4. Type IV. A high-intensity retro reflective sheeting. This sheeting is typically an unmetallized microprismatic retro reflective element material.
5. Type V. A super-high-intensity retro reflective sheeting. This sheeting is typically a metallized microprismatic retro reflective element material.
6. Type VI. An elastomeric-high-intensity retro reflective sheeting without adhesive. This sheeting is typically a vinyl microprismatic retro reflective material.
7. Type VII. A super-intensity retro reflective sheeting having high retro reflectivity values at wide entrance angles of +45° and +60°. This sheeting is typically an unmetallized microprismatic retro reflective element material.
8. Type VIII. A super-intensity retro reflective sheeting having optimized performance over a broad range of observation angles. This sheeting is typically an unmetallized microprismatic retro reflective element material.

B. Adhesive Classes. The adhesive required for retro reflective sheeting shall be Class 1 (pressure sensitive) or Class 2 (heat activated) as specified in ASTM D 4956.

C. Identification Marks. Type II sheeting shall be distinguished by integral identification marks that cannot be removed or affected by physical or chemical methods without causing damage to the sheeting. The markings shall be inconspicuously placed on 12-inch centers and shall be visible from a distance of not more than 3 feet.

D. Alternate Sheeting Types

1. DOTD Type VII. Minimum coefficient of retro reflection shall be as specified in Table 1015-1. Reflectance or daytime luminance shall be as specified in Table 1015-2. Artificially weathered panels exposed for 2,200 hours and evaluated in accordance with Section 7.4 and 8.6 of ASTM D 4956 shall conform to 50 percent of minimum values specified in Table 1015-1.

Table 1015-1
Type VII Sheeting[A]

Observation Angle	Entrance Angle	White	Yellow	Red	Blue	Green	Orange	Flour. Orange
0.2°	-4°	800	660	215	43	80	300	200
0.2°	+30°	400	340	100	20	35	150	120
0.2°	+45°	145	85	25	7.6	12	50	50
0.2°	+60°	35	23	6.6	1.0	2.0	10	10
0.5°	-4°	200	160	45	9.8	20	100	80
0.5°	+30°	100	85	26	5.0	10	50	50
0.5°	+45°	75	60	18	2.8	6.0	20	20
0.5°	+60°	30	20	6.4	2.0	2.0	10	6.0

[A]Minimum Coefficient of Retro Reflection (R_A) cd/fc/ft^2 (cd lx/m^2) or (cd lx^{-2}m^{-2})

Table 1015-2
Luminance Factor (Y%) (Daytime Luminance)

Color	Minimum	Maximum
White	40	--
Yellow	24	45
Red	3.0	15
Blue	1.0	10
Green	3.0	9.0
Orange	12	30
Florescent Orange	30	--

2. DOTD Type VIII. Minimum coefficient of retro reflection shall be as specified in Table 1015-3. Reflectance or daytime luminance shall be as specified in Table 1015-2. Artificially weathered panels exposed for 2,200 hours and evaluated in accordance with Section 7.4 and 8.6 of ASTM D 4956 shall conform to 50 percent of minimum values specified in Table 1015-3.

Table 1015-3
Type VIII Sheeting$_A$

Observation Angle	Entrance Angle	Rotation Angle	White	Yellow	Red	Blue	Green
0.20°	-4°	0°	430	350	70	20	45
0.33°	-4°	0°	300	250	53	15	33
0.50°	-4°	0°	250	200	46	10	25
1.00°	-4°	0°	80	65	14	4.0	10
0.20°	30°	0°	235	190	39	11	24
0.33°	30°	0°	150	130	25	7.0	18

0.50°	30°	0°	170	140	25	7.0	19
1.00°	30°	0°	50	40	11	2.5	5.0
0.20°	40°	90°	150	125	25	6.0	15
0.33°	40°	90°	85	75	14	4.0	8.0
0.50°	40°	90°	35	30	4.0	1.5	3.5
1.00°	40°	90°	20	13	5.0	0.7	2.0
$_A$Minimum Coefficient of Retro Reflection (R_A) cd/fc/ft^2 (cd/lxm^2) or (cd lx^{-1}m^{-2})							

E. Durability. Type VII and VIII sheeting shall perform satisfactorily for at least seven years (three years for orange) and retain 50 percent of the minimum coefficient of retro reflection in Table 1015-1 and Table 1015-3, respectively.

F. Sheeting Guaranty. The contractor shall supply the department with a guaranty from the sheeting manufacturer stating that if the retro reflective sheeting fails to conform to the performance and durability requirements of §301.F, the sheeting manufacturer shall do the following:

1. If the failure occurs within the first five years (seven years for Type III) from the date of sign fabrication (three years for Type II, Type III and Type VII orange sheeting), the sheeting manufacturer shall restore the sign face, in its field location, to its original effectiveness at no cost to the department for materials, labor, and equipment.

2. If the failure occurs from five to seven years from the date of sign fabrication for Types I, VII and VIII sheeting (except for orange), or from five to 10 years from the date of sign fabrication for Type II and seven to 10 years for Type III sheeting (except for orange), the sheeting manufacturer shall replace the sheeting required to restore the sign face to its original effectiveness at no cost to the department.

3. Replacement sheeting for sign faces, materials, and labor shall carry the unexpired guaranty of the sheeting for which it replaces.

4. The sign fabricator shall be responsible for dating all signs with the month and year of fabrication at the time of sign fabrication. This date shall constitute the start of the guaranty obligation period.

G. Reflective sheeting for temporary signs, barricades and channelizing devices, except drums and cones, shall meet the requirements of ASTM D 4956, Type II or Type III.

H. Reflective sheeting for drums shall be a minimum of 6 inches wide and shall meet the requirements of ASTM D 4956, Type III, and the Supplementary Requirement S2 for reboundable sheeting with the following modifications pertaining to artificial weathering. The reboundable reflective sheeting shall be tested for weather resistance by a 45° southern outdoor exposure for six months as opposed to the accelerated weathering specified in Subsections 8.6 and S2.2.4 of ASTM D 4956.

I. Reflective sheeting for cones shall conform to ASTM D 4956, Type VI.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:35.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Weights and Measures, LR 24:

§303. Minimum Standards for Striping

A. Temporary Pavement Markings

1. Temporary Tape. Temporary tape shall conform to ASTM D 4592, Type I (removable) or Type II (nonremovable) and shall be an approved product listed in QPL-60.

2. Painted Stripe. Paint shall be an approved traffic paint conforming to Subsection 1015.12. of *Louisiana Specifications for Roads and Bridges*. Glass beads for drop-on applications shall conform to Subsection 1015.13 of *Louisiana Specifications for Roads and Bridges*.

3. Temporary Raised Pavement Markings for Microsurfacing

a. Material Requirements. The temporary raised markers shall be flexible reflective tabs. The markers shall be yellow with amber reflective area on both sides. The body of the marker shall consist of a base and vertical wall made of polyurethane or other approved material and shall be capable of maintaining a reasonable vertical position after installation. The initial minimum coefficient of luminous intensity at an entrance angle of -4° and an observation angle of 0.2° shall be 2.5.

b. The markers shall be of standard size and quality and amenities as manufactured by:

i. Davidson Plastic Company;

ii. Renco, Inc.;

iii. Valterra Products, Inc.; or

iv. an approved equal for traffic marking materials (microsurfacing raised markers).

c. The reflective material shall be protected with an easily removable cover of heat resistant material capable of withstanding and protecting the reflective material from the application of asphalt at temperatures exceeding 325°F.

d. Certificates of Compliance. The contractor shall furnish three copies of certifications from the manufacturer stating that the materials meet the requirements of these specifications.

2. Temporary Raised Pavement Markers

a. Temporary raised pavement markers shall be installed as per manufacturer's recommendation or as directed by the engineer.

b. The temporary raised markers shall be flexible reflective tabs placed at 40-foot intervals on the centerline of the roadway.

c. The markers shall be installed in a manner so that the reflective faces of the markers are perpendicular to a line parallel to the roadway centerline.

d. If, in the opinion of the engineer, the temporary raised markers require removal after permanent striping has been accomplished, they shall be removed in such a manner as the pavement surface will not be unnecessarily damaged.

B. Traffic Paint. The contractor shall have the option of furnishing either aklyd traffic paint or water-borne traffic paint; however, the same type paint shall be used throughout the project. Each paint container shall bear a label with the name and address of manufacturer, trade name or trade mark, type of paint, number of gallons, batch number and date of manufacture. Paints shall be approved products listed in QPL-36; shall show no excessive settling, caking or increase in viscosity during six months of storage; and shall be readily stirred to a suitable consistency for standard spray gun application. An infrared curve shall be generated in accordance with DOTD TR 610 and compared with the standard curve made during the initial qualification process.

1. Alkyd Traffic Paint. This material shall be rapid-setting compound suitable for use with hot application equipment. The material shall meet the following requirements:

Property	Test Method	Requirements Min	Requirements Max
Weight, lb/gal	ASTM D 1475	12.0	
Viscosity @ 25°C, Krebs Units	ASTM D 562	85	115
Dry to No Pick Up	ASTM D 711		180
Directional Reflectance, % White Yellow	ASTM E 97	 80 50	
Bleeding	Fed. Spec. TT-P-115	Pass	
Total Solids, % by weight	ASTM D 1644, Method A	70	
Film Shrinkage	(a)	Pass	
Hiding Power	(b)	Pass	
Pigment, %	ASTM D 2371	50	55
Nonvolatiles in Vehicle, % by weight	ASTM D 215	35	
Flexibility	Fed. Spec. TT-P-1952	Pass	
Pigment Composition	(c)	Pass	

a. Film Shrinkage. With a film applicator, cast a wet film with a thickness of 30 mils over a smooth glass plate. Allow sample to cure at room condition for four to five hours. Using a micrometer, measure the plate thickness before the film is cast using five measurements to obtain an average. The cured film shall have a minimum thickness of 12 mils.

b. Hiding Power. The paint shall have a wet hiding power of at least 350 square feet per gallon. The compound shall have sufficient hiding power to cover any pavement when applied at a wet film thickness of 15 mils.

c. Pigment Composition. White paint shall contain at least 1.5 pounds of titanium dioxide pigment per gallon as determined using DOTD TR 523 with at least 92 percent Ti02 content. The Ti02 shall conform to ASTM D 476. Yellow paint shall contain at least 1.3 pounds of medium chrome yellow pigment per gallon as determined using DOTD TR 523. Medium chrome yellow pigment shall conform to ASTM D 211, Type III.

2. Water Borne Traffic Paint. This material shall be a rapid setting waterborne compound suitable for use with hot application equipment. The material shall meet the following requirements:

Property	Test Method	Requirements Min	Requirements Max
Weight, lb/gal	ASTM D 1475	12.0	
Viscosity @ 25°C, Krebs Units	ASTM D 562	75	90
Drying to No Pickup, min.	ASTM D 711		10
Dry through, min.	ASTM D 1640		20
Volume Solids	---	58	
Total Solids, % by weight	ASTM D 2369	70	
Pigment, % by weight	ASTM D 3723	45	55
Nonvolatiles in Vehicle % by weight	Fed. Test 141B	40	
Bleed Ration	Fed. Spec. TT-P-1952	0.96	
Daylight Reflectance, % White Yellow	Fed. Test 141B	 85 54	
Hiding Power (Contract Ration at 10 mils)	Fed. Test 141B	0.96	
Flexibility	Fed. Spec. TT-P-1952	Pass	
Drying Time, min.	(a)		3
Fineness of Grind	ASTM D 1210	3	
Freeze-Thaw	ASTM D 2243	Pass	
Heat Stability	Fed. Spec. TT-P-1952	Pass	
Color	(b)	Pass	
Volatile Organic Compounds (g/L)			150
Pigment Composition	(c)	Pass	

a. Drying Time to No Track. Paint applied at 15 mils wet on the road surface with paint heated to 120-150°F shall not show tracking when a standard size automobile crosses in a passing maneuver at three minutes.

b. Color. Yellow paint shall conform to the requirements of the following table when tested in accordance with ASTM E 1349. White shall be a clean, bright, untinted binder.

Color Specification Limits (Daytime)								
Color	1		2		3		4	
	X	Y	X	Y	X	Y	X	Y
YELLOW	0.4756	0.4517	0.4985	0.4779	0.5222	0.4542	0.4919	0.4354
(The four pairs of chromaticity coordinates determine the acceptable color in terms of the CIE 1931 Standard Colorimetric system measured with Standard Illuminant C.)								

c. The white paint shall contain a minimum of 1.0 pound per gallon of titanium dioxide as determined using DOTD TR 523. The titanium dioxide shall conform to ASTM D 476.

C. Glass Beads for Drop-On Application. Glass beads shall conform to AASHTO Designation: M 247, Type I, with the following modifications.

Gradation of Glass Beads	
Sieve Designation Alternative No.	Mass Percent Passing
20	80 - 100
30	65 - 85
40	--
50	15 - 35
80	--
100	0 - 5

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:35.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Weights and Measures, LR 24:

§305. Minimum Standard for Thermoplastic Pavement Markings

A. Description. This specification covers hot-sprayed or hot-extruded reflective thermoplastic compound for pavement markings on asphaltic or portland cement concrete pavement. Thermoplastic marking material applied to asphaltic surfaces shall consist of an alkyd-based formulation. Thermoplastic marking material applied to portland cement concrete surfaces shall consist of either an alkyd-based or hydrocarbon-based formulation. Material shall be so manufactured as to be applied by spray or extrusion to pavement in molten form, with internal and surface application of glass spheres, and upon cooling to normal pavement temperature, shall produce an adherent, reflectorized pavement marking of specified thickness and width, capable of resisting deformation.

1. Materials shall be approved products listed in QPL 63 and shall conform to AASHTO M 249. Material shall not scorch, break down, or deteriorate when held at the plastic temperature specified in Subsection 732(03)(d)(1) for four hours or when reheated four times to the plastic temperature. Temperature-vs-viscosity characteristics of plastic material shall remain constant when reheated four times, and shall be the same from batch to batch. There shall be no obvious change in color of material as the result of reheating four times, or from batch to batch.

2. Suitability for Application. Thermoplastic material shall be a product especially compounded for pavement markings. Markings shall maintain their original dimension and placement and shall not smear or spread under normal traffic at temperatures of below 140°F. Markings shall have a uniform cross section. Pigment shall be evenly dispersed throughout its thickness. The exposed surface shall be free from tack and shall not be slippery when wet. Material shall not lift from pavement in freezing weather. Cold ductility of material shall be such as to permit normal movement with the pavement surfaced without chipping or cracking.

B. Inverted Profile Thermoplastic Pavement Markings. Materials shall conform to AASHTO M 249 and the specifications as stated herein with the following modifications:

1. Bead Content

U.S. Standard Sieve Size (Microns)	Class A - 10% min. (by wt.) of Thermoplastic Compound, Percent Retained	Class B - 25% min. (by wt.) of Thermoplastic Compound
14 (1400)	0 - 1	Beads shall meet gradation requirement of AASHTO M 247, Type I
16 (1190)	0 - 20	
18 (1000)	0 - 45	
20 (840)	30 - 80	
30 (595)	20 - 50	
Pan	0 - 10	

2. Bead Quality. The glass beads shall be coated with A-116 Silane or other adhesion promoting coating. The glass beads shall have a maximum of 3 percent irregular particles and a maximum of 5 percent are inclusions. The percentage

of true sphere shall be 90 percent minimum for Class A beads and 80 percent minimum for Class B beads.

3. Binder Content. The binder content of the thermoplastic material shall be 19 percent minimum.

4. Titanium Dioxide. The titanium dioxide shall meet ASTM D476, Type II, Rutile grade—93 percent minimum titanium content.

5. Yellow Pigment. The yellow pigment for the yellow thermoplastic material shall be 4 percent minimum.

6. Specific Gravity. The specific gravity of the thermoplastic pavement marking material shall not exceed 2.35.

7. Flowability. After heating the thermoplastic material for 4 hours ±5 minutes at 425° ± 3°F (218° ± 2°C) and testing flowability, the white thermoplastic shall have a maximum percent residue of 22 percent and the yellow thermoplastic shall have a maximum residue of 24 percent.

8. Reflectivity. The initial reflectance for the in-place marking shall have the minimum reflectance value of 450 mcd/lux/m² for yellow when measured with a geometry of 1.5° observation angle and 86.5° entrance angle.

9. Wet Reflectivity. The minimum in-place marking when wet shall have the minimum reflectance value of 200 mcd/lux/m² for white and 175 mcd/lux/m² for yellow when measured with a geometry of 1.5° observation angle and 86.5° entrance angle. The stripe shall be wet utilizing a pump-type garden sprayer for 30 seconds. After five seconds, place the reflectometer on the stripe and measure the retro reflectance.

10. Retained Reflectivity. The thermoplastic pavement marking material shall retain the minimum reflectance value of 130 mcd/lux/m² for at least four years after placement. Failure to meet this requirement shall require the contractor to replace the portion of the material shown to be below these minimums. The contractor shall supply a written warranty indicating the terms of this requirement.

11. Inverted Profile. The thermoplastic pavement marking material shall be applied to have individual profiles having a minimum height of 0.140 inches with the recessed inverted profiles having a thickness of 0.025 to 0.050 inches. The profiles shall be well defined and not excessively run back together.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:35.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Weights and Measure, LR 24:

§307. Minimum Standards for Preformed Plastic Pavement Marking

A. Preformed plastic pavement marking tape shall be approved products listed in QPL 64 and shall conform to ASTM D 4505 Type I, Type I—High Performance (as specified below) or Type V, except as modified herein. The marking tape shall be Grade A, B, C, D, or E. The type and color shall be in accordance with the plans and the *Manual on Uniform Traffic Control Devices*.

B. Thickness. All preformed plastic pavement marking tape shall have a minimum overall thickness of 60 mils when tested without the adhesive.

C. Skid Resistance. The surface of the Type I preformed plastic pavement marking tape shall provide a minimum skid resistance value of 35 British Polish Number (BPN) when tested according to ASTM E 303. The surface of the Type I—High Performance and Type V preformed plastic pavement marking tape shall provide a minimum skid resistance value of 45 British Polish Number (BPN) when tested according to ASTM E 303, except values for the Type V are calculated by averaging values taken at downweb and a 45° angle from downweb.

D. Retro Reflective Requirements. The performed plastic pavement marking tape shall have the following minimum specific luminance values when measured in accordance with ASTM D 4061.

Type	Observation Angle	Entrance Angle	Specific Luminance mcd/ft²/fc White	Yellow
I	0.2° 1.0°	86° 86.5°	500 300	400 175
I-High Performance	0.2° 1.0°	86° 85.5°	700 400	560 225
V	0.2° 1.0°	86° 86.5°	1100 700	800 500

E. Durability Requirements. The Type V preformed plastic pavement marking tape shall show no appreciable fading, lifting or shrinkage for at least four years after placement for longitudinal lines and at least two years after placement for symbols and legends.

F. The Type V preformed plastic pavement marking tape shall retain the following reflectance values for at least four years after placement for longitudinal lines and at least two years after placement for symbols and legends.

Observation Angle	Entrance Angle	Specific Luminance mcd/ft²/fc White	Yellow
1.0°	86.5°	100	100

G. Plastic Pavement Marking Tape Guaranty (Type V). The contractor shall provide the department with a guaranty from the manufacturer stating that if the plastic pavement marking tape fails to conform to the performance and durability requirements of §307.G within four years, the manufacturer will restore the plastic pavement marking tape to its original effectiveness at no cost to the department for materials, labor, and equipment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:35.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Weights and Measures, LR 24:

§309. Minimum Standards for Raised Pavement Markers

A. Markers shall conform to ASTM D4280, and be either nonreflectorized or reflectorized, as specified. Markers shall be approved products listed in QPL9. Infrared curves of materials used in markers shall match approved curves on file at the department's Materials and Testing Section.

B. Temporary Raised Pavement Markers for Asphaltic Surface Treatment

1. Material Requirements. The temporary raised markers shall be flexible reflective tabs. The markers shall be yellow with amber reflective area on both sides. The body of the marker shall consist of a base and vertical wall made of polyurethane or other approved material and shall be capable of maintaining a reasonable vertical position after installation. The initial minimum reflectivity at an entrance angle of 4° and an observation angle of 0.2° shall be 2.5.

2. The markers shall be of standard size and quality with amenities as manufactured by:

a. Davidson Plastics Company;

b. Renco, Inc.;

c. Valterra Products, Inc.; or

d. an approval equal for traffic marking materials (asphaltic surface treatment raised markers).

3. The reflective material shall be protected with an easily removable cover of heat resistant material capable of withstanding and protecting the reflective material from the application of asphalt at temperatures exceeding 325°F.

4. Certificates of Compliance. The contractor shall furnish three copies of certifications from the manufacturer stating that the materials meet the requirements of these specifications.

C. Temporary Raised Pavement Markers for Microsurfacing

1. Material Requirements. The temporary raised markers shall be flexible reflective tabs. The markers shall be yellow with amber reflective area on both sides. The body of the marker shall consist of a base and vertical wall made of polyurethane or other approved material and shall be capable of maintaining a reasonable vertical position after installation. The initial minimum reflectivity at an angle of incidence of 4° and an observation angle of 0.2° shall be 2.5.

2. The markers shall be of standard size and quality with amenities as manufactured by:

a. Davidson Plastics Company;

b. Renco, Inc.;

c. Valterra Products, Inc.; or

d. an approval equal for traffic marking (microsurfacing raised markers).

3. The reflective material shall be protected with an easily removable cover of heat resistant material capable of withstanding and protecting the reflective material from the application of asphalt at a temperature of 325°F.

4. Certificates of Compliance. The contractor shall furnish three copies of certificates from the manufacturer stating that the materials meet the requirements of these specifications.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:35.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Weights and Standards, LR 24:

Frank M. Denton
Secretary

9712#053

DECLARATION OF EMERGENCY

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

Plan Document—Sleep Disorders

Pursuant to the authority granted by 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, the Board of Trustees hereby invokes the emergency rule provisions of R.S. 49:953(B) to adopt amendments to the Plan Document of Benefits.

This emergency rule is effective December 12, 1997, and shall remain effective for a maximum of 120 days or until promulgation of the final rule, whichever occurs first.

The board finds that it is necessary to amend provisions of the Plan Document to limit benefits for the treatment of sleep disorders. Failure to adopt these amendments on an emergency basis will adversely affect the availability of services necessary to maintain the health and welfare of the covered employees and their dependents which are crucial to the delivery of vital services to the citizens of the state. Accordingly, the Plan Document of Benefits for the State Employees Group Benefits Program is hereby amended in the following particulars: amend Article 3, Section VIII, Subsection OO, to read as follows:

VIII. Exceptions and Exclusions for All Medical Benefits

No benefits are provided under this contract for:

* * *

OO. Testing for sleep disorders, except when such tests are performed at a facility accredited by the American Sleep Disorders Association and interpreted by a physician certified by the American Sleep Disorders Association; benefits otherwise payable are provided for nonsurgical treatment of sleep disorders, but no benefits are provided under any circumstances for sleep studies conducted in a patient's home, nor for surgical treatment of sleep disorders, including LAUP, except following demonstrated failure of nonsurgical treatment and only upon specific case-by-case approval by the Program;

James R. Plaisance
Executive Director

9712#071

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

White-Tailed Deer Importation (LAC 76:V.117)

In accordance with the emergency provisions of R.S. 49:953(B) of the Administrative Procedure Act, and under authority of the Louisiana Constitution, Article IX, Section 7, R.S. 56:6(10), (13) and (15), R.S. 56:20 and R.S. 56:171 et seq., the Wildlife and Fisheries Commission hereby adopts the following emergency rule.

A declaration of emergency is necessary to regulate the importation of white-tailed deer into Louisiana past the January 1, 1998 expiration of the current declaration of emergency which bans importation of white-tailed deer. Permanent rules regulating importation have been developed. These new rules and this declaration of emergency will allow regulated importation of white-tailed deer in a manner which will allow monitoring and tracking of imports and will minimize threats of disease introduction into Louisiana. This declaration of emergency will provide for regulated importation until the permanent rule is adopted.

This emergency rule will supplant any prior declaration of emergency adopted by the Wildlife and Fisheries Commission pertaining to importation of white-tailed deer in effect on December 4, 1997, the effective date of this declaration of emergency.

Title 76
WILDLIFE AND FISHERIES
Part V. Wild Quadrupeds and Wild Birds
Chapter 1. Wild Quadrupeds
§117. White-Tailed Deer Importation

A. Definitions

White-Tailed Deer—any animal of the species *Odocoileus virginianus*.

B. Permits. No person shall import, or cause to be imported, white-tailed deer into the state of Louisiana without first notifying the Department of Agriculture and Forestry and obtaining a current permit number. The permit number shall be included on the certificate of veterinary inspection and shall accompany the shipment of white-tailed deer. The permit number and certificate of veterinary inspection shall be made available to Department of Wildlife and Fisheries personnel upon request.

C. Import Restrictions

1. No person shall import or cause to be imported any white-tailed deer from the states of California, Colorado, Connecticut, Delaware, Michigan, New Jersey, New York, Pennsylvania, Rhode Island, or Wyoming. This shall include any white-tailed deer that have been confined within these states, or have been in direct contact with deer of any species from these states, within 180 days of entry into Louisiana.

2. No person shall import or cause to be imported any white-tailed deer without written proof of a negative test for tuberculosis in accordance with the *Tuberculosis Eradication in Cervidae Uniform Methods and Rules*, as published by the U.S. Department of Agriculture, Animal and Plant Health Inspection Service.

3. No person shall import, or cause to be imported, white-tailed deer without written proof of a negative test for brucellosis in accordance with the *Brucellosis Eradication in Cervidae Uniform Methods and Rules* once published by the U.S. Department of Agriculture, Animal and Plant Health Inspection Service. Until such time as the *Brucellosis Eradication in Cervidae Uniform Methods and Rules* are published, all white-tailed deer 6 months of age and older entering Louisiana shall be tested negative for brucellosis within 30 days prior to entry into Louisiana, and written proof thereof shall be provided, unless the white-tailed deer originate from a herd which has been officially declared a certified brucellosis-free herd by the state of origin.

4. No person shall import, or cause to be imported, any white-tailed deer for release into the wild or into any enclosure not specifically licensed for the possession of white-tailed deer.

AUTHORITY NOTE: Promulgated in accordance with the Louisiana Constitution, Article IX, Section 7, R.S. 56:6(10), (13) and (15), R.S. 56:20 and R.S. 56:171 et seq.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 24:

Daniel Babin
Chairman

9712#048

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

Hunting Seasons—Farm-Raised
White-Tailed Deer and Exotics
(LAC 76:XIX.109)

In accordance with the emergency provisions of R.S. 49:953(B) of the Administrative Procedure Act, and under authority of the Louisiana Constitution, Article IX, Section 7, R.S. 36:601 et seq., R.S. 56:115, R.S. 56:171 et seq., and R.S. 56:651 et seq., the Wildlife and Fisheries Commission hereby adopts the following emergency rule.

A declaration of emergency is necessary to allow for the hunting of farm-raised white-tailed deer and exotics in the absence of permanent rules. A declaration of emergency was adopted on October 2, 1997 but will expire before the permanent rule can take effect. This declaration of emergency will provide continuous regulation of farm-raised white-tailed deer and exotic hunting until the ratification of permanent rules.

This declaration of emergency will supplant any prior declaration of emergency adopted by the Wildlife and Fisheries Commission pertaining to hunting of farm-raised deer and exotics that is in effect on the effective date of this declaration of emergency.

Title 76
WILDLIFE AND FISHERIES
Part XIX. Hunting
Chapter 1. Resident Game Hunting Seasons
§109. Farm-Raised White-Tailed Deer and Exotics

A. Definitions

Exotics—any animal of the family *Bovidae*, except the tribe *Bovini* (cattle), or *Cervidae* which is not indigenous to Louisiana and which is introduced and kept within an enclosure of not less than 150 acres nor greater than 2,500 acres to be hunted, provided that a current farm-raising license has been issued by the Department of Agriculture and Forestry for the enclosure, with the concurrence of the Department of Wildlife and Fisheries. Exotics shall include, but are not limited to, fallow deer, red deer, elk, sika deer, and black buck antelope.

Farm-Raised White-Tailed Deer—any animal of the species *Odocoileus virginianus* which is introduced and kept within an enclosure of not less than 150 acres nor greater than 2,500 acres to be hunted, provided that a current farm-raising license has been issued by the Department of Agriculture and Forestry for the enclosure, with the concurrence of the Department of Wildlife and Fisheries.

B. Hunting Seasons

1. Farm-Raised White-Tailed Deer—October 1, 1997 through January 31, 1998, either sex.

2. Exotics—January 1, 1997 through December 31, 1998.

3. Farm-raised white-tailed deer and exotics may be taken with longbow (including compound bow) and arrow; shotguns not larger than a 10 gauge fired from the shoulder without a rest, loaded with buckshot or rifled slug; handguns and rifles no smaller than .22 caliber centerfire; or muzzleloading rifles or pistols, .44 caliber minimum, or shotguns 10 gauge or smaller, all of which must load exclusively from the muzzle or cap and ball cylinder, using black powder or an approved substitute only, and using ball or bullet projectile, including saboted bullets only.

4. The use of dogs to take farm-raised white-tailed deer or exotics is prohibited.

5. A farm-raising licensee may kill farm-raised white-tailed deer within the enclosure for which he is licensed at any time during daylight hours after proper notice is given as required by the Department of Agriculture and Forestry's alternative livestock rules.

C. Shooting Hours. Farm-raised white-tailed deer and exotics may be hunted one-half hour before sunrise to one-half hour after sunset.

D. Bag Limit

1. Farm-Raised White-Tailed Deer—no limit.

2. Exotics—no limit.

E. Hunting Permit. No person shall take or attempt to take any farm-raised white-tailed deer or exotic without possessing a farm-raised deer and exotic hunting permit issued by the Department of Wildlife and Fisheries. An administrative fee of $50 shall be assessed for each farm-raised deer and exotic hunting permit. Permits are valid only on the deer farm indicated on the face of the permit. Permits shall be issued on a fiscal year basis beginning July 1 of each calendar year and shall expire on June 30 of the following calendar year.

F. Tagging. Each farm-raised white-tailed deer or exotic shall be tagged in the left ear or left antler immediately upon being killed and before being moved from the site of the kill with a tag provided by the Department of Agriculture and Forestry. The tag shall remain with the carcass at all times. All other deer tagging and identification requirements provided for in Title 56 of the Louisiana Revised Statutes and the Wildlife and Fisheries Commission's rules shall also apply.

G. Additional Restrictions. Except as otherwise specified herein, all of the provisions of Title 56 of the Louisiana Revised Statutes and the Wildlife and Fisheries Commission's rules pertaining to the hunting and possession of white-tailed deer shall apply to farm-raised white-tailed deer and exotics.

AUTHORITY NOTE: Promulgated in accordance with the Louisiana Constitution, Article IX, Section 7, R.S. 36:601, R.S. 56:115, R.S. 56:171 et seq., and R.S. 56:651 et seq.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 24:

Daniel Babin
Chairman

9712#049

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

Oyster Sack Limit Adjustment
Calcasieu Lake and West Cove

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B) and 967 and under the authority of R.S. 56:6(25)(a), notice is hereby given that the Wildlife and Fisheries Commission finds that additional oyster resources could be utilized in Calcasieu Lake and hereby adopts the following emergency rule:

Effective December 4, 1997 and for the remainder of the 1997-98 oyster season in Calcasieu Lake, the daily take limit shall be 15 one and one-half bushel sacks per boat, per day.

Daniel J. Babin
Chairman

9712#047

Rules

RULE

Department of Economic Development
Office of Financial Institutions

Licensee's Informal Opportunity to Show Compliance (LAC 10:XXI.101)

In accordance with the authority granted by the Administrative Procedure Act, R.S. 49:950 et seq., and particularly R.S. 49:952(2), the Department of Economic Development, Office of Financial Institutions hereby adopts the following rule to provide for an informal procedure for a licensee to show compliance with all lawful requirements for retention of his license, in conformity with R.S. 49:961(C).

Title 10
FINANCIAL INSTITUTIONS, CONSUMER CREDIT, INVESTMENT SECURITIES AND UCC
Part XXI. Miscellaneous Provisions

Chapter 2. Procedures

§201. Informal Opportunity to Show Compliance

A. Definitions

Commissioner—the commissioner of the Louisiana Office of Financial Institutions.

Licensee—any person or entity chartered or licensed by the Louisiana Office of Financial Institutions.

Office—the Louisiana Office of Financial Institutions.

B. Prior to the institution of agency proceedings regarding the revocation, suspension, annulment, or withdrawal of a license, when such action must be accomplished pursuant to the Administrative Procedure Act, R.S. 49:950 et seq., the office shall give notice by mail to the licensee, setting forth the facts or conduct which serve(s) as the office's basis for such action. The notice shall advise the licensee that he is being offered an opportunity to participate in an informal meeting with a representative of the office to show compliance with all lawful requirements for retention of the license, in conformity with R.S. 49:961(C).

C. The licensee shall have 15 calendar days from receipt of such notice to request, in writing, an informal meeting. Such informal meeting shall be held not less than 10 days nor more than 30 days following receipt of the licensee's request for the meeting, unless the commissioner determines that an extension is warranted.

D. Notwithstanding any other provision of this rule, if the office finds that the public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in an order to the licensee, summary suspension may be ordered pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:952(2).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Financial Institutions, LR 23:1638 (December 1997).

Larry L. Murray
Commissioner

9712#056

RULE

Department of Economic Development
Office of the Secretary

Economic Development Award Program (LAC 13:I.Chapter 60 and Repeal of LAC 19:VII.Chapter 91)

In accordance with R.S. 51:2341, the Department of Economic Development, Office of the Secretary hereby adopts rules and regulations in LAC 13:I. Chapter 60 for the Economic Development Award Program. The rule transfers the program from the Economic Development Corporation to the Department of Economic Development.

Title 13
ECONOMIC DEVELOPMENT
Part I. Commerce and Industry
Subpart 3. Financial Incentives

Chapter 60. Economic Development Award Program (EDAP)

§6001. Purpose

The purpose of the program is to finance publicly-owned infrastructures for industrial or business development projects that promote economic development and that require state assistance for basic infrastructure development.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2341 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 23:1638 (December 1997).

§6003. Definitions

Applicant—the sponsoring entity requesting financial assistance from DED under this program.

Award—funding approved under this program for eligible applicants.

Awardee—an applicant [and/or company(ies)] receiving an award under this program.

Basic Infrastructure—the construction, improvement or expansion of roadways, parking facilities, equipment, bridges, railroad spurs, water works, sewerage, buildings, ports, waterways and publicly-owned or regulated utilities.

Company—the business enterprise for which the project is being undertaken.

DED—Louisiana Department of Economic Development.

Program—the Economic Development Award Program.

Project—an expansion, improvement and/or provision of basic infrastructure that promotes economic development, for which DED assistance is requested under this program as an incentive to influence a company's decision to locate in Louisiana, maintain or expand its Louisiana operations, or increase its capital investment in Louisiana.

Secretary—the secretary of the Department of Economic Development.

Sponsoring Entity—the public or quasi-public entity responsible for performing and/or monitoring implementation of the project and monitoring the company's compliance with the terms and conditions of the award agreement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2341 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 23:1638 (December 1997).

§6005. General Principles

The following principles will direct the administration of the Economic Development Award Program:

1. awards are not to be construed as entitlements for companies locating or located in Louisiana;
2. an award must reasonably be expected to be a significant factor in a company's location, investment and/or expansion decisions;
3. awards must reasonably be demonstrated to result in the enhanced economic well-being of the state and local communities;
4. the retention and strengthening of existing businesses will be evaluated using the same procedures and with the same priority as the recruitment of new businesses to the state;
5. the anticipated economic benefits to the state will be considered in making the award;
6. appropriate cost sharing among project beneficiaries;
7. if a company does not begin construction of the project within 365 calendar days after application approval, the secretary, at his discretion, may cancel funding for the infrastructure approved from the Economic Development Award Program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2341 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, LR 23:1639 (December 1997).

§6007. Eligibility

A. An eligible applicant for the Grant Award must be one of the following:

1. a public or quasi-public state entity; or
2. a political subdivision of the state.

B. A company shall be considered ineligible for this program if it has pending or outstanding claims or liabilities relative to failure or inability to pay its obligations, including state or federal taxes; or bankruptcy proceedings; or if it has pending, at the federal, state, or local level, any proceeding concerning denial or revocation of a necessary license or permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2341 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 23:1639 (December 1997).

§6009. Criteria

A. Preference will be given to projects for industries identified by the state as target industries, and to projects located in areas of the state with high unemployment levels.

B. Preference will be given to projects intended to expand, improve or provide basic infrastructure supporting mixed use by the company and the surrounding community.

C. Companies must be in full compliance with all state and federal laws.

D. No assistance may be provided for Louisiana companies relocating their operations to another labor market area (as defined by the U.S. Census Bureau) within Louisiana, except when company gives sufficient evidence that it is otherwise likely to relocate out of Louisiana.

E. The minimum award request size shall be $25,000.

F. Projects must create or retain at least 10 permanent jobs in Louisiana.

G. Preference will be given for wages substantially above the prevailing regional wage.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2341 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 23:1639 (December 1997).

§6011. Application Procedure

The sponsoring entity must submit an application on a form provided by DED which shall contain, but not be limited to, the following:

1. an overview of the company, its history, and the business climate in which it operates;
2. a description of the need for the project and the factors creating the need;
3. quantifiable objectives for the project and plans to measure the effectiveness of the project according to those objectives;
4. evidence of the number, types and compensation levels of jobs to be created or retained by the project;
5. a specific description of the project, including construction, operation and maintenance plans, and a timetable for the project's completion;
6. any additional information the secretary may require.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2341 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 23:1639 (December 1997).

§6013. Submission and Review Procedure

A. Applicants must submit their completed application to DED. Submitted applications will be reviewed and evaluated by DED staff. Input may be required from the applicant, other divisions of the Department of Economic Development, and other state agencies as needed in order to:

1. evaluate the strategic importance of the project to the economic well-being of the state and local communities;
2. determine whether the project's financing needs are best met by the proposed award;
3. validate the information presented;
4. determine the overall feasibility of the company's plan.

B. An economic cost-benefit analysis of the project, including an analysis of the net economic and fiscal benefits to the state and local communities, will be prepared by DED.

C. Upon determination that an application meets the eligibility criteria for this program and is deemed to be beneficial to the well-being of the state, DED staff will then make a recommendation to the secretary of the Department of Economic Development. The application will then be reviewed and approved by the following entities in the following order:

1. the secretary of the Department of Economic Development;
2. the governor; and
3. the Joint Legislative Committee on the Budget.

D. No funds spent on the project prior to the secretary's approval will be considered eligible project costs.

E. The secretary will issue a letter of commitment to the applicant within five working days of the application review and approval by the Joint Legislative Committee on the Budget.

F. The secretary can invoke emergency procedures and approve an application under the following conditions: The company documents, in writing, to the secretary of Economic Development, with copies to the governor and chairman of the Joint Legislative Committee on the Budget, that a serious time constraint exists and that a new plant, expansion or closure decision is to be made in fewer than 21 days or more than 31 days before the next scheduled meeting of the Joint Legislative Committee on the Budget.

G. If any application is rejected by any of the preceding entities, the application shall not be considered by the next succeeding entity unless first reconsidered and approved by the entity which initially rejected the application.

H. The final 15 percent of the grant amount will not be paid until DED staff inspects the project to assure that all work in the EDAP contract has been completed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2341 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 23:1639 (December 1997).

§6015. General Award Provisions

A. Award Agreement. A grant agreement will be executed between DED, the sponsoring entity and the company. The agreement will specify the performance objectives expected of the company and the sponsoring entity and the compliance requirements to be enforced in exchange for state assistance, including, but not limited to, time frames for investment and job creation. Under the agreement, the sponsoring entity will monitor the progress of the project. DED will disburse funds from invoices or certificates of work completed.

B. Use of Funds

1. Eligible project costs may include, but not be limited to, the following:
   a. engineering expenses;
   b. site acquisition;
   c. site preparation;
   d. construction expenses;
   e. building materials;
   f. capital equipment.
2. Project costs ineligible for award funds include, but are not limited to:
   a. recurrent expenses associated with the project (e.g., operation and maintenance costs);
   b. company moving expenses;
   c. expenses already approved for funding through the state's capital outlay process for which the Division of Administration and the Bond Commission have already approved a line of credit and the sale of bonds;
   d. improvements to privately-owned property, unless provisions are included in the project for the transfer of ownership to a public or quasi-public entity;
   e. refinancing of existing debt, public or private;
   f. furniture, fixtures, computers, consumables, transportation equipment, rolling stock or equipment with useful life of less than seven years.

C. Amount of Award

1. The portion of the total project cost financed by the award may not exceed:
   a. 90 percent for projects located in parishes with per capita personal income below the median for all parishes; or
   b. 75 percent for projects in parishes with unemployment rates above the statewide average; or
   c. 50 percent for all other projects.
2. Other state funds cannot be used as the match for EDAP funds.
3. The award amount shall not exceed 25 percent of the total funds available to the program during a fiscal year.
4. The secretary, in his discretion, may limit the amount of awards to effect the best allocation of resources based upon the number of projects requiring funding and the availability of program funds.

D. Conditions for Disbursement of Funds

1. Grant award funds will be available to the sponsoring entity on a reimbursement basis following submission of approved invoices from the sponsoring entity to DED. Only funds spent on the project after the secretary's approval will be considered eligible for reimbursement.
2. Award funds will not be available for disbursement until:
   a. DED receives signed commitments by the project's other financing sources (public and private);
   b. DED receives signed confirmation that all technical studies or other analyses (e.g., environmental or engineering studies), and licenses or permits needed prior to the start of the project have been completed or obtained;
   c. all other closing conditions specified in the award agreement have been satisfied.

E. Compliance Requirements

1. Companies and sponsoring entities shall be required to submit progress reports, as specified in the award agreement, describing the progress toward the performance objectives specified in the award agreement.
2. In the event a company or sponsoring entity fails to meet its performance objectives specified in its agreement with DED, DED shall retain the rights to withhold award funds, to modify the terms and conditions of the award, and to reclaim disbursed funds from the company and/or sponsoring entity in an amount commensurate with the scope of the

unmet performance objectives and the foregone benefits to the state.

3. In the event a company or sponsoring entity knowingly files a false statement in its application or in a progress report, the company or sponsoring entity shall be guilty of the offense of filing false public records and shall be subject to the penalty provided for in R.S. 14:133.

4. DED shall retain the right to require and/or conduct financial and performance audits of a project, including all relevant records and documents of the company and the sponsoring entity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2341 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 23:1640 (December 1997).

Title 19
CORPORATIONS AND BUSINESS
Part VII. Economic Development Corporation
Subpart 7. Workforce Development and Training Program

Chapter 91. Infrastructure Financing Program

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312.1.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 23:36 (January 1997), repealed by the Department of Economic Development, Office of the Secretary, LR 23:1641 (December 1997).

Kevin P. Reilly, Sr.
Secretary

9712#095

RULE

Department of Economic Development
Office of the Secretary

Workforce Development and Training Program
(LAC 13:I.Chapter 50 and Repeal of
LAC 19:VII.Chapter 81)

In accordance with R.S. 51:2331, the Department of Economic Development, Office of the Secretary hereby adopts rules and regulations in LAC 13:I.Chapter 50 for the Workforce Development and Training Program. The rule transfers the program from the Economic Development Corporation to the Department of Economic Development.

Title 13
ECONOMIC DEVELOPMENT
Part I. Commerce and Industry
Subpart 3. Financial Incentives

Chapter 50. Workforce Development and Training Program

§5001. Purpose

The purpose of the program is to develop and provide customized workforce training programs to existing and prospective Louisiana businesses as a means of:

1. improving the competitiveness and productivity of Louisiana's workforce and business community;

2. upgrading employee skills for new technologies or production processes; and

3. assisting Louisiana businesses in promoting employment stability.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2331 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 23:1641 (December 1997).

§5003. Definitions

Applicant—the entity requesting training assistance from DED under this program.

Award—funding approved under this program for eligible training activities.

Awardee—an applicant [and/or company(ies)] receiving a training award under this program.

Contract—a legally enforceable agreement between the Department of Economic Development (DED), the awardee and a monitoring entity governing the terms and conditions of the training award.

Contractee—the awardee and monitoring entity that are party to a training award contract with DED under this program.

DED—Louisiana Department of Economic Development.

Labor Demand Occupation—an occupation for which there is, or is likely to be, greater demand than supply of adequately trained workers.

Monitoring Entity—a public or not-for-profit entity contracted to monitor the compliance of an awardee with the terms and conditions of a training award contract, and to reimburse the awardee for eligible training costs.

Program—the Workforce Development and Training Program.

Secretary—the secretary of the Department of Economic Development.

Subprogram—the different components of the Louisiana Workforce Development and Training Program, including, but not limited to, New Employee Training and Workplace-Based Retraining.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2331 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 23:1641 (December 1997).

§5005. General Principles

The following principles will direct the administration of the Workforce Development and Training Program:

1. training awards are not to be construed as an entitlement for companies locating or located in Louisiana;

2. awards must reasonably be expected to be a significant factor in companies' location, investment, and/or expansion decisions;

3. awards must reasonably be demonstrated to result in the enhanced economic well-being of the state and local communities;

4. the retention and strengthening of existing Louisiana businesses will be evaluated using the same procedures and

with the same priority as the recruitment of new businesses to the state;

5. the anticipated economic benefits to the state will be considered in making the award;

6. appropriate cost sharing among project beneficiaries;

7. awards will be coordinated with the existing plans and programs of other government agencies whenever appropriate; and

8. a train-the-trainer approach will be adopted, whenever appropriate, in order to strengthen the institutional capacity of public and private sector training providers;

9. if a company does not begin the project within 365 days of application approval, the secretary, at his discretion, may cancel funding of the training.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2331 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 23:1641 (December 1997).

§5007. Subprogram Descriptions

A. New Employee Training

1. This subprogram provides training assistance for companies seeking prospective employees who possess sufficient skills to perform the jobs to be created by the companies.

2. The training to be funded can include:

a. pre-employment training for which prospective employees are identified and recruited for training with the knowledge that the company will hire a subset of the trainees; and

b. on-the-job training for new employees that is needed to bring the employees up to a minimum skill and/or productivity level.

B. Workplace-Based Retraining. This subprogram provides training assistance for companies seeking to upgrade the skills of existing employees in response to technological advances or improved production processes, or the need to ensure compliance with accepted international and industrial quality standards (e.g., ISO standards, proprietary technology).

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2331 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 23:1642 (December 1997).

§5009. Eligibility

A. An eligible applicant must be one of the following:

1. an individual employer who seeks customized training services to create, upgrade, or retain jobs in a:

a. labor demand occupation;

b. nonlabor demand occupation to prevent job loss;

2. an employer, labor organization, or community-based organization that seeks customized training services to provide training for a labor demand occupation in a particular industry;

3. a consortium made up of one or more educational institutions and individual employers, labor, or community-based organizations that seeks customized training services to provide training in a labor demand occupation;

4. an individual employer who seeks customized training for employees at a facility which is being newly developed or is being relocated from another state into Louisiana.

B. Employees to be trained must be employed in Louisiana, except for projects locating at Stennis Space Center in Mississippi. Employees to be trained for projects at Stennis Space Center must be Louisiana residents.

C. A company shall be considered ineligible for this program if it has pending or outstanding claims or liabilities relative to failure or inability to pay its obligations, including state or federal taxes; or bankruptcy proceedings; or if it has pending, at the federal, state, or local level, any proceeding concerning denial or revocation of a necessary license or permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2331 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 23:1642 (December 1997).

§5011. Criteria

A. General (These apply to all training subprograms administered under these rules.)

1. Preference will be given to applicants in industries identified by the state as target industries, and to applicants located in areas of the state with high unemployment levels.

2. Employer(s) must be in full compliance with Louisiana unemployment insurance laws.

3. During the first nine months of a fiscal year, not less than 25 percent of all funds available during a fiscal year shall be available for employers with 150 or fewer Louisiana-based employees. For the final three months of a fiscal year, the remaining available funds will be available to all eligible employers, without size restrictions.

4. No single employer shall receive more than 10 percent of the total funds available to the program during a fiscal year.

5. Employers receiving awards must provide evidence satisfactory to DED of their long-range commitment to employee training as a means of enhancing their future competitiveness.

B. New Employee Training

1. Applicants must create at least 10 net new jobs in the state.

2. Participation in pre-employment training does not guarantee students a job upon completion of their training.

C. Workplace-Based Retraining. Applicants must request training for at least five employees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2331 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 23:1642 (December 1997).

§5013. Application Procedure

DED will provide a standard form which applicants will use to apply for assistance. The application form will contain, but not be limited to, detailed descriptions of the following:

1. an overview of the company, its history, and the business climate in which it operates;

2. the company's overall training plan, including a summary of the types and amounts of training to be provided, and a description of how the company determined its need for training;

3. the specific training programs for which DED assistance is requested, including descriptions of the methods, providers and costs of the proposed training;

4. quantifiable objectives for the training related to the overall performance of the company, and plans to measure the effectiveness of the training according to those objectives; and

5. any additional information the secretary may require.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2331 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 23:1642 (December 1997).

§5015. Submission and Review Procedure

A. Applicants must submit their completed applications to DED. Submitted applications will be reviewed and evaluated by DED staff. Input may be required from the applicant, other divisions of the Department of Economic Development, and other state agencies as needed, in order to:

1. understand the labor market conditions the proposed training is seeking to mitigate;

2. evaluate the strategic importance of the proposed training to the economic well-being of the state and local communities;

3. determine whether the employer's specific needs are best met by training;

4. identify the availability of existing training programs which could be adapted to meet the employer's needs;

5. identify the resources the business can provide to support the training, including trainers, facilities, materials and equipment;

6. identify or develop appropriate curricula; and

7. determine the most cost effective approach to meet the employer's training needs.

B. A cost-benefit analysis tailored to applicants' specific industries shall be conducted by DED to determine the net benefit to the state of the proposed training award. Such analysis will include, but not be limited to, evaluations of:

1. the importance of the proposed training to the state and local economies;

2. the importance of the proposed training to the recruitment/retention of businesses and/or jobs in the state (factors to be considered include the degree of technological advancement of the skills to be taught, the transferability of those skills across companies and industries, and the wage levels of the jobs to be created and/or retained);

3. the training award's expectation as a significant factor in the company's location, investment, and/or expansion decision; and

4. the fiscal impact of the proposed training on state and local governments.

C. Upon determination that an application meets the eligibility criteria for this program and is deemed to be beneficial to the well-being of the state, DED staff will then make a recommendation to the secretary of the Department of Economic Development. The application will then be reviewed and approved by the following entities in the following order:

1. the secretary of the Department of Economic Development;

2. the governor; and

3. the Joint Legislative Committee on the Budget.

D. No funds spent on the project prior to the secretary's approval will be considered eligible project costs.

E. The secretary will issue a letter of commitment to the applicant within five working days of the application approval by the Joint Legislative Committee on the Budget.

F. If any application is rejected by any of the preceding entities, the application shall not be considered by the next succeeding entity unless first reconsidered and approved by the entity which initially rejected the application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2331 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 23:1643 (December 1997).

§5017. General Award Provisions

A. Award Contract

1. A contract will be executed between DED, the applicant [and/or company(ies)] receiving training and an appropriate monitoring entity from the same geographic area as the applicant. The contract will specify the performance objectives expected of the company(ies) and the compliance requirements to be enforced in exchange for state assistance, including, but not limited to, time frames for job training and job creation.

2. The monitoring entity will monitor the progress of the training and reimburse the applicant from invoices submitted by the applicant on a form approved by DED.

3. DED will disburse funds from invoices or certificates of work completed.

4. The cost associated with this contract incurred by the monitoring entity will be considered part of the total training award, but will not exceed 5 percent of the award amount or $10,000, whichever is less.

5. Funds may be used for training programs extending up to two years in duration.

B. Use of Funds

1. The Louisiana Workforce Development and Training Program offers financial assistance in the form of a grant for reimbursement of eligible training costs specified in the award agreement.

2. Eligible training costs may include, inter alia, the following:

a. instruction costs: wages for company trainers and training coordinators, Louisiana public and/or private school tuition, contracts for vendor trainers and training seminars;

b. travel costs (limited to 30 percent of the total training award): travel for trainers and training coordinators (company and other) and travel for trainees. Travel expenses reimbursable under this agreement will comply with state travel regulations, PPM 49;

c. materials and supplies costs: training texts and manuals, audio/visual materials, skills assessment (documents or services to determine training needs), raw materials (for manufacturing and new employee on-the-job training), computer based training (CBT) software; and

d. other costs: facility rental, wages for on-the-job trainees (limited to 25 percent of a trainee's wage, excluding benefits), and fees or service costs incurred by the monitoring entity associated with the contract to monitor the training and to disburse award funds, as limited by §5017.A.3.

3. Training costs ineligible for reimbursement include:

a. trainee fringe benefits;

b. nonconsumable tangible property (e.g., equipment, calculators, furniture, classroom fixtures, noncomputer based training [CBT] software), unless owned by a public training provider;

c. out-of-state, publicly supported schools;

d. employee handbooks;

e. scrap produced during training;

f. food/refreshments; and

g. awards.

4. Training activities eligible for funding consist of:

a. basic skills: literacy, numeracy, problem solving, team participation, etc.;

b. transferable skills: skills which will enhance an employee's general knowledge, employability and flexibility in the workplace (e.g., welding, computer skills, blueprint reading, etc.);

c. company-specific skills: skills which are unique to a company's workplace, equipment and/or capital investment;

d. quality standards skills: skills which are intended to increase the quality of a company's products and/or services and ensure compliance with accepted international and industrial quality standards (e.g., ISO standards); and

e. pedagogical skills: skills which pertain to instructional methods and techniques to be used by trainers (these are most relevant to train-the-trainer activities).

C. Amount of Award

1. New Employee Training. The training award amount may cover up to 100 percent of the eligible training costs, not to exceed $500,000.

2. Workplace-Based Retraining. The training award amount may cover up to 50 percent of the eligible training costs, not to exceed $500,000.

D. Conditions for Disbursement of Funds

1. Funds will be available on a reimbursement basis following submission of approved invoices to DED. Funds will not be available for reimbursement until a training agreement between the applicant [and/or company(ies)] receiving the training and an approved training provider has been executed. Only funds spent on the project after the secretary's approval will be considered eligible for reimbursement.

2. Invoices will be eligible for reimbursement at 90 percent until all contracted performance objectives have been met. After the company has achieved 100 percent of its contracted performance objectives, the remaining 10 percent of the grant award will be made available for reimbursement.

E. Compliance Requirements

1. Contractees shall be required to complete quarterly reports describing progress toward the performance objectives specified in their contract with DED.

2. The termination of employees during the contract period who have received program-funded training shall be for documented cause only, which shall include voluntary termination.

3. In the event a company or sponsoring entity fails to meet its performance objectives specified in its contract with DED, DED shall retain the rights to withhold award funds, to modify the terms and conditions of the award, and to reclaim disbursed funds from the company and/or sponsoring entity in an amount commensurate with the scope of the unmet performance objectives and the foregone benefits to the state.

4. In the event a company or monitoring entity knowingly files a false statement in its application or in a progress report, the company or monitoring entity shall be guilty of the offense of filing false public records and shall be subject to the penalty provided for in R.S. 14:133.

5. DED shall retain the right to require and/or conduct financial and performance audits of a project, including all relevant records and documents of the company and the monitoring entity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2331 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 23:1643 (December 1997).

Title 19
CORPORATIONS AND BUSINESS
Part VII. Economic Development Corporation
Subpart 7. Workforce Development and Training Program

Chapter 81. Workforce Development

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2331 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 23:43 (January 1997), repealed by the Department of Economic Development, Office of the Secretary, LR 23:1644 (December 1997).

Kevin P. Reilly, Sr.
Secretary

9712#063

RULE

Board of Elementary and Secondary Education

Bulletin 741—Vocational Agriscience/Agribusiness

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education amended Standard 2.105.25 of Bulletin 741, Louisiana Handbook for School Administrators, as printed below:

Vocational Agriscience/Agribusiness

2.105.25. Vocational Agriscience course offerings shall be as follows:

Recommended

Course Title	Grade Level	Units
Exploratory Agriscience	7-8	1
Agriscience/Agribusiness I	9-12	1
Agriscience/Agribusiness II	10-12	1
Agriscience/Agribusiness III	11-12	1
Agriscience/Agribusiness IV	12	1
Agricultural Entrepreneurship	11-12	½
Agricultural Construction	11-12	½
Agriculture and Environmental Applications	11-12	½
Animal Production	11-12	½
Crop Production	11-12	½
Equine Science	11-12	½
Food and Fiber Systems	11-12	½
Forestry	11-12	½
Horticulture	11-12	½
Introduction to Aquaculture	11-12	½
Introduction to Agribusiness	11-12	½
Personal Development	11-12	½
Small Engines	11-12	½
Welding	11-12	½
Ag Lab III	11-12	1
Ag Lab IV	12	1
Cooperative Agriscience Education (CAE)	11-12	2

Ag Lab III and Ag Lab IV are offered only to students who are also enrolled in Agriscience/Agribusiness III or IV or two consecutive semester courses during the year.

Semester courses are designed to be offered in the place of or in addition to Agriscience/Agribusiness III and/or IV. Required prerequisites are to be determined by local board policy for course sequencing.

Three units of credit in Cooperative Agriscience/Agribusiness Education (CAE) are granted to students who successfully complete both the classroom phase of instruction and the on-the-job training phase. These courses are available only to students who have completed Agriscience/Agribusiness I and Agriscience/Agribusiness II.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Amended by the Board of Elementary and Secondary Education, LR 23:1644 (December 1997).

Weegie Peabody
Executive Director

9712#062

RULE

Board of Elementary and Secondary Education

Bulletin 1213—Minimum Standards for School Buses

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education amends Bulletin 1213, Minimum Standards for School Buses. The revision, located on page 34 of Bulletin 1213, section on Weight Distribution, is amended as stated below.

Undercoating

* * *

Weight Distribution

Weight distribution of a fully-loaded bus on a level surface shall be such as not to exceed the manufacturer's front gross axle rating and rear axle weight rating.

Chassis Manufacturer

1., 2.A.B., 3., 4., 5.A.B. ...

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7.

HISTORICAL NOTE: Amended by the Board of Elementary and Secondary Education, LR 23:1645 (December 1997).

Weegie Peabody
Executive Director

9712#061

RULE

Student Financial Assistance Commission
Office of Student Financial Assistance

Scholarship and Grant Policy Manual—Tuition Assistance Program (TAP) and Honors Scholarship

The Louisiana Student Financial Assistance Commission (LASFAC) is adopting the following changes to the Scholarship and Grant Policy and Procedure Manual.

IV. LOUISIANA TUITION ASSISTANCE PLAN (TAP)

AMEND PARAGRAPHS IV.A. AND IV.B. TO READ AS FOLLOWS:

A. Program Description, History and Purpose

The Louisiana Tuition Assistance Plan (TAP) Program, formerly referred to as the Louisiana College Tuition Plan, was first awarded in the fall of 1989, and provides tuition reimbursement for Louisiana residents who enroll in public colleges and universities to pursue an academic undergraduate degree and who meet specific academic standards and financial need criteria. The annual award amount for TAP varies, since it is the actual tuition charged by individual state institutions.

A maximum cumulative award amount is not established; however, there is a five-year limitation on the number of academic years (10 semesters or 15 quarters) a recipient may receive this entitlement. Institutions, after submitting invoices to LASFAC, are reimbursed each term for the tuition and fees awarded for TAP recipients. Effective for academic year 1998-99, the program will be terminated and students receiving TAP will be continued as TOPS Opportunity award recipients.

B. Legislative Authority

R.S. 17:3026;

Act 789 of the 1989 Regular Legislative Session, effective July 1, 1989;

Act 1055 of the 1990 Regular Legislative Session, effective July 27, 1990;

Act 718 of the 1992 Regular Legislative Session, effective January 1, 1993;

Act 269 of the 1995 Regular Legislative Session, effective January 1, 1996;

Act 872 of the 1995 Regular Legislative Session, effective June 28, 1995;

Act 287 of the 1997 Regular Legislative Session, effective July 15, 1997; and

Act 1375 of the 1997 Regular Legislative Session, effective August 15, 1997, (portions affecting 1996-97 and prior high school graduates).

* * *

AMEND PARAGRAPH IV.C.1.o. TO READ AS FOLLOWS:

o. not be receiving a tuition waiver or tuition award from another source including, but not limited to, the Louisiana National Guard Tuition Waiver, the Vocational Rehabilitation Tuition Waiver, the Louisiana Honors Scholarship or any institutional award which is limited to payment of tuition provided that the total cost of the student's tuition would be covered by the TAP award.

* * *

AMEND PARAGRAPH IV.C.3.b. TO READ AS FOLLOWS:

b. Achieve a cumulative GPA, as evaluated at the end of each academic year (the conclusion of the spring term), of at least 2.10 after the completion of less than 48 credit hours; at least 2.30 after the completion of 48 credit hours; and at least 2.50 after the completion of 72 credit hours, calculated on a 4.00 scale. Effective with the 1998-99 academic year, students continuing under TOPS who fail to achieve the required cumulative grade point average may be reinstated upon attainment of a cumulative grade point average, as required above, provided that the period of ineligibility did not persist for more than two years from the date of loss of eligibility.

* * *

INSERT NEW PARAGRAPH IV.C.3.d. AS FOLLOWS:

d. Effective for the 1997-98 academic year, if a student is placed on academic probation by the college or university attended, the student is ineligible for further TAP payments. The student may be reinstated upon the lifting of academic probation, provided that the period of ineligibility did not persist for more than two years from the date of loss of eligibility.

FORMER PARAGRAPHS IV.C.3.d., IV.C.3.e. and IV.C.3.f. ARE REDESIGNATED AS IV.C.3.e., IV.C.3.f. and IV.C.3.g., RESPECTIVELY.

* * *

AMEND FORMER PARAGRAPH IV.C.3.g. AND REDESIGNATE IT AS IV.C.3.h.:

h. TAP recipients prior to Fiscal Year 1997 who were denied continuation because of failure to show financial need, may be reinstated, upon written request, if they have maintained all other requirements for continuation as listed in Section C.3. of Chapter IV.

FORMER PARAGRAPH IV.C.3.h. IS REDESIGNATED AS IV.C.3.i.:

* * *

THE FOLLOWING FOOTNOTE HAS BEEN ADDED TO ACCOMPANY PARAGRAPH IV.E.1.:

1. Note: Effective with the 1998-99 award year, campuses of Louisiana Technical College and regionally accredited LAICU member independent colleges and universities are authorized to participate in TOPS, which will replace the TAP program.

* * *

AMEND PARAGRAPH IV.E.3.d. TO READ AS FOLLOWS:

d. Institutions may not bill LASFAC for a TAP award if the recipient has elected to accept a tuition waiver or tuition award from another source including, but not limited to, the Louisiana National Guard Tuition Waiver, the Vocational Rehabilitation Tuition Waiver, Louisiana Honors Scholarship or any institutional award which is limited to payment of tuition provided that the total cost of the student's tuition would be covered by the TAP award.

* * *

V. LOUISIANA HONORS SCHOLARSHIP PROGRAM

AMEND PARAGRAPHS V.A. AND V.B. TO READ AS FOLLOWS:

A. Program Description, History and Purpose

The Louisiana Honors Scholarship Program, first awarded in the fall of 1992, provides tuition exemption to Louisiana residents to acknowledge, honor and reward the academic achievement of Louisiana's top high school graduates; to ensure that these students have the financial resources to pursue a higher education in one of Louisiana's colleges and universities; and to provide an incentive to these students to seek their higher education in this state. Effective for academic year 1998-99, the program will be terminated and students receiving the Honors Scholarship will be continued as TOPS Performance award recipients.

B. Legislative Authority

R.S. 17:3042:31 through 3042:35;

Act 1085 of the 1992 Regular Legislative Session, effective July 14, 1992;

Act 225 of the 1993 Regular Legislative Session, effective June 2, 1993;

Act 86 of the Third Extraordinary Legislative Session, effective July 7, 1994;

Act 714 of the 1995 Regular Legislative Session, effective June 21, 1995;

Act 1283 of the 1997 Regular Legislative Session, effective July 15, 1997; and

Act 1375 of the 1997 Regular Legislative Session, effective August 15, 1997 (portions affecting 1996-97 and prior year high school graduates).

* * *

AMEND PARAGRAPHS V.C.1.e., V.C.1.f. AND V.C.1.g. TO READ AS FOLLOWS:

e. have attained a cumulative high school grade point average of at least 3.00 on a 4.00 scale; and

f. not be receiving other aid which, together with award of the Honors Scholarship, would exceed the student's total cost of attendance as defined by the institution in accordance with federal regulations. This Paragraph shall not preclude an institution from establishing a maximum limitation on aid based upon some other criteria which would result in a limitation that is less than the student's total cost of attendance; and

g. not be receiving a tuition waiver or tuition award from another source including, but not limited to, the Louisiana Tuition Assistance Plan (TAP), the Louisiana National Guard Tuition Waiver, the Vocational Rehabilitation Tuition Waiver or any other institutional award which is limited to payment of tuition provided that the total cost of the student's tuition would be covered by the honors award.

* * *

AMEND PARAGRAPH V.C.3.b. TO READ AS FOLLOWS:

b. Maintain by the end of each academic year a cumulative college or Louisiana technical college Grade Point Average (GPA) of at least 3.00 on a 4.00 scale. Effective with the 1998-99 academic year, students who fail to achieve the required cumulative grade point average may be reinstated upon attainment of a 3.00 cumulative grade point average provided that the period of ineligibility did not persist for more than two years from the date of loss of eligibility.

* * *

DELETE FORMER PARAGRAPH V.C.3.g. AND REDESIGNATE FORMER PARAGRAPHS V.C.3.h. AND V.C.3.i. as V.C.3.g. AND V.C.3.h., RESPECTIVELY; AND AMEND THE REDESIGNATED V.C.3.g. AND V.C.3.h. TO READ AS FOLLOWS:

g. not be receiving other aid which, together with award of the Honors Scholarship, would exceed the student's total cost of attendance as defined by the institution in accordance with federal regulations. This Paragraph shall not preclude an institution from establishing a maximum limitation on aid based upon some other criteria which would result in a limitation that is less than the student's total cost of attendance; and

h. not be receiving a tuition waiver or tuition award from the state or an institution of higher education including, but not limited to, the Louisiana Tuition Assistance Plan (TAP), the Louisiana National Guard Tuition Waiver, the Vocational Rehabilitation Tuition Waiver or any institutional award which is limited to payment of tuition provided that the total cost of the student's tuition would be covered by the Honors Scholarship.

REDESIGNATE FORMER PARAGRAPH V.C.3.j. AS V.C.3.i. AND INSERT NEW PARAGRAPH V.C.3.j. TO READ AS FOLLOWS:

j. Effective for the 1997-98 Academic Year, if a attended, the student is ineligible for further payments. The student may be reinstated upon the lifting of academic probation, provided that the period of ineligibility did not persist for more than two years from the date of loss of eligibility.

* * *

AMEND PARAGRAPHS V.D.1.f. AND V.C.1.g.iii. TO READ AS FOLLOWS:

f. Each year, by the deadline specified and on the forms provided by LASFAC, city and parish school boards for public high schools, principals or headmasters for approved special schools and nonpublic BESE-approved high schools, governing boards of eligible non-Louisiana high schools, and Louisiana Department of Education representatives for home study students shall certify and submit to LASFAC the names of students graduating in the top 5 percent of each high school's academic year graduating class who have attained a cumulative high school grade point average of at least 3.00 on a 4.00 scale or the names of those students completing an approved home study program who scored in the upper 5 percent in the state on the National Merit Exam.

g. If the certifying authority (school board, principal, headmaster or State Department of Education representative) elects to notify scholars of their selection, then the following disclaimer Paragraph shall be included in any communication to the scholar:

"Although you have been named a "Louisiana Honors Scholar," you must satisfy all of the following conditions to redeem a scholarship under this program:

* * *

iii. You must have attained a cumulative high school grade point average of at least 3.00 on a 4.00 scale,

* * *

AMEND PARAGRAPH V.E.3.d. TO READ AS FOLLOWS:

d. LAICU institution's reimbursement is limited to the lesser of actual tuition or the tuition amount charged by the highest cost public institution admitting freshmen. Institutions will be notified each term of the current maximum amount for full-time students and maximum amount for less than full-time students in accordance with Chapter VII.C.3. of this manual. Effective with the continuation of students under TOPS in the fall 1998 term, LAICU institutions may bill for the average tuition paid for students attending public colleges and universities as determined by LASFAC.

* * *

VII. GENERAL SCHOLARSHIP/GRANT POLICY

* * *

AMEND PARAGRAPH VII.D. TO READ AS FOLLOWS:

D. Release of Scholarship Awards

Awards shall be released to students by the institution if the student is listed on a LASFAC eligibility roster or master listing and is enrolled full-time for the applicable term, except as limited by Chapters IV.C.3.d., V.C.3.j. and VIII.C.3.b. Institutions continue to be responsible for verifying that Rockefeller Scholarship and TOPS-Teacher Award recipients are enrolled in a required field of study prior to the release of award checks.

* * *

Glossary

* * *

AMEND THE GLOSSARY BY DELETING THE DEFINITION OF *Gratuitous Financial Assistance or Support* IN ITS ENTIRETY.

* * *

Jack L. Guinn
Executive Director

9712#004

RULE

Student Financial Assistance Commission
Office of Student Financial Assistance

Tuition Opportunity Program for
Students (TOPS)—1997 Eligibility

The Louisiana Student Financial Assistance Commission (LASFAC) is providing eligibility information for 1997 high school graduates under the Tuition Opportunity Program for Students (TOPS), as follows:

VIII. TUITION OPPORTUNITY PROGRAM FOR STUDENTS (TOPS)

A. Program Description, History and Purpose. The Tuition Opportunity Program for Students (TOPS) is a comprehensive, merit-based student aid program consisting of a series of components, with each component having its own eligibility criteria and titled award. The purpose of TOPS is to financially assist any Louisiana student who has met the criteria for an award and has enrolled in an institution in the state for the purpose of pursuing a postsecondary education. The components of TOPS are the Opportunity Award, the Performance Award, the Honors Award and the Teachers Award. Each component shall be addressed in a separate chapter of this manual.

B. Legislative Authority. The TOPS was created by Act 476 of the 1997 Regular Session of the Louisiana Legislature. The Act created Chapter 20-G of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:3048.1 and 3048.2.

C. Effective Date. Although Act 476 became effective on August 15, 1997, the monetary awards authorized under TOPS may only be made for the first time beginning with the 1998-99 academic year.

D. Special Provisions

1. Applicability. With the exception of students applying for the TOPS-Teacher Award, the following provisions are only applicable to students who graduated during the period August 15, 1996, to August 15, 1997, from a high school approved by the Louisiana Board of Elementary and Secondary Education (BESE). These emergency rules do not apply to students graduating from approved high schools after these inclusive dates.

2. Student Eligibility. With the exception of the TOPS-Teacher Award, TOPS awards are authorized for the first time beginning in August 1998, which is the acknowledged beginning of the 1998-99 academic year. Students must establish their eligibility for TOPS, enroll in an eligible postsecondary institution and be awarded no later than the beginning of the fourth semester (or equivalent period for schools using quarters or other terms) following the date of their graduation from high school. Accordingly, only those students who graduated from approved high schools after August 15, 1996, will be eligible for TOPS. Students graduating before that date, may be eligible to apply for the TOPS-Teacher Award.

a. TOPS-Opportunity Award

i. Students who will not be first-time freshmen in academic year 1998-99 (meaning they have previously attended a postsecondary institution) must apply during the 1997 special application period (see Paragraph D4a, Special Application Periods and Application Deadlines) and establish continuing eligibility in 1998 by showing evidence of a college grade point average that meets the continuation requirement for this program. (See the Glossary, page G-7 for the grade requirement for continuation in this program).

ii. Students who will be first time freshmen in academic year 1998-99 must apply during the regular application period for 1998 (January 1, 1998 to June 1, 1998), and be awarded and accept funds no later than the 1999 spring term, or lose their eligibility for the program.

b. TOPS-Honors Award

i. Students who will not be first-time freshmen in academic year 1998-99 (meaning they have previously attended a postsecondary institution) must apply during the 1998 regular application period (January 1, 1998 to June 1, 1998) and show evidence of having achieved a cumulative grade point average of at least 3.00 on all college course work.

ii. Students who will be first-time freshmen in academic year 1998-99 (meaning they have not previously attended a postsecondary institution) must apply during the 1998 regular application period and be awarded and accept funds no later than the 1999 spring semester, or lose their eligibility for the program.

c. TOPS-Teacher Award is authorized to be awarded during the 1997-98 academic year. Unlike the other TOPS components, students who will be enrolled as college undergraduates (freshmen through college seniors) in academic year 1997-98 may apply for this award. Students applying for the 1997-98 academic year must apply during the 1997 special application period. (See Paragraph D4b, Special Application Periods and Application Deadlines). In addition to the special provisions referred to in this Chapter, applicants for this award must meet the requirements specified in Chapter IX, adopted as emergency rules on August 12, 1997. Since the 1997 special application period will close after the 1997-98 academic year has begun, students who are selected for a Teacher Award should not expect to receive funds prior to the spring semester, 1998. Beginning in academic year 1998-99, students may accept other TOPS awards in conjunction with the Teacher Award.

3. Establishing Eligibility. To establish eligibility for an award under TOPS, students must meet the criteria specific to the individual awards which are depicted on the chart, page G-7 of the Glossary, and the following:

i. be a U.S. Citizen or National and be registered with the Selective Service if required to do so by law; and

ii. be a resident of Louisiana, meaning any person who has actually resided in Louisiana continuously during the 24 months immediately preceding enrollment in an eligible postsecondary institution, and who has a domiciliary parent or guardian in Louisiana who has manifested intent to remain in this state by establishing Louisiana as legal domicile as demonstrated by compliance with all of the following:

(a) if registered to vote, is registered to vote in Louisiana;

(b) if licensed to drive a motor vehicle, is in possession of a Louisiana driver's license;

(c) if owning a motor vehicle located within Louisiana, is in possession of a Louisiana registration for that vehicle; and

(d) if earning an income, has complied with state income tax laws and regulations.

iii. be a graduate of a public or nonpublic high school which has been approved, provisionally approved, or probationally approved by the Louisiana Board of Elementary and Secondary Education (BESE);

iv. annually, complete and submit the Free Application for Federal Student Aid (FAFSA), and authorize the state of Louisiana to receive application results from the federal processor of the form;

v. meet standards for admission to the desired postsecondary institution and successfully complete 16.5 units of high school course work, constituting the following core curriculum:

UNITS	COURSE
1	English I
1	English II
1	English III
1	English IV
1	Algebra I
1	Algebra II
1	Geometry, Trigonometry, Calculus, or Comparable Advanced Math
1	Biology I
1	Chemistry I
1	Earth Science, Environmental Science, Physical Science, Biology II, Chemistry II, or Physics
1	American History
1	World History, World Culture, Western Civilization, or World Geography
1	Civics and/or Economics/Free Enterprise
1	Fine Arts Survey (or substitute 2 units performance courses in Music, Dance and/or Theater; or 2 units of Studio Art; or one elective from among the other subjects listed in this core curriculum)
2	In the same Foreign Language
½	Computer Science, Computer Literacy or Data Processing (or substitute at least ½ unit of an elective from among the other subjects listed in this core curriculum)

vi. except for misdemeanor traffic violations, shall not have a criminal conviction.

4. Special Application Periods and Application Deadlines. Special application periods are hereby established for the TOPS-Opportunity Award and the TOPS-Teacher Award. The special application period for the TOPS-Opportunity Award is intended to permit students who will not be first-time freshmen in academic year 1998-99, to establish their eligibility for the award during the current year and, by showing evidence of having met the program's continuation requirements, receive the award during the 1998-99 academic year. Since the TOPS-Teacher Award is authorized to be funded for the current academic year, the special application period for the Teacher Award is intended to assure that all interested students who will be college undergraduates in academic year 1997-98 are afforded the opportunity to compete for these awards.

a. Students who graduated from an approved high school on or after August 15, 1996 and through June 1997, and who enroll in a postsecondary institution during the 1997-98 academic year, must apply for the TOPS-Opportunity Award by completing and mailing the Free Application for Federal Student Aid (FAFSA), School Year 1997-98, or the Renewal FAFSA for the same year, whichever may be applicable to the student, by December 15, 1997, to be received at the address on the FAFSA's mailing envelope by December 31, 1997. Students who have previously submitted the FAFSA for 1997-98 shall be considered and should not resubmit this form.

b. Students who will be college undergraduates during the 1997-98 academic year and who are pursuing a program which leads to regular certification as a teacher may apply for the TOPS-Teacher Award by completing and mailing the Free Application for Federal Student Aid (FAFSA), School Year 1997-98, or the Renewal FAFSA for the same year, whichever may be applicable to the student, by November 1, 1997, to be received at the address on the FAFSA's mailing envelope by November 15, 1997. Students who have previously submitted the FAFSA for 1997-98 shall be considered and should not resubmit this form.

Jack L. Guinn
Executive Director

9712#009

RULE

Student Financial Assistance Commission
Office of Student Financial Assistance

Tuition Opportunity Program for
Students (TOPS)—Teachers Award

The Louisiana Student Financial Assistance Commission (LASFAC) is adopting rules for the Tuition Opportunity Program for Students (TOPS)—Teachers Award.

TOPS—TEACHERS AWARD

A. Program Description, History and Purpose. The Tuition Opportunity Program for Students (TOPS)—Teachers Award was created to attract academically talented high school graduates into the elementary and secondary level teaching profession and to encourage these individuals to practice their profession in Louisiana. The program provides competitively awarded educational loans to residents of Louisiana who indicate their willingness to teach at the elementary or secondary level in Louisiana. When the recipient teaches at an approved institution in Louisiana, the loans are forgiven in the ratio of one year of loan forgiveness for each year of teaching, or two years of loan forgiveness for each year of teaching in an elementary or secondary school which is located in an economically disadvantaged region of the state. The loans are made in the amount of $6,000 per award year for math and chemistry majors and $4,000 per year for all other approved majors.

B. Legislative Authority. The TOPS—Teachers Award was created by Act 476, of the 1997 Regular Session of the

Louisiana Legislature. This bill amended and reenacted R.S. 17:3042.1(A)(3) and (4), (B), (C), and (D) and 3042.2(A) and (B), reenacted R.S. 17:3042.1(A)(5) and (6) and 3042.8 and renamed Chapter 20-B of Title 17 of the Louisiana Revised Statutes of 1950.

C. Student Applicants

1. Initial Eligibility. To establish initial eligibility, the student must meet all of the following criteria:

a. be a U.S. citizen or National, and registered with the Selective Service, if required; and

b. be a resident of Louisiana, as defined for recipients of the Tuition Assistance Plan on page G-5 of the Scholarship and Grant Policy and Procedure Manual; and

c. submit the completed Free Application for Federal Student Aid (FAFSA); and

d. have graduated or will graduate from a public or nonpublic high school that has been approved, provisionally-approved, or probationally-approved by the Louisiana Board of Elementary and Secondary Education (BESE); and

e. have graduated with a cumulative high school grade point average of at least 3.25 calculated on a 4.00 scale for all courses completed in grades 9 through 12; and

f. have attained a composite score on American College Test (ACT) or the Scholastic Aptitude Test (SAT) which is, or is equivalent to at least 23 on the 1990 version of the American College Test; and

g. have successfully completed 16.5 units of high school course work constituting a core curriculum as follows:

UNITS	COURSE
1	English I
1	English II
1	English III
1	English IV
1	Algebra I
1	Algebra II
1	Geometry, Trigonometry, Calculus, or Comparable Advanced Math
1	Biology I
1	Chemistry I
1	Earth Science, Environmental Science, Physical Science, Biology II, Chemistry II, or Physics
1	American History
1	World History, World Culture, Western Civilization, or World Geography
1	Civics and/or Economics/Free Enterprise
1	Fine Arts Survey (or substitute 2 units performance courses in Music, Dance and/or Theater; or 2 units of Studio Art; or one elective from among the other subjects listed in this core curriculum)
2	In the same Foreign Language
1/2	Computer Science, Computer Literacy or Data Processing (or substitute at least one-half unit of an elective from among the other subjects listed in this core curriculum)

h. if by the end of June in the year of application, will have completed 24 or more hours of graded college credit, have at least a 3.25 cumulative college grade point average based on a 4.00 scale; and

i. enroll as an undergraduate student during the fall term at an eligible college or university; and

j. complete and submit such additional materials as may be required by LASFAC; and

k. be in compliance with the terms of other federal and state aid programs which the applicant may be in receipt of and which are administered by LASFAC; and

l. not have a criminal conviction, except for misdemeanor traffic violations; and

m. agree that proceeds, if received, will be used for educational expenses; and

n. enroll full time in a degree program or course of study leading to a degree in education or alternative program leading to regular certification as a teacher at the elementary or secondary level in math or chemistry. LASFAC may require confirmation from the dean of the College of Education or head of the Department of Education at the college or university attended, or from officials of the Louisiana Department of Education; and

o. complete a promissory note approved by the attorney general.

2. Initial Selection Criteria. To be selected for award:

a. applicants meeting the criteria in Section C.1 are assigned a merit score determined by formula. Merit score formulas are defined in the Glossary, page G-5 of the Scholarship and Grant Policy and Procedure Manual;

b. applicants' merit scores are ranked in descending order, with the applicant with the highest merit score ranked first;

c. the number of applicants selected for award is dependent upon the amount of award funds available;

d. prior to the receipt of award funds, applicants must have completed a Teacher Award Program Master Promissory Note.

3. Renewal Eligibility. Annual continuing eligibility is based upon the availability of funds and meeting all of the following requirements:

a. have received less than four years or eight semesters of funding; and

b. not be on academic probation as determined by the college or university attended; and

c. maintain a cumulative college Grade Point Average (GPA) of at least 3.00 calculated on a 4.00 scale at the end of each academic year; and

d. continue to enroll each subsequent semester or quarter as a full-time undergraduate student, unless granted an exception for cause, in a degree program or course of study leading to a degree in education or alternative program leading to regular certification as a teacher at the elementary or secondary level; or

e. enter a program approved by the State Board of Elementary and Secondary Education which leads to a degree in education or to regular certification as a teacher as soon as sufficient credits have been earned to do so; and

f. complete and submit such materials as may be required by the LASFAC, including a promissory note; and

g. annually apply for federal student aid; and

h. have no criminal convictions, except for misdemeanor traffic violations; and

i. be in compliance with the terms of all other federal and state aid programs which the student may be in receipt of and which are administered by LASFAC.

4. Academic Suspension of Awards and Reinstatement. A student who is placed on academic probation by the college or university attended and/or who fails to achieve the required grade point average is not eligible to receive renewal funding under the provisions of Sections 3.b or c above. The student may be returned to eligible status if:

a. the period of suspension did not persist for more than two years from the date of loss of eligibility; and

b. LASFAC is in receipt of:

i. student request for reinstatement; and

ii. institutional verification that the student:

(a) has been removed from academic probation by the college or university attended and is in good academic standing; and

(b) has regained a cumulative college grade point average of 3.00 based on a 4.00 scale; and

(c) is continuing to pursue initial teacher certification.

iii. sufficient funding to award the reinstated student after funding all continuing recipients who have not been suspended from funding.

5. Annual Award Amounts

a. Students enrolled in a degree program or course of study leading to a degree in education or alternative program leading to regular certification as a teacher at the elementary or secondary level in a major other than math or chemistry will receive awards of $4,000 per year, in two equal disbursements of $2,000 each.

b. Students enrolled in a degree program or course of study leading to a degree in education or alternative program leading to regular certification as a teacher at the elementary or secondary level in math or chemistry will receive awards of $6,000 per year, in two equal disbursements of $3,000 each.

c. Students may not receive other aid which, together with award of the Teacher Award, would exceed the students' total cost of attendance as determined by the institution in accordance with regulations implementing federal Title IV student aid.

6. Discharge of Obligation. The loan obligation may be discharged by teaching fulfillment, monetary repayment or cancellation.

a. Teaching Fulfillment. Fulfillment is accomplished by:

i. within two years of the initial teacher certification, perform service as a full-time classroom teacher in a Board of Elementary and Secondary Education (BESE)-approved, provisionally-approved, or probationally-approved elementary or secondary school;

ii. each period of teaching of one-half year or more will fulfill an equivalent period of funding (one semester). However, if teaching in an elementary or secondary school which is located in an economically disadvantaged region of the state, as defined by BESE, one year of teaching will fulfill two years of funding;

iii. the first semester of full-time teaching will fulfill the earliest dated disbursement not previously paid under Subsection b, the second semester the next earliest dated disbursement, and continuing until all disbursements have been fulfilled; and

iv. teaching to meet fulfillment requirements shall be completed within six years of completion of the initial teacher certification.

b. Monetary Repayment. Recipients who elect not to discharge the obligation by Teaching Fulfillment and who are not eligible for discharge by cancellation must repay the loan principal plus accrued interest.

i. Interest will accrue on the outstanding principal at the rate of 8 percent per year.

ii. Interest on each disbursement will accrue from the date of said disbursement until lump sum repayment or until capitalized when the recipient enters repayment status.

iii. Repayment Status. The recipient enters repayment status the first of the month following:

(a) determination by LASFAC that the recipient cannot complete fulfillment by teaching;

(b) notification of LASFAC by the recipient that monetary repayment is desired;

(c) six months after LASFAC determines that the recipient is no longer pursuing a degree program or course of study leading to a degree in education or alternative program leading to regular certification as a teacher at the elementary or secondary school level.

iv. Annual repayment amount will be the greater of:

(a) the amount necessary to repay the capitalized amount within 10 years; or

(b) $1,200 per year or the unpaid balance.

v. Recipients in repayment status may have their payments deferred for the following reasons:

(a) Parental Leave

(i) Definition. The student/recipient must be pregnant or caring for a newborn or newly-adopted child.

(ii) Certification Requirements. Certification by a written statement from a doctor of medicine who is legally authorized to practice or an authorized official of the adoption agency.

(iii) Acceptable Documentation. Includes dates of required leave of absence, the number of days involved, the length of the recovery period, the beginning and ending dates of the doctor's care, and the required treatment.

(iv) Filing Requirements. The recipient must request by letter, with the required certification and documentation, within 60 days after the occurrence of the qualifying event.

(v) Maximum Length of Deferment. Up to one academic year.

(b) Rehabilitation Program

(i) Definition. The recipient must be receiving rehabilitation in a program administered by a licensed rehabilitation center under a written individualized plan with specific dates of beginning and ending services.

(ii) Certification Requirements. Certification by a rehabilitation counselor or doctor of medicine.

(iii) Acceptable Documentation. Includes dates of the required leave of absence, the semester(s) or number of days involved, the length of the recovery period, the beginning and ending dates of the doctor's care, and the required treatment.

(iv) Filing Requirements. The recipient must file a written request, with the required certification and documentation, within 60 days after occurrence of the qualifying treatment.

(v) Maximum Length of Deferment. Up to two academic years.

(c) Temporary Disability of Recipient, Child, Parent, or Spouse

(i) Definition. Temporary total disability of recipient or recipient's child, parent or spouse of whom recipient is primary care giver.

(ii) Certification Requirements. Certification by a qualified physician.

(iii) Acceptable Documentation. Includes dates of the required leave, the length of the recovery or disability period, the beginning and ending dates of the doctor's care, and the required treatment.

(iv) Filing Requirements. The recipient must file a written request with the required certification and documentation no earlier than 30 days but within 60 days after the occurrence of disability.

(v) Maximum Length of Deferment. A deferment under this Subsection for temporary disability of the maker shall not exceed 36 months. A deferment under this Subsection for temporary disability of any other person shall not exceed 12 months.

(d) Military Service, Peace Corps, National Service Corps, VISTA

(i) Definition. The recipient is called on active duty status with the United States Armed Forces or is performing emergency state service with the National Guard or is serving in the Peace Corps, National Service Corps or VISTA.

(ii) Certification Requirements. Certified by a written statement from the commanding officer or regional supervisor or certified military orders.

(iii) Acceptable Documentation. Includes dates of required leave of absence, the semester(s) or number of days involved, the length of duty (beginning and ending dates).

(iv) Filing Requirements. The student/recipient must file a written request with the required certification and documentation, within 60 days after receipt of military orders or letter of appointment.

(v) Maximum Length of Deferment. Up to the length of the required service period.

(e) Recipient is engaging in a full-time course of study at an institution of higher education at the baccalaureate level or higher. A deferment under this Subsection shall not exceed 36 months; or

(f) Recipient is:

(i) seeking and unable to find full-time employment for a single period not to exceed 12 months; or

(ii) seeking and unable to find full-time employment at a qualifying Louisiana school for a period of time not to exceed 27 months.

(g) Teaching full time as per Subsection a above.

vi. During the period of time a recipient is in deferment status, a recipient is not required to make repayments and interest does not accrue.

vii. The period of time for completion of repayment will be extended by a period of time equal to the length of time the recipient is in deferment status.

c. Cancellation. Upon submission of applicable proof, teacher loans may be canceled for the following:

i. death of the recipient;

ii. complete and permanent disability of the recipient which precludes the recipient from gainful employment.

D. High Schools

1. Only graduates of Louisiana BESE-approved, probationally-approved, and probationally-approved public or nonpublic high schools are authorized to participate in the Teacher Award.

2. Participating high schools must complete and return the certification listing of applicants to LASFAC by the deadline specified.

E. College and Universities

1. Those institutions offering degree programs or courses of study leading to a degree in education or an alternative program leading to certification as a teacher at the elementary or secondary level that are:

a. Louisiana public colleges and universities, or

b. regionally accredited independent colleges and universities that are members of the Louisiana Association of Independent Colleges and Universities (LAICU).

2. College and university responsibilities include:

a. Certification of student status. Upon request by LASFAC, the institution will verify the following:

i. admission, and if appropriate, full-time enrollment; and

ii. eligibility for, or enrollment in, a course of study leading to initial teacher certification;

iii. enrollment in math or chemistry as major while pursuing teacher certification.

b. Disbursement of Funds. Upon receipt of award checks the institution will:

i. determine that the recipient is enrolled full time, in an approved degree program or course of study leading to a degree in education or alternative program leading to regular certification as a teacher at the elementary or secondary level;

ii. if designated as math or chemistry recipient, verify enrollment in course of study leading to certification as a math or chemistry teacher;

iii. release the award check to the recipient as instructed by LASFAC.

c. Reporting of Academic Data. At the conclusion of each academic year, the institution will complete and return to LASFAC, the College Academic Grade Report, including:

i. academic year and cumulative hours earned;

ii. cumulative grade point average;

iii. major;

iv. upon graduation, degree date and degree program.

F. Louisiana Department of Education. The responsibilities of the Louisiana Department of Education include verification of:

1. eligibility of teacher education programs;
2. award of teacher certification.

* * *

Amend the Glossary of the Scholarship/grant Policy and Procedure Manual by definition of Merit Ranking Formula to read as follows:

Merit Ranking Formula. A formula incorporating selected merit factors which is used to rank eligible applicants in the priority by which competitive scholarships are to be awarded. The following formulas for the merit ranking of scholarship applicants provide for the equating of scores for high school graduating seniors and college students:

Formula I. Utilized for applicants with less than 24 hours of graded college credit.

$$\frac{\text{HSGPA}}{4.00} \times 60 + \frac{\text{ACT}}{36} \times 40 = \text{MERIT SCORE}$$

Formula II. Utilized for applicants with 24 or more hours of graded college credit.

$$\frac{\text{COLLEGE GPA}}{4.00} \times 95 + \frac{\text{COLLEGE LEVEL}}{4} \times 5 = \text{MERIT SCORE}$$

Formula III. Utilized for applicants for the TOPS—Teacher Award

For those applicants majoring in math or chemistry, an additional 10 points is added to the merit score determined by Formula I or II, resulting in an adjusted merit score.

Jack L. Guinn
Executive Director

9712#011

RULE

Tuition Trust Authority
Office of Student Financial Assistance

Bylaws (LAC 28:VI.Chapter 2)

The Tuition Trust Authority, the statutory body created by R.S. 17:3093 et seq., in compliance with the Administrative Procedure Act, R.S. 49:950 et seq., adopts rules relative to bylaws to govern the authority, its meetings, officers and executive staff, order of business, committees, communications to the authority, rights, duties and responsibilities of the executive staff, responsibilities of authority members and amendment or repeal of bylaws.

Title 28
EDUCATION
Part VI. Student Tuition Trust Authority

Chapter 2. Bylaws

§201. Definitions and Authority

Chairman of the Authority—the executive secretary to the governor or his/her designee to the Louisiana Student Financial Assistance Commission (LASFAC), who shall also serve as ex officio chairman of the authority.

Director—that person appointed in the classified service as the administrative head of a division of the Office of Student Financial Assistance.

Division—a subordinate organizational element of the Office of Student Financial Assistance.

Executive Director—that person duly appointed by the Louisiana Student Financial Assistance Commission pursuant to R.S. 17:3022(B) to serve in the unclassified service as executive director of the Office of Student Financial Assistance, who shall be its chief executive officer and the appointing authority for all classified employees of the office.

Fiscal Officer—that employee of the office assigned responsibility for preparation and monitoring of the approved budget of the authority, who may jointly serve as a director.

Louisiana Tuition Trust Authority or Authority—the statutory body created by R.S. 17:3093 et seq., and composed of the members who are duly appointed and qualified as provided by law. The authority shall administer the Louisiana Student Tuition Assistance and Revenue Trust Program, commonly referred to as the "START Saving Program," through the Office of Student Financial Assistance.

Office of Student Financial Assistance, Louisiana Department of Education or *Office*—the organization created by R.S. 36:650 to perform the functions of the state relating to the programs of financial assistance and certain scholarship programs for higher education in accordance with the directives of its governing bodies and applicable law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3093 et seq.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Financial Assistance, LR 23:1653 (December 1997).

§203. Meetings

A. Regular Meetings

1. The authority shall hold at least one but not more than 12 meetings per calendar year.

2. All regular meetings shall be held at meeting places designated by the authority.

3. Proxy voting shall be allowed at all meetings for the chairman of the State Board of Elementary and Secondary Education; Board of Supervisors, Louisiana State University; Board of Supervisors, Southern University; Board of Regents; University of Louisiana System and Louisiana Association of Independent Colleges and Universities, or each of their designees; however, any proxy holder must also be a member of that respective board.

4. The state superintendent of Education and the state treasurer may vote by proxy through members of their executive staffs.

5. The member from the Louisiana Bankers Association may vote by proxy. No other members shall have the right of proxy voting.

B. Special Meetings

1. Special meetings of the authority may be called by the chairman at any time, or by the secretary upon written request therefor, signed by a majority of the members and specifying the purposes of the desired meeting.

2. Written notification shall be sent to each member at least three calendar days before the time of the meeting.

C. Compensation

1. Members of the authority shall receive per diem compensation for their service at the rate authorized by statute or as authorized by executive order, and shall be reimbursed for their necessary travel expenses actually incurred in the conduct of the business of the authority.

2. The authority is limited to 12 meetings per year for which per diem may be drawn by authority members.

D. Quorum. A simple majority of the authority shall constitute a quorum for the transaction of any business, and a simple majority of the quorum present at any meeting voting in favor or against a particular item shall be the act of the authority.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3093 et seq.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Financial Assistance, LR 23:1653 (December 1997).

§205. Officers of the Authority and Executive Staff

A. Chairman and Vice-Chairman

1. The chairman of the Louisiana Student Financial Assistance Commission shall serve as chairman of the authority.

2. The authority shall select a vice-chairman annually.

3. The authority may elect such other officers as it deems necessary.

4. The chairman of the authority shall preside over all meetings of the authority; serve as ex officio member of all committees; name the appointive members of all standing and special committees of the authority; and fill all vacancies in the membership of such committees, in accordance with the provisions of these bylaws.

5. The vice-chairman of the authority shall perform the duties of the chairman in the absence of the chairman.

6. In the event both the chairman and the vice-chairman are absent from a meeting of the authority, the authority shall elect a temporary chairman from those present.

B. Secretary. The authority shall select a secretary annually, who may certify the minutes, papers and documents of the authority or of its committees to be true and correct copies.

C. Executive Staff

1. The executive staff of the authority shall include the incumbent of those positions within the Office of Student Financial Assistance so designated by the executive director and will normally be composed of the executive director; the legal counsel; the fiscal officer and the directors of the designated divisions within the office; and such other personnel as may be required for the efficient performance of the functions of the authority.

2. The executive staff shall be tasked, directed and supervised by the executive director.

D. Authentication. Copies of all minutes, papers and documents of the commission, or its committees, may be certified to be true and correct copies by either the chairman, secretary or executive director.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3093 et seq.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Financial Assistance, LR 23:1654 (December 1997).

§207. Order of Business

A. Rules of Order. When not in conflict with any of the provisions of this article, *Roberts Rules of Order* (latest revision) shall constitute the rules of parliamentary procedure applicable to all meetings of the authority or its committees.

B. Order of Business. The order of business of regular meetings of the authority shall be as follows:

1. roll call;

2. corrections and approval of minutes of preceding regular meetings and of all special meetings held subsequently thereto;

3. reports and recommendations of standing and special committees;

4. unfinished business;

5. informational updates;

6. new business;

7. next meeting.

C. Reference to Committees

1. In cases where feasible and desirable before taking action, the authority should refer any subject or measure to the standing or special committee in whose purview the matter falls.

2. The committee to which the matter is referred should submit to the authority its recommendations in writing, together with any resolutions necessary to facilitate such recommendations.

D. Meetings

1. Meetings shall be conducted in accordance with state law governing public bodies.

2. It shall be the policy of the authority that all meetings be open to all who wish to attend.

3. In complying with the provisions of the Open Meetings Law, the authority may enter into a closed or executive session by two-thirds majority vote of the quorum present.

4. Prior to each regular meeting of the authority, the executive director, with approval of the chairman, shall prepare and forward to each member of the authority a tentative agenda for the meeting at least five working days prior to such regular meeting.

5. Upon request of three members of the authority made prior to the fifth day before the authority's next meeting that a particular item be included, the chairman shall place the subject or subjects upon the agenda.

6. Notwithstanding the foregoing, all matters requiring authority action may be acted upon even though not carried on the agenda.

7. Each proposal and/or resolution shall be reduced to writing and presented to the authority before it is acted upon.

8. All official actions of the authority shall require a simple majority vote of the quorum present at the meeting.

E. Minutes

1. The minutes of the authority shall record official action taken upon motions or resolutions which are voted upon by the authority, and may contain a summary of reports and pertinent discussion.

2. The foregoing provisions relative to contents of the minutes shall, in general, also apply to minutes of committees of the authority.

3. The minutes of meetings of the authority become official only when completed and approved by the authority.

F. Meeting Attendance

1. Authority members are required to attend all authority meetings.

2. Failure to annually attend a minimum of one-fourth of the authority's meetings will result in a notice being sent from the authority to the absent member stating that failure to attend one more meeting will result in a request being made to the appointing authority that the absent member be replaced.

3. The absent member shall be relieved of duties on any committee to which he/she has been appointed to serve.

4. This Subsection is not applicable to meetings that are missed with just cause, as determined by the chairman.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3093 et seq.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Financial Assistance, LR 23:1654 (December 1997).

§209. Committees

A. Standing Committees. Unless and until otherwise decided by the vote of a simple majority of the membership of the authority, the standing committees of the authority shall consist of the following:

1. executive committee;
2. budget and finance committee;
3. investment committee.

B. Appointment and Terms

1. Members of all standing committees, one of whom shall be designated as chairman and one of whom shall be designated as vice-chairman, shall be appointed by the chairman of the authority, ordinarily soon after the chairman assumes office.

2. The state treasurer shall serve as the chairman of the investment committee.

3. The term of committee appointments shall be one year.

4. Vacancies occurring among the appointive members of any committees, however arising, shall be filled by the chairman of the authority for the remainder of the unexpired term.

C. Officers of Standing Committees

1. The chairman and the vice-chairman of the authority shall be chairman and vice-chairman, respectively, of the executive committee.

2. In the absence of the chairman, the vice-chairman shall preside.

3. In the event both the chairman and vice-chairman are absent from a meeting, the committee shall elect a temporary chairman from those present.

4. It shall be the duty of the chairman of each committee to call and preside over the necessary meetings.

5. The minutes of the meeting of the committee, showing its actions and recommendations, shall be deemed in compliance with the provisions of §207.C, concerning the written recommendations of the committee.

D. Quorum of Committee Meetings

1. A simple majority of the membership present at a meeting of a committee of the authority shall constitute a quorum for the transaction of business.

2. When a quorum is not present, the chairman of the committee, or vice-chairman in the chairman's absence, may designate a member of the authority to serve as a substitute member of the committee concerned.

E. Authority of Committees. The authority of committees of the authority shall be subject to these bylaws and to the policies and direction of the authority.

F. Executive Committee

1. The executive committee shall consist of five members.

2. The chairman and vice-chairman of the authority shall serve in those capacities on the executive committee.

3. The chairman of each of the other standing committees or the chair's designee from his respective committee shall be a member of the executive committee.

4. The remaining member, for a total of five members, shall be appointed by the chairman of the authority from the other members of the authority.

5. The executive committee shall consider such matters as shall be referred to it by the authority and shall execute such orders and resolutions as shall be assigned to it at any meeting of the authority.

6. However, the authority may not delegate to the executive committee the final determination of the rate of interest to be paid on education savings accounts of record at the close of the calendar year.

7. All official actions of the executive committee shall require a majority vote of the quorum present at the meeting.

8. The executive committee shall also approve all budget adjustments prior to submission to the appropriate authority.

9. In the event that an emergency requiring immediate authority action shall arise between authority meetings, it shall be the duty of the executive committee to meet in emergency session to take such action as may be necessary and appropriate.

10. The executive committee shall report the actions it takes in emergency session to the authority for ratification at the authority's next meeting.

G. Budget and Finance Committee

1. The budget and finance committee shall consist of not less than six members of the authority.

2. Normally, to this committee shall be referred all matters related to budget and to policies concerning the financial management of the authority and the office.

H. Investment Committee

1. The investment committee shall consist of not less than five members of the authority.

2. The state treasurer shall chair this committee.

3. Normally, to this committee shall be referred all matters related to investments of the authority, including:

a. reviewing the treasurer's investment policy and investment performance;

b. reporting to the authority on the performance of investments;

c. advising the treasurer regarding the authority's perspectives on the treasurer's Investments; and

d. receiving the treasurer's annual report of earnings and recommending to the authority an annual earnings rate for adoption by the authority.

I. Special Committees

1. As the necessity therefor arises, the chairman may, with the concurrence of the authority, create special committees with such functions, powers and authority as may be delegated.

2. The chairman may appoint ad hoc committees for special assignments for limited periods of existence not to exceed the completion of the assigned task.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3093 et seq.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Financial Assistance, LR 23:1655 (December 1997).

§211. Communications to the Authority

A. All communications to the authority, or to any committee thereof, from persons having official relations with the authority shall be filed in writing with the executive director and duly transmitted by him to the authority.

B. "Official relations" with the authority shall include those with other agencies of government, contractors, and employees.

C. The executive director shall have the authority to read and comment upon all communications from employees of the office but shall not delay or withhold such communications, except as hereinafter provided.

1. Such communications shall be filed with the executive director at least five days before the meeting of the authority or committee and with the chairman at least three days before such meeting.

2. Otherwise, the executive director may either submit such communication at that time or withhold such communication until the next meeting.

3. In the event the executive director elects to withhold any such communication until the next meeting, such communication shall be promptly forwarded to the chairman with the notation of the executive director concerning such withholding.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3093 et seq.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Financial Assistance, LR 23:1656 (December 1997).

§213. Rights, Duties and Responsibilities of Executive Staff of the Authority

A. Executive Staff of the Authority

1. The executive staff of the authority shall include the incumbents of those positions within the Office of Student Financial Assistance so designated by the executive director and will normally be composed of the executive director; the legal counsel; the fiscal officer and the directors of designated divisions within the office; and such other personnel as may be required for the efficient performance of the functions of the authority.

2. The executive staff shall be tasked, directed and supervised by the executive director.

3. Unless otherwise directed by the executive director, the executive staff shall attend the meetings of the authority and its various committees.

B. Executive Director

1. The executive director shall:

a. be the executive head and chief administrative officer of the Office of Student Financial Assistance;

b. be responsible to the authority for the conduct of the Office of Student Financial Assistance in all affairs; and

c. execute and enforce all of the decisions, orders, rules and regulations of the authority with respect to the conduct of the Office of Student Financial Assistance.

2. The executive director's discretionary authority shall be broad enough to enable him/her to meet his/her responsibilities, in the day to day operations of the Office of Student Financial Assistance.

3. The executive director shall be the "appointing authority" for the purposes defined by State Civil Service law, rules and regulations and shall exercise the authority granted to an "appointing authority" thereunder.

4. Subject to these bylaws and the regulations and directions of the authority, the executive director shall:

a. establish administrative policies and procedures for the operation of the Office of Student Financial Assistance, as they may relate to the authority's program;

b. plan, organize, supervise, direct, administer, and execute the functions and activities of the Office of Student Financial Assistance, as they may relate to the authority's program;

c. prepare and present a business plan and consolidated budget for the Office of Student Financial Assistance and the authority;

d. serve as governmental liaison and spokesperson for the authority; and

e. promote the development of the authority's program.

5. The executive director shall task, direct, and supervise the executive staff.

6. The executive director shall be responsible for ensuring compliance with the legislatively enacted budgets as approved by the authority.

C. Delegation of Authority

1. In the absence of the executive director, the director of the loan division, as delegated by the executive director during his/her absences, will assume the duties of the executive director.

2. In the event both the executive director and the director of the loan division are absent, the executive director will appoint another division director to assume the duties of the executive director.

D. Directors of Divisions

1. There shall be a director for each division of the Office of Student Financial Assistance, appointed by the

executive director in accordance with State Civil Service laws, rules and regulations.

2. Under the direction and authority of the executive director, each director shall administer the division for which he/she is appointed.

3. As the administrative head of a division, the director shall be responsible to the executive director for planning, supervising, directing, administering and executing the functions and programs assigned to the division in accordance with all applicable laws, rules, regulations, policies, directives, and budgets.

4. The directors may invite members of his/her administrative staff to aid in his/her presentations to the authority.

E. Agency Fiscal Officer (Manager). The fiscal officer is responsible for assisting in the development of annual operating budgets, based upon the authority's approved business plan, including:

1. the functions of review and recommendations concerning the budget of the scholarship, grant, and savings division;

2. the preparation of a consolidated budget; and

3. monitoring and reporting the budget as approved by the authority and enacted by the state legislature.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3093 et seq.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Financial Assistance, LR 23:1656 (December 1997).

§215. Responsibilities of Authority Members

A. Authority members are charged with the responsibility of ensuring that the functions and duties of the Office of Student Financial Assistance as they relate to the authority's program are performed effectively in fulfilling the purposes of R.S. 17:3091 through 3099.2.

B. Prior to assuming the responsibilities to which appointed and to avoid any potential conflict of interest, an authority member shall, to the best of his or her knowledge, disclose to the State Board of Ethics any pre-existing relationship between the authority and the member, the member's immediate family, or any entity in which the member has a substantial economic interest. This obligation to disclose is a continuing obligation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3093 et seq.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Financial Assistance, LR 23:1657 (December 1997).

§217. Amendment or Repeal of Bylaws

New bylaws may be adopted, and bylaws may be amended or repealed, at any meeting of the authority, but no such action shall be taken unless notice of such proposed adoption, amendment, or repeal shall have been given at a previous meeting or notice in writing of the proposed change shall have been served upon each member of the authority at least 30 days in advance of the final vote upon such change, provided, however, when deemed necessary, that by a simple majority of the entire membership of the authority, the requirements for such notice may be waived at any time.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3093 et seq.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Financial Assistance, LR 23:1657 (December 1997).

§219. Rules and Regulations of Louisiana Tuition Trust Authority

A. Any action by the authority establishing policy or methods of procedure, administrative, business, or otherwise shall be known as "Rules and Regulations of the Louisiana Tuition Trust Authority."

B. "Rules and Regulations of the Louisiana Tuition Trust Authority" may be adopted by the authority, or may be amended or repealed, in whole or in part, at any meeting of the authority by a vote of simple majority.

C. All policies and procedures of the authority falling within the definition of rules and regulations, as herein defined, and in existence upon the date of the adoption of these bylaws, shall be a part of the "Rules and Regulations of the Louisiana Tuition Trust Authority."

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3093 et seq.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Financial Assistance, LR 23:1657 (December 1997).

§221. Effective Dates

These bylaws shall be adopted and shall become effective on the date they are published as final rules in the *Louisiana Register*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3093 et seq.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Financial Assistance, LR 23:1657 (December 1997).

§223. Repealing Clause

All rules, orders, regulations, and resolutions heretofore enacted or adopted by the authority, which are in conflict with these bylaws, are hereby repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3093 et seq.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Financial Assistance, LR 23:1657 (December 1997).

§225. Conforming Clause

No rule, order, regulation or resolution shall be adopted by the authority which is in conflict or is inconsistent with the law, rules, guidelines, officer selection and employment policies applicable to the Louisiana Student Financial Assistance Commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3093 et seq.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Financial Assistance, LR 23:1657 (December 1997).

Jack L. Guinn
Executive Director

9712#013

RULE

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

Comprehensive Toxic Air Pollutant Emission Control Program (LAC 33:III.5113, 5116, and 5122); Area Sources of Toxic Air Pollutants (LAC 33:III.5311)(AQ162*)

Under the authority of the 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.5113, 5122, and 5311 (AQ162*).

This rule is identical to federal law or regulations, 40 CFR Parts 61 and 63, which are applicable in Louisiana. For more information regarding the federal requirement, contact the Investigations and Regulation Development Division at the address or phone number given below. No fiscal or economic impact will result from the rule. Therefore, the rule will be promulgated in accordance with R.S. 49:953(F)(3) and (4). This rule meets the exceptions listed in R.S. 30:2019(D)(3) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

This rule will incorporate by reference, into LAC 33:III.Chapters 51 and 53, additional federal regulations in 40 CFR Part 61, National Emission Standards for Hazardous Air Pollutants (NESHAP) and 40 CFR Part 63, National Emission Standards for Hazardous Air Pollutants for Source Categories as they pertain to major sources. These changes will expedite both the EPA approval process and the state implementation of delegation of authority for the NESHAP program. The NESHAP and the authority for EPA to delegate authority of that program to the state are established in the Clean Air Act Amendments of 1990, Section 112. This rulemaking is applicable to stationary sources statewide.

The basis and rationale for this rule are to maintain the delegation of authority from EPA to implement the NESHAP program. Louisiana incorporated certain NESHAP regulations by reference on January 20, 1997. In agreement with the revised delegated authority mechanism and with EPA grant objectives, the department is incorporating additional NESHAP regulations by reference.

Title 33
ENVIRONMENTAL QUALITY
Part III. Air

Chapter 51. Comprehensive Toxic Air Pollutant Emission Control Program

Subchapter A. Applicability, Definitions, and General Provisions

§5113. Notification of Start-Up, Testing, and Monitoring

* * *

[See Prior Text in A - C.5]

a. Upon request, the owner or operator of any affected facility shall evaluate the performance of continuous monitoring systems and furnish the administrative authority with two or more copies of a written report of the test results within 60 days. The performance of the continuous monitoring systems shall be evaluated in accordance with the requirements and procedures contained in the applicable performance specification of 40 CFR Part 60, Appendix B.

* * *

[See Prior Text in C.5.b - C.7]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2060 and R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1204 (December 1991), amended LR 18:1364 (December 1992), LR 23:59 (January 1997), LR 23:1658 (December 1997)

Subchapter B. Incorporation by Reference of 40 CFR Part 61 (National Emission Standards for Hazardous Air Pollutants)

§5116. Incorporation by Reference of 40 CFR Part 61 (National Emission Standards for Hazardous Air Pollutants)

A. Except as modified in this Section and specified below, National Emission Standards for Hazardous Air Pollutants published in the *Code of Federal Regulations* at 40 CFR Part 61, revised as of July 1, 1996, and specifically listed in the following table are hereby incorporated by reference as they apply to sources in the state of Louisiana.

40 CFR 61	Subpart/Appendix Heading
Subpart A	General Provisions
Subpart C	National Emission Standard for Beryllium
Subpart D	National Emission Standard for Beryllium Rocket Motor Firing
Subpart E	National Emission Standard for Mercury
Subpart F	National Emission Standard for Vinyl Chloride
Subpart J	National Emission Standard for Equipment Leaks (Fugitive Emission Sources) of Benzene
Subpart V	National Emission Standard for Equipment Leaks (Fugitive Emission Sources)
Subpart Y	National Emission Standard for Benzene Emissions from Benzene Storage Vessels
Subpart BB	National Emission Standard for Benzene Emissions from Benzene Transfer Operations
Subpart FF	National Emission Standard for Benzene Waste Operations
Appendix A	National Emission Standards for Hazardous Air Pollutants, Compliance Status Information
Appendix B	Test Methods
Appendix C	Quality Assurance Procedures

B. Except as modified in this Section and specified below, National Emission Standards for Hazardous Air Pollutants published in the *Federal Register* as promulgated from July 2, 1996, through July 1, 1997, and specifically listed in the following table are hereby incorporated by reference as they apply to sources in the state of Louisiana.

40 CFR 61	*Federal Register* Citation	Date Promulgated	Subpart/ Appendix Heading
Subpart A	62 FR 8328	February 24, 1997	General Provisions

* * *

[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 Radiation Protection, Air Quality Division, LR 23:61 (January 1997), amended LR 23:1658 (December 1997)

Subchapter C. Incorporation by Reference of 40 CFR Part 63 (National Standards for Hazardous Air Pollutants for Source Categories) as it Applies to Major Sources

§5122. Incorporation by Reference of 40 CFR Part 63 (National Standards for Hazardous Air Pollutants for Source Categories) as it Applies to Major Sources

A. Except as modified in this Section and specified below, National Emission Standards for Hazardous Air Pollutants for Source Categories published in the *Code of Federal Regulations* at 40 CFR Part 63, revised as of July 1, 1996, and specifically listed in the following table are hereby incorporated by reference as they apply to major sources in the state of Louisiana.

40 CFR 63	Subpart/Appendix Heading
* * * [See Prior Text in Subpart A - B]	
Subpart C	List of Hazardous Air Pollutants, Petition Process, Lesser Quantity Designations, Source Category List
* * * [See Prior Text in Subparts D - X]	
Subpart Y	National Emission Standards for Marine Tank Vessel Loading Operations
Subpart CC	National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries
Subpart DD	National Emission Standards for Hazardous Air Pollutants from Off-site Waste and Recovery Operations
Subpart GG	National Emission Standards for Aerospace Manufacturing and Rework Facilities
Subpart II	National Emission Standards for Shipbuilding and Ship Repair (Surface Coating)
Subpart JJ	National Emission Standards for Wood Furniture Manufacturing Operations
Subpart KK	National Emission Standards for the Printing and Publishing Industry
Subpart OO	National Emission Standards for Tanks - Level I
Subpart PP	National Emission Standards for Containers
Subpart QQ	National Emission Standards for Surface Impoundments
Subpart RR	National Emission Standards for Drain Systems
Subpart VV	National Emission Standards for Oil-water Separators and Organic-water Separators
* * * [See Prior Text in Appendix A - C]	
Appendix D	Alternative Validation Procedure for EPA Waste and Wastewater Methods

B. Except as modified in this Section and specified below, National Emission Standards for Hazardous Air Pollutants for Source Categories published in the *Federal Register* as promulgated from July 2, 1996, through July 1, 1997, and specifically listed in the following table are hereby incorporated by reference as they apply to major sources in the state of Louisiana.

40 CFR 63	*Federal Register* Citation	Date Promulgated	Subpart/Appendix Heading
Subpart C	61 FR 37542	July 18, 1996	List of Hazardous Air Pollutants, Petition Process, Lesser Quantity Designations, Source Category List
Subpart F	61 FR 64574	December 5, 1996	National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry
	62 FR 2729	January 17, 1997	
Subpart G	61 FR 64575	December 5, 1996	National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater
	62 FR 2742	January 17, 1997	
Subpart H	62 FR 2788	January 17, 1997	National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks
Subpart I	62 FR 2792	January 17, 1997	National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks
Subpart M	61 FR 49265	September 19, 1996	National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities

Subpart R	62 FR 9092	February 28, 1997	National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations)
Subpart U	61 FR 46924	September 5, 1996	National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins
	62 FR 1837	January 14, 1997	
Subpart X	61 FR 65336	December 12, 1997	National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting
	62 FR 32216	June 13, 1997	
Subpart CC	62 FR 7938	February 21, 1997	National Emission Standards for Hazardous Air Pollutants: Petroleum Refineries
Subpart GG	61 FR 66227	December 17, 1996	National Emission Standards for Hazardous Air Pollutants for Source Categories: Aerospace Manufacturing and Rework Facilities
Subpart II	61 FR 66227	December 17, 1996	National Emission Standards for Hazardous Air Pollutants for Shipbuilding and Ship Repair (Surface Coating) Operations
Subpart JJ	62 FR 30259	June 3, 1997	National Emission Standards for Hazardous Air Pollutants; Final Standards for Hazardous Air Pollutant Emissions from Wood Furniture Manufacturing Operations
	62 FR 31363	June 9, 1997	
Subpart JJJ	61 FR 48229	September 12, 1996	National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins
	62 FR 1838	January 14, 1997	
	62 FR 30995	June 6, 1997	
Appendix A	62 FR 2793	January 17, 1997	Test Methods
	62 FR 12546	March 17, 1997	
Appendix C	62 FR 2801	January 17, 1997	Determination of the Fraction Biodegraded (Fbio) in the Biological Treatment Unit

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 23:61 (January 1997), amended LR 23:1659 (December 1997).

Chapter 53. Area Sources of Toxic Air Pollutants

Subchapter B. Incorporation by Reference of 40 CFR Part 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories) as it Applies to Area Sources

§5311. Incorporation by Reference of 40 CFR Part 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories) as it Applies to Area Sources

A. Except as modified in this Section and specified below, National Emission Standards for Hazardous Air Pollutants for Source Categories published in the *Code of Federal Regulations* at 40 CFR part 63, revised as of July 1, 1996, and specifically listed in the following table are hereby incorporated by reference as they apply to area sources in the state of Louisiana.

40 CFR 63	Subpart/Appendix Heading
Subpart A	General Provisions
Subpart M	National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities
Subpart X	National Emission Standards for Hazardous Air Pollutants From Secondary Lead Smelting

B. Except as modified in this Section and specified below, National Emission Standards for Hazardous Air Pollutants for Source Categories published in the *Federal Register* as promulgated from July 2, 1996, through July 1, 1997, and specifically listed in the following table are hereby incorporated by reference as they apply to area sources in the state of Louisiana.

40 CFR 63	*Federal Register* Citation	Date Promulgated	Subpart/Appendix Heading
Subpart M	61 FR 49265	September 19, 1996	National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities
Subpart X	61 FR 65336	December 12, 1996	National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting
	62 FR 32216	June 13, 1997	

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 23:63 (January 1997), amended LR 23:1660 (December 1997).

Gus Von Bodungen
Assistant Secretary

9712#033

RULE

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

Control of Emissions of Organic Compounds
Exemptions (LAC 33:III.2117)(AQ165*)

Under the authority of the 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.2117 (AQ165*).

This rule is identical to a federal law or regulation, 62 FR 44900, Number 164, August 25, 1997, which is applicable in Louisiana. For more information regarding the federal requirement, contact the Investigations and Regulation Development Division at the address or phone number given below. No fiscal or economic impact will result from the rule. Therefore, the rule will be promulgated in accordance with R.S. 49:953(F)(3) and (4). This rule meets the exceptions listed in R.S. 30:2019(D)(3) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

This rule is revising LAC 33:III.2117 in accordance with the final rule promulgation by the US EPA published in the August 25, 1997 *Federal Register*. The state is adding an additional 19 Volatile Organic Compounds (VOC) to the exemption list to be consistent with EPA's VOC exemption list. The basis and rationale for this rule are to mirror the federal regulations.

Title 33
ENVIRONMENTAL QUALITY
Part III. Air

Chapter 21. Control of Emission of Organic Compounds

Subchapter A. General

§2117. Exemptions

The following compounds are considered exempt from the control requirements of this Chapter: methane; ethane; 1, 1, 1 trichloroethane (methyl chloroform); methylene chloride (dichloromethane); trichlorofluoromethane (CFC-11); dichlorodifluoromethane (CFC-12); chlorodifluoromethane (HCFC-22); 1,1,2-trichloro 1,2,2-trifluoroethane (CFC-113); trifluoromethane (HFC-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); acetone; parachlorobenzotrifluoride (PCBTF); perchloroethylene (tetrachloroethylene); cyclic, branched, or linear completely methylated siloxanes; 3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca); 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb); 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC-43-10mee); difluoromethane (HFC-32); ethylfluoride (HFC-161); 1,1,1,3,3,3-hexafluoropropane (HFC-236fa); 1,1,2,2,3-pentafluoropropane (HFC-245ca); 1,1,2,3,3-pentafluoropropane (HFC-245ea); 1,1,1,2,3-pentafluoropropane (HFC-245eb); 1,1,1,3,3-pentafluoropropane (HFC-245fa); 1,1,1,2,3,3-hexafluoropropane (HFC-236ea); 1,1,1,3,3-pentafluorobutane (HFC-365mfc) chlorofluoromethane (HCFC-31); 1-chloro-1-fluoroethane (HCFC-151a); 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a);1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane ($C_4F_9OCH_3$); 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ($(CF_3)_2CFCF_2OCH_3$); 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane ($C_4F_9OC_2H_5$); and 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ($(CF_3)_2CFCF_2OC_2H_5$). The following classes of perfluorocarbons are also considered exempt from the control requirements of this Chapter: 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 Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:289 (March 1994), LR 21:681 (July 1995), LR 21:1330 (December 1995), repromulgated LR 22:14 (January 1996), amended LR 22:703 (August 1996), LR 23:1661 (December 1997).

Gus Von Bodungen
Assistant Secretary

9712#032

RULE

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

Lead-Based Paint Activities
(LAC 33:III.Chapters 2 and 28)(AQ114)

Under the authority of the 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.Chapters 2 and 28 (AQ114).

This rule sets requirements for certification and training of persons who conduct lead-based paint activities. It also requires licensure of lead abatement contractors and sets work practice standards for those individuals who perform inspections, risk assessment, and abatement in target housing (pre-1978 residences) and child-occupied facilities, such as day care centers. Additionally, the rule provides for accreditation of training providers and instructors. It includes a mechanism for notification to the department prior to initiation of abatement. The rule also incorporates into LAC 33:III.Chapter 2 the lead program fees which were statutorily set by the 1997 Regular Legislative Session. This regulation is required by R.S. 30:2351-2351.59, Act Number 224 of the 1993 Regular Legislative Session, amended and reenacted as Act Number 1085 of the 1995 Regular Legislative Session.

This rule meets the exceptions listed in R.S. 30:2019(D)(3) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

Title 33
ENVIRONMENTAL QUALITY
Part III. Air

Chapter 2. Rules and Regulations for the Fee System of the Air Quality Control Programs

§223. Fee Schedule Listing

* * *

[See Prior Text in Fee Number 0010-1720]

Additional Fees		
Fee Number	Fee Description	Amount
* * * [See Prior Text in Fee Number 2000-2810]		
2900 *NOTE 19*	Lead Contractor License Evaluation Fee	500.00
2901 *NOTE 19*	Lead Project Supervisor Accreditation Fee	250.00
2902 *NOTE 19*	Lead Project Designer Accreditation Fee	500.00
2903 *NOTE 19*	Risk Assessor Accreditation Fee	250.00
2904 *NOTE 19*	Lead Inspector Accreditation Fee	150.00
2905 *NOTE 19*	Lead Worker Accreditation Fee	50.00
2906 *NOTE 19*	Accreditation Fee for Louisiana Lead Training Organizations, Application Processing Fee	500.00
2907 *NOTE 19*	Accreditation Fee for Louisiana Lead Training Organizations, Processing Fee Per Instructor	50.00
2908 *NOTE 19*	Accreditation Fee for Out of State Training Organizations, Application Processing Fee	750.00
2909 *NOTE 19*	Accreditation Fee for Out of State Training Organizations, Processing Fee Per Instructor	100.00
2910 *NOTE 19*	Lead Abatement Project Notification Fee, 2000 Square Feet and Under	200.00
2911 *NOTE 19*	Lead Abatement Project Notification Fee for Each Additional Increment of 2000 Square Feet or Portion Thereof	100.00
2912 *NOTE 19*	Revisions to Lead Abatement Project Notification Fee	50.00
2913 *NOTE 19*	Soil Lead Abatement Project Notification Fee, Half Acre or Less	200.00
2914 *NOTE 19*	Soil Lead Abatement Project Notification Fee, Each Additional Half Acre or Portion Thereof	100.00

Explanatory Notes for Fee Schedule

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[See Prior Text in Notes 1-18]

Note 19. The fee for emergency processing will be 1.5 times the regular fees.

PROCESSING TIMELINES		
Notification or Application	**Normal Processing**	**Emergency Processing**
Lead Training Provider and Trainers' Recognition	30 days	Applicant requests the application be processed in five working days or less
Accreditation	2 weeks	Applicant requests the application be processed in three working days or less
Notification	Postmarked or hand-delivered 10 working days prior to start-up	Postmarked or hand-delivered less than 10 working days prior to start-up
Contractors' "letter of approval"	30 days	Applicant requests processing in five working days or less

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054, 30:2341 and 30:2351 et seq.

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 14:613 (September 1988), LR 15:735 (September 1989), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1205 (December 1991), repromulgated LR 18:31 (January 1992), amended LR 18:706 (July 1992), LR 18:1256 (November 1992), LR 19:1373 (October 1993), LR 19:1420 (November 1993), LR 19:1564 (December 1993), LR 20:421 (April 1994), LR 20:1263 (November 1994), LR 21:22 (January 1995), LR 21:782 (August 1995), LR 21:942 (September 1995), repromulgated LR 21:1080 (October 1995), amended LR 21:1236 (November 1995), LR 23:1496 (November 1997), LR 23:1499 (November 1997), LR 23:1662 (December 1997).

Chapter 28. Lead-Based Paint Activities—Recognition, Accreditation, Licensure, and Standards for Conducting Lead-based Paint Activities

§2801. Scope and Applicability

A. This Chapter contains procedures and requirements for the recognition of lead-based paint activities training providers, procedures and requirements for the accreditation of individuals, and licensure of contractors engaged in lead-based paint activities, project notifications, and work practice standards for performing such activities. Except as discussed below, all lead-based paint activities, as defined in this Chapter, must be performed by accredited individuals and licensed contractors.

B. This Chapter applies to all individuals and contractors who are engaged in lead-based paint activities, as defined in LAC 33:III.2803, except persons who perform these activities within residential dwellings that they own, unless the residential dwelling is occupied by a person or persons other than the owner or the owner's immediate family while these activities are being performed, or a child residing in the building has been identified as having an elevated blood lead level.

C. Public entities are exempt from the requirements for licensure; however, employees of public entities must be accredited in the appropriate disciplines. Public entities shall not be required to pay accreditation fees or notification fees.

D. The provisions of this Chapter shall not apply to lead-based paint activities or to persons performing such activities when such activities are performed wholly within an industrial facility and are performed by persons who are subject to the training requirements of the Occupational Safety and Health Administration's hazard communication standard.

E. All modifications to facilities or structures and to their component systems that may occur in conjunction with a lead abatement activity shall be designed in accordance with applicable state and municipal building codes.

F. Each department, agency, and instrumentality of the executive, legislative, and judicial branches of the federal government having jurisdiction over any property or facility or engaged in any activity resulting, or which may result, in a lead-based paint hazard, and each officer, agent, or employee thereof shall be subject to, and comply with, all federal, state, interstate, and local requirements, both substantive and procedural, including the requirements of this Chapter regarding lead-based paint, lead-based paint activities, and lead-based paint hazards.

G. While this Chapter establishes specific requirements for performing lead-based paint activities should they be undertaken, nothing in this Chapter requires that the owner or occupant undertake any particular lead-based paint activity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054 and 30:2351 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:1662 (December 1997).

§2803. Definitions

The terms used in this Chapter are defined in LAC 33:III.111 of these regulations with the exception of those terms specifically defined in this Section as follows:

Abatement—any measure or set of measures designed to permanently eliminate lead-based paint hazards. Abatement includes, but is not limited to:

a. the removal of lead-based paint and lead-contaminated dust, the permanent enclosure or encapsulation of lead-based paint, the replacement of lead-painted surfaces or fixtures, and the removal or covering of lead-contaminated soil; and

b. all preparation, cleanup, disposal, and post-abatement clearance testing activities associated with such measures.

Accreditation Certificate—a document issued by the department affirming that the person has successfully completed the training and other requirements for lead-based paint activities.

Accredited Lead Inspector—an individual who has been trained by a recognized training provider and certified by the department to conduct inspections. An accredited inspector also samples for the presence of lead in dust and soil for the purposes of abatement clearance testing.

Accredited Lead Project Designer—an individual who has been trained by a recognized training provider and certified by the department to prepare abatement project designs, occupant and worker protection plans, and abatement reports. For the purposes of this Chapter, "lead project designer" is equivalent to "lead hazard reduction planner" in R.S. 30:2351.1.

Accredited Lead Project Supervisor—an individual who has been trained by a recognized training provider and certified by the department to supervise and conduct abatements and to prepare occupant and worker protection plans and abatement reports.

Accredited Lead Risk Assessor—an individual who has been trained by a recognized training provider and certified by the department to conduct risk assessments. A risk assessor also samples for the presence of lead in dust and soil for the purposes of abatement clearance testing.

Accredited Lead Worker—an individual who has been trained by a recognized training provider and certified by the department to perform abatements.

Adequate Quality Control—a plan or design to ensure the authenticity, integrity, and accuracy of lead-based paint samples, including dust, soil, and paint chip or paint film samples. Adequate quality control also includes provisions for representative sampling.

Bare Soil—any exposed earth not covered with grass, sod, or other vegetation.

Child-Occupied Facility—a building or portion of a building or common area, other than the child's principal residence, constructed prior to 1978, that:

a. is visited regularly by the same child, age 6 years and under, on at least two different days within any week (Sunday through Saturday period), provided that each day's visit lasts at least three hours, the combined weekly visit lasts at least six hours, and the combined annual visits last at least 60 hours. Examples of child-occupied facilities/common areas include, but are not limited to, schools attended by children, age 6 years and under, day care centers, parks, playgrounds, and community centers;

b. has been determined by the department, in conjunction with the state health officer, to be a significant risk because of its contribution to lead poisoning or lead exposure to children, age 6 years and under; or

c. is a child-occupied unit and common area in a multi-use building.

Clearance Levels—values that indicate the maximum amount of lead permitted in soil or dust on a surface following completion of an abatement activity. Clearance levels that are appropriate for the purposes of this Chapter are listed in LAC 33:III.2811.A.4.

Common Area—a portion of a building generally accessible to all occupants/users including, but not limited to, hallways, stairways, laundry and recreational rooms, playgrounds, community centers, garages, and boundary fences.

Component or Building Component—specific design or structural elements or fixtures of a building, residential dwelling, or child-occupied facility that are distinguished from each other by form, function, and location. These include, but are not limited to, interior components such as: ceilings, crown molding, walls, chair rails, doors, door trim, floors, fireplaces, radiators and other heating units, shelves, shelf supports, stair treads, stair risers, stair stringers, newel posts, railing caps, balustrades, windows and trim (including sashes, window heads, jambs, sills or stools, and troughs), built-in cabinets, columns, beams, bathroom vanities, counter tops, and air conditioners; and exterior components such as: painted roofing, chimneys, flashing, gutters and downspouts, ceilings, soffits, fascias, rake boards, corner boards, bulkheads, doors and door trim, fences, floors, joists, lattice work, railings and railing caps, siding, handrails, stair risers and treads, stair stringers, columns, balustrades, window sills or stools and troughs, casings, sashes and wells, and air conditioners.

Containment—a barrier system to protect workers and the environment by controlling exposures to the lead-contaminated dust and debris created during an abatement.

Course Agenda—an outline of the key topics to be covered during a training course, including the time allotted to teaching each topic.

Course Test—an evaluation of the overall effectiveness of the training that shall test the trainees' knowledge and retention of the topics covered during the course.

Course Test Blue Print—written documentation identifying the proportion of course test questions devoted to each major topic in the course curriculum.

Deteriorated Paint—paint that is cracking, flaking, chipping, peeling, or otherwise separating from the substrate of a building component.

Discipline—one of the specific types or categories of lead-based paint activities identified in this Chapter for which individuals may receive training from recognized providers and become accredited by the department. For example, "lead worker" is a discipline.

Distinct Painting History—the application history, as indicated by its visual appearance or a record of application, over time, of paint or other surface coatings to a component or room.

Documented Methodologies—methods or protocols used to sample for the presence of lead in paint, dust, and soil. Documented methodologies that are appropriate to use for target housing and child-occupied facilities may be found in the U.S. Department of Housing and Urban Development (HUD) *Guidelines for the Evaluation and Control of Lead-based Paint Hazards in Housing* (HUD-006700); *Guidance on Identification of Lead-based Paint Hazards*; Notice (FR 47248, Volume 60, Number 175); the EPA *Residential Sampling for Lead: Protocols for Dust and Soil Sampling* (EPA report number 747-R-95-001); and other EPA or HUD guidance.

Elevated Blood Lead Level (EBL)—an excessive absorption of lead that is a confirmed concentration of lead in whole blood of 20μg/dl (micrograms of lead per deciliter of whole blood) for a single venous test or of 15-19 μg/dl in two consecutive tests taken three to four months apart.

Encapsulant—a substance that forms a barrier between lead-based paint and the environment using a liquid-applied coating (with or without reinforcement materials) or an adhesively bonded covering material. For the purposes of this Chapter, only coatings or materials determined to be encapsulants by ASTM procedures are acceptable.

Enclosure—the use of rigid, durable construction materials that are mechanically fastened to the substrate in order to act as a barrier between lead-based paint and the environment.

Guest Instructor—an individual with expertise in a specific field who is designated by the training provider manager or principal instructor to provide instruction specific to certain course topics.

Hands-On Skills Assessment—an evaluation that tests the trainees' ability to perform specified work practices and procedures satisfactorily.

Inspection—a surface-by-surface investigation to determine the presence of lead-based paint and the provision of a report explaining the results of the investigation.

Interim Controls—a set of measures designed to temporarily reduce human exposure or likely exposure to lead-based paint hazards, including specialized cleaning, repairs, maintenance, painting, temporary containment, ongoing monitoring of lead-based paint hazards or potential hazards, and the establishment and operation of management and occupant education programs.

Lead Contractor—any person, including self-employed individuals, who bid and/or perform lead-based paint abatements.

Lead-Based Paint—paint or other surface coatings that contain lead equal to or in excess of 1.0 milligrams per square centimeter or more than 0.5 percent by weight.

Lead-Based Paint Activities—in the case of target housing and child-occupied facilities, inspection, lead hazard screen, risk assessment, and abatement as defined by this Chapter. For the purposes of this Chapter, *lead-based paint activities* is equivalent to *lead hazard reduction activities* as defined in R.S. 30. 2351.1.

Lead-Based Paint Hazard—any condition that causes exposure to lead from lead-contaminated dust, lead-contaminated soil, or lead-contaminated paint that is deteriorated or present in accessible surfaces, friction surfaces, or impact surfaces that would result in adverse human health effects as established by this Chapter. For the purposes of this Chapter, *lead-based paint hazard* is equivalent to *lead hazard* as defined in R.S. 30:2351.1.

Lead-Contaminated Dust—surface dust in residential dwellings or child-occupied facilities that contains an area or mass concentration of lead at or in excess of clearance levels established by this Chapter.

Lead-Contaminated Soil—bare soil on residential real property and on the property of a child-occupied facility that contains lead at or in excess of clearance levels as established by this Chapter.

Lead-Contaminated Waste—any discarded material resulting from an abatement activity that fails the toxicity characteristic (LAC 33:V.4903.E) due to the presence of lead or any material that is a mixture of discarded material resulting from an abatement activity and some other material.

Lead Hazard Screen—a limited risk assessment activity conducted by an accredited risk assessor in target housing and child-occupied facilities that involves limited paint and dust sampling to determine the absence of a lead-based paint hazard as described in LAC 33:III.2811.D.

Lead Project Notification (LPN)—the notification document required by the department to report lead abatement projects. For the purposes of this Chapter, a completed notification, approved by the department and returned to the lead contractor, serves as a permit to proceed with the abatement project.

Living Area—any area of a residential dwelling used by one or more children age 6 years and under including, but not limited to, living rooms, kitchen areas, dens, play rooms, and children's bedrooms.

Multi-Family Dwelling—a building that has more than one residential dwelling unit.

Owner/Operator—any person who owns, leases, operates, controls, or supervises the building where an abatement occurs, or any person who owns, leases, operates, controls, or supervises an abatement.

Paint in Poor Condition—more than 10 square feet of deteriorated paint on exterior components with large surface areas; or more than two square feet of deteriorated paint on interior components with large surface areas (e.g., walls, ceilings, floors, doors); or more than 10 percent of the total surface area of the component is deteriorated on interior or exterior components with small surface areas (window sills, baseboards, soffits, trim).

Permanently Covered Soil—soil that has been separated from human contact by the placement of a barrier consisting of solid, relatively impermeable materials, such as asphalt, pavement, or concrete. Grass, mulch, and other landscaping materials that are permeable are not considered permanent covering.

Person—any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, governmental body, including the state and the federal government and its agencies, or any other legal entity or their legal representatives, agents, or assignees.

Personal Protection Equipment (PPE)—specialized clothing and equipment including, but not limited to, respirators, masks, and gloves designed to protect workers against chemical and physical hazards.

Principal Instructor—the individual who has the primary responsibility for organizing and teaching a particular course.

Public Entity—the state, any of its political subdivisions, or any agency or instrumentality of either.

Recognized Laboratory—an environmental laboratory recognized by EPA, in accordance with Toxic Substances Control Act (TSCA) Section 405(b), as being capable of performing an analysis for lead compounds in paint, soil, and dust.

Recognized Training Provider—a person approved by the department, in accordance with this Chapter, to provide training in lead-based paint activities.

Reduction—measures designed to reduce or eliminate human exposure to lead-based paint hazards through methods including interim controls and abatement.

Residential Dwelling—a detached single family dwelling unit, including attached structures such as porches and stoops, or a single family dwelling unit in a structure that contains more than one separate residential dwelling unit, which is used or occupied or intended to be used or occupied, in whole or in part, as the home or residence of one or more persons.

Risk Assessment—an on-site investigation conducted by an accredited risk assessor to determine the existence, nature, severity, and location of lead-based paint hazards and the provision of a report explaining the results of the investigation and providing options for reducing lead-based paint hazards.

Target Housing—any housing constructed prior to 1978, except housing for the elderly or persons with disabilities, unless any child who is 6 years of age or under resides or is expected to reside in such housing for the elderly or persons with disabilities, or any zero-bedroom dwelling.

Training Curriculum—an established set of course topics for instruction in a recognized training program for a particular discipline designed to provide specialized knowledge and skills.

Training Hour—at least 50 minutes of actual teaching including, but not limited to, time devoted to lecture, learning activities, small group activities, demonstrations, evaluations, and/or hands-on experience.

Training Manager—the individual responsible for administering a training program and monitoring the performance of the principal instructors and guest instructors.

Visual Inspection for Clearance Testing—the visual examination of the abatement site following an abatement action by an accredited inspector or accredited risk assessor for evidence that the abatement has been successfully completed, as indicated by the absence of visible residue, dust, and debris.

Visual Inspection for Risk Assessment—the visual examination by an accredited risk assessor to determine the existence of deteriorated lead-based paint or other potential sources of lead-based paint hazards.

Window Sill—the portion of the horizontal window ledge that protrudes into the interior of the room, adjacent to the window sash when the window is closed.

Window Trough—the portion of the horizontal window sill that receives the window sash when the window is closed, often located between the storm window and the interior window sash (sometimes called the window well). If there is no storm window, the window trough is the portion of horizontal window trim that receives both the upper and lower window sash when the sashes are closed.

XRF Analyzer—an instrument that determines the amount of lead in a given area using the principle of x-ray fluorescence.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054 and 30:2351 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:1663 (December 1997).

§2805. Recognition and Standards for Training Providers

A. Application Process. After March 20, 1998, a training provider shall not provide, offer, or claim to provide lead training courses for accreditation purposes without receiving recognition from the department. For a training provider to receive recognition for itself and its courses from the department, the following procedures shall be followed:

1. a training provider may seek recognition to offer initial and refresher training courses in the following disciplines: lead inspector, risk assessor, lead project supervisor, lead project designer, and lead worker;

2. a training provider seeking recognition shall submit to the department the appropriate fees, as required in LAC 33:III.223, and a written application containing the following information:

a. the training provider's name, address, and telephone number;

b. a list of initial and refresher training courses for which recognition is sought;

c. a statement signed by the training manager that certifies that the training provider meets the minimum requirements established in Subsection B of this Section;

d. a signed statement by the training manager certifying that each instructor meets the qualifications described in Subsection B.2 of this Section;

e. a statement signed by the training manager that certifies that the provider will use, if available, EPA-developed and EPA-authorized model training materials. Alternatively, if a training provider does not use EPA-developed and EPA-authorized training materials, its application for accreditation shall include a copy of the student and instructor manuals to be used for each course and a copy of the course agenda, which includes the time allocation for each course topic;

f. a copy of the test blueprint, which describes the proportion of course test questions devoted to each major course topic;

g. a description of the facilities and equipment available for lecture and hands-on training;

h. a description of the procedures for conducting the assessment of hands-on skills;

i. a copy of the quality control plan as described in Subsection B.10 of this Section; and

j. an example of numbered certificates, as described in Subsection B.8 of this Section, to be issued to students who successfully complete the training course;

3. the department shall approve or disapprove a request for recognition within 30 days of receiving the application from a training provider. Approved applicants will be notified in writing. Recognition will expire one year from the date on the approval letter. If the application is not approved, a letter describing the reasons for disapproval shall be sent to the applicant. The department may require submission of additional information, as needed. If a training provider's application is disapproved, the provider may reapply for recognition at any time.

4. a training provider may seek recognition for additional initial or refresher training courses at any time as long as the provider can demonstrate that it meets the minimum requirements of Subsection B of this Section.

B. Requirements for the Recognition of Training Providers. For a training provider to obtain recognition from the department to offer lead-based paint activities courses, the provider shall demonstrate, through its application materials, that it meets the following requirements for each course for which the provider is seeking recognition:

1. the training provider shall employ a training manager who has the primary responsibility for ensuring that the provider complies with the requirements of this Chapter. The training manager shall have:

a. at least two years of experience, education, or training in teaching adults; or

b. a bachelor's or graduate degree in building construction technology, science, engineering, industrial hygiene, safety, public health, education, business administration, or program management; or

c. two years of experience in managing a program specializing in environmental hazards; and

d. at least one year of experience, education, or training in the construction industry, including lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene;

2. all lead courses shall be organized and taught by qualified principal instructors. The training provider shall employ qualified principal instructors for each course who have:

a. at least one year of experience, education, or training in teaching adults;

b. training in the lead courses they are teaching; and

c. at least one year of experience, education, or training in lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene;

3. the training manager may employ qualified guest instructors to provide instruction in specific areas of expertise, such as legal issues, health effects, insurance and technology, or equipment demonstrations;

4. the following documents shall be recognized by the department as evidence that training managers and principal instructors have the relevant education, work experience, training requirements, and demonstrated experience:

a. official academic transcripts or diploma, as evidence of meeting the educational requirements;

b. résumés, letters of reference, or documentation of work experience, as evidence of meeting the work experience requirements; and

c. certificates from train-the-trainer courses and lead-specific training courses, as evidence of meeting the training requirements;

5. the training provider shall provide adequate facilities for lecture, course tests, hands-on training, and assessment. This includes providing training equipment that reflects