

NOTICE TO STATE AGENCIES

THE ADMINISTRATIVE PROCEDURE ACT, AS AMENDED DURING 1997 LEGISLATIVE SESSION, WILL BE PUBLISHED IN ITS ENTIRETY IN A LATE FALL EDITION OF THE *LOUISIANA REGISTER*.

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EXECUTIVE ORDER 97-33

Drug Testing Task Force

WHEREAS: to curb the use of illegal drugs by public employees, elected officials, beneficiaries of certain public assistance programs, and persons who receive anything of economic value or any funding from the State of Louisiana or any entity thereof, the Louisiana Legislature has enacted laws which provide for the creation of drug testing programs for these persons;

WHEREAS: Act Number 1306 of the 1990 Regular Legislative Session created a drug testing program for public employees, as set forth in R.S. 49:1015, as amended by Act Number 1194 of the 1997 Regular Legislative Session;

WHEREAS: Act Numbers 1303 and 1459 of the 1997 Regular Legislative Session created additional drug testing programs which direct:

1) the Board of Ethics to develop and administer a program of random drug testing of all elected officials, and the commissioner of Administration and the secretary of the Department of Health and Hospitals to provide assistance in the development, design, and implementation of the program;

2) the secretary of the Department of Social Services, in consultation with the secretary of the Department of Health and Hospitals and the commissioner of Administration, to establish a mandatory drug testing program for certain adults in the Temporary Assistance for Needy Families Block Grant Program; and

3) the commissioner of Administration to establish and administer a program of random drug testing for all persons who receive anything of economic value or receive any funding from the state or any entity thereof; and

WHEREAS: it is in the best interest of the citizens of the State of Louisiana that the implementation of these four drug testing programs be accomplished in a consistent, uniform, and cost effective manner;

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 Drug Testing Task Force (hereafter "task force") is established within the Executive Department, Office of the Governor.

SECTION 2: The objectives and duties of the task force shall include, but are not limited to, the following:

A. determining the scope and content of the four drug testing programs that are authorized and mandated by legislation;

B. identifying and analyzing existing state programs which may be capable of providing support services for a central drug testing program;

C. delineating any limitations which the Constitutions of the United States of America and the State of Louisiana or any federal or state laws may have on the four drug testing programs; and

D. recommending procedures for the implementation of the four drug testing programs in a consistent, uniform, and cost effective manner.

SECTION 3: The task force shall submit a comprehensive written report to the Governor, by November 1, 1997, which addresses the issues set forth in Section 2.

SECTION 4: The task force shall be composed of at least nine members who shall be appointed and serve at the pleasure of the Governor and who shall be selected as follows:

A. the chief of staff, Office of the Governor, or the chief of staff's designee;

B. the executive counsel, Office of the Governor, or the executive counsel's designee;

C. the commissioner of Administration, or the commissioner's designee;

D. the secretary of the Department of Social Services, or the secretary's designee;

E. the secretary of the Department of Health and Hospitals, or the secretary's designee;

F. the attorney general, or the attorney general's designee;

G. the president of the Louisiana Senate, or the president's designee chosen from the membership of the Senate;

H. the speaker of the House of Representatives, or the speaker's designee chosen from the House of Representatives; and

I. the chair of the Ethics Board, or the chair's designee.

SECTION 5: The Governor shall appoint the chair from its membership. All other officers shall be elected by the task force.

SECTION 6: Support staff for the task force shall be provided by the Division of Administration.

SECTION 7: Task force members shall not receive compensation, a per diem, or travel expenses from the Office of the Governor or the Division of Administration.

SECTION 8: All departments, commissions, boards, agencies, and officers of the state, or of any political subdivision thereof, are authorized and directed to cooperate in the implementation of the provisions of this Order.

SECTION 9: 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 cause to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 29th day of August, 1997.

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

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
9710#001

EXECUTIVE ORDER 97-34

Bond Allocation—New Orleans Home Mortgage Authority

WHEREAS: Executive Order MJF 97-25 allocated a portion of the bonds subject to the private activity bond volume limit for the calendar year of 1997 to the New Orleans Home Mortgage Authority to be used for financing mortgage loans for first time home buyers throughout the Parish of Orleans, in accordance with the provisions of Section 143 of the *Internal Revenue Code of 1986*, as amended; and

WHEREAS: Section 3 of Executive Order MJF 97-25 required the bonds in the bond issue to be delivered to initial purchasers on or before September 4, 1997; and

WHEREAS: due to scheduling considerations, the bond issue was not approved by the State Bond Commission until August 21, 1997; therefore, the bonds will not be deliverable to initial purchasers until late September;

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 97-25 is amended to provide as follows:

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 October 14, 1997.

SECTION 2: All other sections and subsections of Executive Order MJF 97-25 shall remain in full force and effect.

SECTION 3: 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 fixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 29th day of August, 1997.

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

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
9710#002

EXECUTIVE ORDER 97-35

Louisiana Data Base Commission

WHEREAS: Act 907 of the 1995 Regular Legislative Session enacted R.S. 39:291, et seq., and created the Louisiana Data Base Commission (hereafter "commission") within the Office of the Governor, Division of Administration;

WHEREAS: Act 1271 of the 1997 Regular Legislative Session (hereafter "Act 1271"), which became effective upon signature of the Governor on July 15, 1997, amended certain provisions of R.S. 39:291 pertaining to the composition of the membership of the commission and the manner in which its chair is selected; and

WHEREAS: Act 1271 mandates that the initial meeting of the commission shall be called by executive order and that the Governor shall appoint a temporary chair to serve until an election is held;

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: In accordance with the provisions of R.S. 39:291(d), as amended by Act 1271 of the 1997 Regular Legislative Session, the commissioner of Administration shall temporarily serve as chair of the Louisiana Data Base Commission (hereafter "commission") until the membership of the commission elects a chair.

SECTION 2: The commissioner of Administration, in his capacity as temporary chair, shall call the initial meeting of the commission and shall schedule the meeting to be held prior to September 30, 1997.

SECTION 3: The Division of Administration 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 Louisiana Data Base 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 29th day of August, 1997.

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

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
9710#003

EXECUTIVE ORDER 97-36

Electronic Benefits Transfer Program Task Force

WHEREAS: R.S. 46:450.1 authorizes the Office of Family Support, Department of Social Services to develop and implement an electronic issuance system for the authorization and distribution of benefits and services that are provided by public entitlement programs, including the food stamp program and the aid to families and dependant children cash benefit program;

WHEREAS: the Office of Family Support contracted with an electronic benefits transfer provider, Deluxe Data Systems, Inc., to create and implement an electronic issuance system, known as the Electronic Benefits Transfer Program (hereafter "EBT Program"), that includes plastic cards for program clients, training for department personnel, and instruction in proper use of the electronic issuance system for clients, merchants, and all other program participants;

WHEREAS: the Louisiana Legislature enacted Act 1483 of the 1997 Regular Legislative Session in response to the concerns of participating merchants who voiced their objections to the unanticipated additional costs and administrative burdens which result when the merchant interfaces with the electronic benefits transfer provider;

WHEREAS: the State of Louisiana has a duty to make sure that the clients of the Office of Family Support are being well served and that the merchants participating in the EBT Program are being treated fairly; and

WHEREAS: the interests of citizens of the State of Louisiana would be best served if an independent body were created for the purpose of providing the Governor objective advice regarding the various administrative components of the EBT Program and its potential problems, especially as to any negative impact that the EBT Program may have on participating merchants;

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 Electronic Benefits Transfer Program Task Force (hereafter "task force") is established within the Executive Department, Office of the Governor.

SECTION 2: The duties of the task force shall include, but are not limited to, the following:

A. preparing a preliminary report, due by October 15, 1997, which identifies all potential problems associated with electronic benefit transfers and the EBT Program, including those which could occur as a result of misuse or when interfacing occurs between the provider, the clients, and the merchants participating in the program;

B. conducting in-depth studies of, and compiling information on, electronic authorization and distribution of public entitlement benefit services;

C. preparing a comprehensive report, due by February 1, 1998, that is based on compiled data and the results of the in-depth studies referred to in Section 2(B), which addresses all matters associated with the EBT Program, including the impact of the program on the clients and

merchants participating in the program and the need for uniform statewide regulation of electronic benefit transfers and card usage; and

D. preparing draft legislation, rules, and/or regulations which facilitate the proper implementation of the EBT Program.

SECTION 3: The task force shall be composed of at least seven members appointed by and serving at the pleasure of the Governor. The membership of the task force shall be selected as follows:

A. the chief of staff, Office of the Governor, or the chief of staff's designee;

B. the secretary of the Department of Social Services;

C. the commissioner of Administration, or the commissioner's designee;

D. the assistant secretary of the Department of Social Services, Office of Family Support;

E. the state treasurer, Department of Treasury, or the treasurer's designee; and

F. two representatives of the Louisiana Retailers Association.

SECTION 4: The secretary of the Department of Social Services shall chair the task force. The membership of the task force shall elect all other officers.

SECTION 5: The task force shall meet at regularly scheduled intervals and at the call of the chair.

SECTION 6: Support staff for the task force and facilities for its meetings shall be provided by the Department of Social Services.

SECTION 7: Task Force members shall not receive compensation or a per diem. Nonetheless, contingent upon the availability of funds, a member who is not an employee of the State of Louisiana or one of its political subdivisions, or an elected statewide official, may receive reimbursement from the Office of the Governor for actual travel expenses incurred, in accordance with state guidelines and procedures, and upon the approval of the commissioner of administration.

SECTION 8: All departments, commissions, boards, agencies, and officers of the state, or any political subdivision thereof, are authorized and directed to cooperate with the task force in implementing the provisions of this Order.

SECTION 9: This Order is effective upon signature and shall continue 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 8th day of September, 1997.

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

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
9710#004

EXECUTIVE ORDER 97-37

Children's Health Insurance Program Task Force

WHEREAS: pursuant to R.S. 36:251(B), the Department of Health and Hospitals is responsible for the development and provision of health and medical services for the prevention of disease for the citizens of the State of Louisiana, including the uninsured and medically indigent;

WHEREAS: the Department of Health and Hospitals has historically managed and operated health care programs for children for the State of Louisiana, including Medicaid (KID MED); Children's Special Health Services; Women's, Infants and Children's (WIC) Supplemental Food Program; School and Adolescent Health; Immunizations; Maternal and Child Health; Developmental Disability Early Intervention; Alcohol and Drug Abuse Prevention; and Children's Mental Health Services;

WHEREAS: in order to provide funding to the states to enable them to initiate and expand children's health assistance for uninsured, low income children in an effective and efficient manner that is coordinated with other sources of health benefits coverage for children, Congress amended the Social Security Act, 42 U.S.C.A. §1395, et seq., in 1997 to enact the State Children's Health Insurance Program, a part of the Balanced Budget Act, 111 Stat. 251, P.L. 105-33;

WHEREAS: R.S. 36:254(A)(6) authorizes the secretary of the Department of Health and Hospitals to act as the sole agent of the State of Louisiana "to cooperate with the federal government and with other state and local agencies in matters of mutual concern and in the administration of federal funds granted to the state or directly to the department or an office thereof to aid in the furtherance of any function of the department or its offices"; and

WHEREAS: in establishing the State of Louisiana's Children's Health Insurance Program and coordinating it with the other state health care programs for children, the secretary of the Department of Health and Hospitals would benefit from the advice of a task force composed of the leadership of various state agencies and the Louisiana Legislature so as to utilize their accumulated expertise and knowledge on children's health care and insurance issues;

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 Children's Health Insurance Program Task Force (hereafter "task force") is established within the Executive Department, Department of Health and Hospitals.

SECTION 2: The primary duty of the task force shall be to advise the secretary of Department of Health and Hospitals regarding the various options available for a Children's Health Insurance Program, as authorized by the Balanced Budget Act, 111 Stat. 251, P.L. 105-33, including, but not limited to, the following:

- A. expanding Medicaid coverage for children who are near or below poverty level; and
- B. exploring the feasibility of a pilot project providing private and/or school-based health insurance to children

whose parents can afford either:

- 1. payment/partial payment of the insurance premium; or
- 2. minimal co-payments.

SECTION 3: The task force shall be composed of fifteen members appointed by and serving at the pleasure of the Governor. The membership of the task force shall be selected as follows:

- A. the secretary of the Department of Health and Hospitals, or the secretary's designee;
- B. the commissioner of Administration, or the commissioner's designee;
- C. the commissioner of Insurance, or the commissioner's designee;
- D. the chancellor of the Louisiana State University Medical Center, or the chancellor's designee;
- E. the speaker of the House of Representatives, or the speaker's designee;
- F. the president of the Senate, or the president's designee;
- G. the chair of the Senate Health and Welfare Committee, or the chair's designee selected from the membership of the committee;
- H. the chair of the House of Health and Welfare Committee, or the chair's designee selected from the membership of the committee;
- I. the chair of the Senate Finance Committee, or the chair's designee selected from the membership of the committee;
- J. the chair of the House Appropriations Committee, or the chair's designee selected from the membership of the committee;
- K. the chair of the Senate Insurance Committee, or the chair's designee selected from the membership of the committee;
- L. the chair of the House Insurance Committee, or the chair's designee selected from the membership of the committee;
- M. the medical director of the Department of Health and Hospitals;
- N. the chief of staff, Office of the Governor, or the chief of staff's designee; and
- O. the executive director of the Children's Cabinet, Office of the Governor, or the executive director's designee.

SECTION 4: The Governor shall select the chair of the task force from its membership.

SECTION 5: Support staff for the task force and facilities for its meetings shall be provided by the Department of Health and Hospitals.

SECTION 6: Task force members shall not receive compensation, a per diem, or travel expenses from the Department of Health and Hospitals or the Office of the Governor.

SECTION 7: All departments, commissions, boards, agencies, and officers of the state, or any political subdivisions thereof, are authorized and directed to cooperate with the task force in implementing the provisions of this Order.

SECTION 8: This Order is effective upon signature and

shall continue 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 16th day of September, 1997.

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

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
9710#005

EXECUTIVE ORDER 97-38

Interstate 49 South Project Task Force

WHEREAS: U.S. Highway 90 (hereafter "U.S. 90") is one of the state of Louisiana's major links to the Gulf of Mexico, and a main corridor for access to oil and gas operations in the central gulf's outer continental shelf, petrochemical industries along the Mississippi River, and waterborne freight en route to the central United States;

WHEREAS: over 36 percent of the population of the State of Louisiana resides in the vicinity of U.S. 90 between Interstate 10 (hereafter "I-10") in Lafayette and the Westbank Expressway in New Orleans; as a consequence, the four-laned highway is the primary hurricane evacuation route for South Louisiana;

WHEREAS: it is a priority for the State of Louisiana to prepare for the twenty-first century by promoting economic growth and development through the provisions of a transportation system adequate to support new economic activity with its increase in traffic volume, encourage international and domestic commerce, promote tourism, and improve public safety; and

WHEREAS: the interests of the citizens of the State of Louisiana would be best served by the creation of a task force to analyze the feasibility of upgrading U.S. 90 into an interstate and evaluate the impact it would have on the general populace of the state, particularly those living in South Louisiana;

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 Interstate 49 South Project Task Force (hereafter "task force") is established within the Executive Department, Office of the Governor.

SECTION 2: The primary duty of the task force shall be to submit to the Governor, by April 1, 1998, a comprehensive report which includes research, analyses, and recommendations addressing the following nonexclusive list of issues:

A. the feasibility of upgrading into an interstate all or a part of U.S. 90 between the Westbank Expressway in New

Orleans and I-10 in Lafayette (hereafter "I-49 South Project") for the creation of an Interstate 49 South;

B. the availability and/or viability of sources of funding for the I-49 South Project, including innovative financing alternatives; and

C. the documented level of support for the I-49 South Project by:

1. the citizens of the State of Louisiana living in the various geographical sections of the State of Louisiana;

2. the Metropolitan Planning Organizations in the areas surrounding U.S. 90 between I-10 in Lafayette and the Westbank Expressway in New Orleans; and

3. the members of the Louisiana Legislature.

SECTION 3: The secondary duty of the task force shall be to prepare documentation, suitable for submission to the members of the State of Louisiana's United States Congressional Delegation, which documents the reasons for the United States Congress to designate U.S. 90, between the Westbank Expressway in New Orleans and I-10 in Lafayette, as an interstate route through South Louisiana.

SECTION 4: The task force shall be composed of at least 20 members appointed by and serving at the pleasure of the Governor. The membership of the task force shall be selected as follows:

A. the chief of staff, Office of the Governor, or the chief of staff's designee;

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

C. the chair of the Transportation, Highways, and Public Works Committee, Louisiana House of Representatives, or the chair's designee;

D. the chair of the Transportation, Highways, and Public Works Committee, Louisiana Senate, or the chair's designee;

E. the federal highway administrator for the State of Louisiana, or the federal highway administrator's designee;

F. representatives from communities located along the span of U.S. 90 between the Westbank Expressway in New Orleans and I-10 in Lafayette;

G. representatives of businesses in South Louisiana;

H. representatives of the Lafayette, Houma, and New Orleans Metropolitan Planning Organizations; and

I. an at-large member.

SECTION 5: The Governor shall appoint the chair from the membership of the task force. All other officers shall be elected by the task force.

SECTION 6: Support staff for the task force and facilities for their meetings shall be provided by the Department of Transportation and Development.

SECTION 7: Task force members shall not receive compensation or a per diem from the Office of the Governor or the Department of Transportation and Development. Nonetheless, contingent upon the availability of funds, a member who is not an elected official or an employee of the federal government may receive reimbursement from the Office of the Governor for actual travel expenses incurred, in accordance with state guidelines and procedures, and upon the approval of the commissioner of administration.

SECTION 8: All departments, commissions, boards, agencies, and officers of the state, or any political subdivision

thereof, are authorized and directed to cooperate with the task force in implementing the provisions of the Order.

SECTION 9: This Order is effective upon signature and shall continue 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 18th day of September, 1997.

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

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
9710#006

EXECUTIVE ORDER MJF 97-39

State Customer Service Standard

WHEREAS: it is the duty of the State of Louisiana to timely deliver government customer services that are of the highest quality and responsive to the public's needs;

WHEREAS: the State of Louisiana intends to achieve higher levels of citizen satisfaction by delivering quality, timely, and responsive government services which meet its customer service obligations;

WHEREAS: to enable the State of Louisiana to meet its goal of providing a superior level of customer service, all levels of state government employees could benefit from a statewide employee customer service training program that identifies customer expectations and assists state government employees in satisfying those expectations;

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: State Customer Service Standard. All departments and agencies in the Executive Branch, State of Louisiana, and all officers and employees thereof (hereafter "state agencies") shall strive to deliver to the individuals and entities they serve effective, efficient, and responsive customer service that is of the highest quality.

SECTION 2: Implementation of Standard. In implementing the state customer service standard, all state agencies that serve the public directly shall perform the following nonexclusive list of duties:

- A. identify all of the services provided by the state agency;
- B. identify the customers who are, and should be, served by the state agency;
- C. determine the service expectations of those customers;
- D. determine the present level of satisfaction those customers have with the services of the state agency;
- E. compare the state agency's present customer service

performance to the level of customer service presently being delivered to customers by other governmental and/or nongovernmental entities that are models of successful customer service;

F. disseminate customer service information to the public and make available a user-friendly customer service improvement system; and

G. develop an internal structure that effectively addresses customer complaints and prevents future customer service dissatisfaction.

SECTION 3: Support for State Government Employees. Each state agency shall work with its employees to develop a state employee plan that will compliment the state agency's customer service strategy. Each plan shall describe the customer service training resources and programs being provided by the state agency for its employees who are directly serving customers and for the managers of those employees. The plan should identify the types of training resources and programs that would improve the state agency's customer service levels, indicate how those training resources and programs would improve the level of the state agency's customer service, and provide a strategy which indicates how those training resources and programs will be provided.

The state employee plan shall also include the following information:

A. a detailed explanation of employee expectations and needs regarding the manner in which the state customer service standard is implemented;

B. a detailed list of employee ideas for improving the level of customer satisfaction and attaining the state customer service standard; and

C. indicate types of customer service training that is necessary to provide employees with the essential tools to deliver goods and services at the level that meets customer service standard.

SECTION 4: Annual Customer Service Plan. Beginning with the fiscal year commencing July 1, 1998, each state agency shall implement an annual customer service plan. The state agency shall develop its initial plan and submit it to the Office of the Governor, through the commissioner of Administration, by November 1, 1998. The state agency shall develop and submit an annual update by November 1 of each successive year.

The state agency's annual customer service plan shall include the state agency's customer service goals for complying with the state customer service standard that is specifically tailored to the particular service provided by the state agency. Each plan shall identify and describe the level of customer service being delivered to customers by relevant, successful governmental or nongovernmental agencies, and present a comparative evaluation of the difference in quality of the customer service provided by the state agency and by relevant, successful governmental or nongovernmental agencies. If the level of quality of the state agency's customer service is not equivalent to, or better than, the level of the relevant, successful governmental or nongovernmental agency customer service, the state agency shall explain the reason for the disparity in the customer service quality, and the action being taken to rectify the situation.

SECTION 5: Annual Customer Service Assessment. Beginning with December 1998, at the end of every calendar year, each state agency shall implement an annual customer service assessment that elicits from customers and employees information regarding:

- A. changes in customer needs and expectations;
- B. the level of overall customer satisfaction with the state agency's service; and
- C. suggestions for improvement.

This information shall be used by the state agency in measuring its overall performance level, the effectiveness of its leadership, and in allocating its resources.

SECTION 6: Miscellaneous Provisions. This Order shall not and does not create any right of action, any cause of action, or any substantive, procedural, or equitable right enforceable by, or in favor of, any person or entity against the State of Louisiana or any department, commission, board, agency, political subdivision, or officer or employee thereof.

All departments, commissions, boards, agencies, and officers of the state, or any political subdivision thereof, are authorized and directed to cooperate with the implementation of the provisions of this Order.

This Order is effective upon signature and shall continue 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 23rd of September, 1997.

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

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of the State
9710#007

EXECUTIVE ORDER MJF 97-40

Bond Allocation—Louisiana Public Facilities Authority

WHEREAS: pursuant to the Tax Reform Act of 1986 (hereafter "the Act") and Act 51 of the 1986 Louisiana Legislature, Executive Order Number 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 Louisiana Public Facilities Authority has requested an allocation from the 1997 Ceiling to be used

in connection with the financing of the acquisition, construction, and equipping of a structural and miscellaneous steel fabrication facility to be located on Highway 43, City of Greensburg, Parish of St. Helena, 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
\$1,900,000	Louisiana Public Facilities Authority	Southland Steel Fabricators, 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 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 29, 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 29th day of September, 1997.

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

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
9710#024

EXECUTIVE ORDER MJF 97-41

Bond Allocation—Industrial
Development Board of the City of DeRidder

WHEREAS: pursuant to the Tax Reform Act of 1986 (hereafter "the Act") and Act 51 of the 1986 Louisiana Legislature, Executive Order Number 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 City of DeRidder has requested an allocation from the 1997 Ceiling to be used in connection with the financing of the acquisition, construction, installation, renovation, and equipping of a manufacturing facility for the use of fabricating equipment for chemicals and refinery plants, 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
\$3,500,000	Industrial Development Board of the City of DeRidder	Pax, 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 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 29, 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 29th day of September, 1997.

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

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
9710#025

EXECUTIVE ORDER MJF 97-42

Maritime Advisory Task Force

WHEREAS: the State of Louisiana is our nation's leading marine transportation state;

WHEREAS: the maritime industry is a major contributor to the State of Louisiana's present economic well-being and to its future economic outlook as 95,000 jobs are directly or indirectly dependent on the industry;

WHEREAS: Forty-four of the 64 parishes in the State of Louisiana border on navigable waterways;

WHEREAS: the State of Louisiana intends to increase its competitiveness in global markets through the ever evolving maritime industry;

WHEREAS: the best interests of the citizens of the State of Louisiana can be served by an advisory task force, composed of maritime industry representatives, that is created to recommend methods of promoting and protecting Louisiana's maritime industry and increasing the state's competitiveness in global maritime 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 Maritime Advisory Task Force (hereafter "task force") is established within the Executive Department, Office of the Governor.

SECTION 2: The duties of the task force shall include, but are not limited to, the following:

A. recommending legislation that is designed to enhance and protect the economic viability of Louisiana's maritime industry;

B. recommending economic development programs which are designed to foster and promote growth in Louisiana's maritime industry;

C. suggesting means to enhance the competitiveness of Louisiana's maritime industry in national and international markets; and

D. evaluating maritime industry safety concerns and recommending safety measures that would benefit both the general population and Louisiana's maritime industry.

SECTION 3: The task force shall be composed of 15 members appointed by, and serving at the pleasure of, the Governor. The membership of the task force shall be selected as follows:

A. the chief of staff, Office of the Governor, or the chief of staff's designee;

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

C. the chair of the Transportation, Highways, and Public Works Committee, Louisiana House of Representatives, or the chair's designee;

D. the chair of the Transportation, Highways, and Public Works Committee, Louisiana Senate, or the chair's designee;

E. a representative of the shallow draft maritime industry;

F. a representative of the deep draft maritime industry;

G. a representative of the shipyard industry;

H. a representative of the ports on the Mississippi River;

I. a representative of the ports on the Gulf/Intracoastal Canal;

J. a representative of the ports on the Red River;

K. a ship pilot commissioned by the State of Louisiana;

L. a representative of passenger vessels;

M. a representative of the offshore supply industry;

N. a representative of the fleeting industry; and

O. a representative of the United States Coast Guard.

SECTION 4: The Governor shall select the chair of the task force from its membership. The membership of the task force shall elect all other officers.

SECTION 5: The task force shall meet biannually and at the call of the chair.

SECTION 6: Support staff for the task force and facilities for its meetings shall be provided by the Department of Economic Development.

SECTION 7: The task force shall submit its initial report to the Governor that addresses the issues described in Section 2, no later than October 31, 1998. The task force shall update the report annually.

SECTION 8: Task Force members shall not receive compensation or a per diem. Nonetheless, contingent upon the availability of funds, a member who is not an employee of the State of Louisiana or one of its political subdivisions, or a state-wide elected official, may receive reimbursement from the Office of the Governor for actual travel expenses incurred, in accordance with state guidelines and procedures, and upon the approval of the commissioner of administration.

SECTION 9: All departments, commissions, boards, agencies, and officers of the state, or any political subdivision thereof, are authorized and directed to cooperate with the task force in implementing the provisions of this Order.

SECTION 10: 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 6th day of October, 1997.

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

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
9710#050

Emergency Rules

DECLARATION OF EMERGENCY

Department of Agriculture and Forestry Office of the Commissioner

Alternative Livestock—Imported Exotic Deer and Imported Exotic Antelope, Elk, and Farm-Raised White-Tailed Deer (LAC 7:XXI.1501-1523)

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.

The commissioner of Agriculture and Forestry, on September 3, 1997, issued emergency rules regulating the raising, slaughtering and sale of imported exotic deer and antelope, elk, and farm-raised white-tailed deer for commercial purposes in the state of Louisiana. The commissioner of Agriculture and Forestry has previously determined that there is an imminent peril to the health, safety, and welfare of the citizens of Louisiana and to the agricultural livestock industry in Louisiana, including the alternative livestock industry. The commissioner of Agriculture and Forestry determined that without effective regulations in place, diseased or contaminated animals may be brought into the state of Louisiana or slaughtered and sold as food to be consumed by Louisiana citizens.

Louisiana is certified by the United States Department of Agriculture (USDA) as a tuberculosis- and brucellosis-free state; and the introduction of any imported exotic deer and antelope, elk, and farm-raised white-tailed deer infected with either of these diseases or other diseases will subject Louisiana cattle and other livestock, including alternative livestock, to infection.

The commissioner of Agriculture and Forestry further determined that any infection of cattle or other livestock will cause the owner of such livestock to lose the commercial value of such animals; and introduction of these diseases into the state would jeopardize Louisiana's certification from the USDA and the loss of the commercial value of livestock; and the effect on the agricultural livestock industry, including alternative livestock, would cause a substantial adverse economic impact on the agricultural economy of this state. The commissioner of Agriculture and Forestry adopted emergency regulations on September 3, 1997 addressing the emergency as stated above.

For the reasons stated, the commissioner of Agriculture and Forestry, in accordance with the Administrative Procedure Act, specifically R.S. 49:953(B), and R.S. 3:3101, hereby adopts the following amended emergency rules regulating the raising, slaughtering and sale of imported exotic deer and

antelope, elk and farm-raised white-tailed deer for commercial purposes in the state of Louisiana. These emergency rules are effective October 2, 1997 and supersede, in their entirety, the emergency regulations adopted on September 3, 1997. These rules shall remain in effect 120 days or until the final rules become effective, whichever occurs first.

Title 7

AGRICULTURE AND ANIMALS

Part XXI. Diseases of Animals

Chapter 15. Alternative Livestock—Imported Exotic Deer and Imported Exotic Antelope, Elk, and Farm-Raised White-Tailed Deer

§1501. Statement of Authority and Purpose

The commissioner of Agriculture and Forestry heads and directs the Department of Agriculture and Forestry and exercises all functions of the state relating to the promotion, protection, and advancement of agriculture and forestry. The commissioner is authorized by law and does hereby adopt these rules and regulations for the purposes of promoting, protecting, and advancing agriculture and to implement the laws adopted by the legislature, including those in Part I of Chapter 19-A of Title 3 of the Revised Statutes, giving the commissioner the specific power to regulate farm-raised exotic animals, including imported exotic deer and imported exotic antelope, elk, and farm-raised white-tailed deer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 23:

§1503. Definitions

For purposes of these rules and regulations the following words and phrases shall have the meaning given herein:

Alternative Livestock—any imported exotic deer and imported exotic antelope, elk, and farm-raised white-tailed deer.

Commercial Purpose—the keeping, breeding, raising, containing, harvesting, killing, slaughtering, buying, selling, trading, or transferring ownership of alternative livestock, any alternative livestock carcass or part thereof, with the intent to receive money, goods, services, livestock or any other type of compensation in connection therewith.

Commissioner—The commissioner of Agriculture and Forestry.

Department—the Louisiana Department of Agriculture and Forestry.

Elk—any animal of the species and genus *Cervus canadensis*.

Farm—any area of land or water, regardless of size, used to breed, raise, or keep farm-raised alternative livestock for a commercial purpose, including but not limited to, breeding farms or propagating preserves. This definition does not include areas of land or water which are part of a zoo, game park, or wildlife exhibit, where their primary purpose is the exhibition of alternative livestock or other animals.

Farm-Raised—any alternative livestock born, raised, or kept within a closed circumscribed fenced area for a commercial purpose. This definition does not include alternative livestock which are part of a zoo, game park, or wildlife exhibit, where their primary purpose is the exhibition of alternative livestock or other animals.

Farm-Raised White-Tailed Deer—any animal of species and genus *Odocoileus virginianus* which is bred, born, raised and/or kept within a closed circumscribed fenced area for the purpose of buying, selling, or trading in commerce. Farm-raised white-tailed deer does not include any white-tailed deer which is part of any zoo, game park, or wildlife exhibit, where their primary purpose of the same is the exhibition of white-tailed deer and/or other animals.

Harvesting—the attempt or act of shooting, wounding, or killing farm-raised alternative livestock within the enclosure system of a farm in a manner consistent with those techniques commonly referred to as hunting in Title 56 of the Louisiana Revised Statutes.

Imported Exotic Antelope—any animal of the family *Bovidae* which is not indigenous to North America, except animals of the tribes *Bovine* (cattle) and *Caprine* (sheep and goats).

Imported Exotic Deer—any animal of the family *Cervidae* which is not indigenous to North America, including, but not limited to, red deer, seika deer and fallow deer.

LDWF—the Louisiana Department of Wildlife and Fisheries.

Person—any individual, corporation, partnership, or other legal entity.

Quarantine—the requirement, resulting from an order of the department or the State Veterinarian's Office, to secure and physically isolate an animal or animals in a specified confined area to prevent the spread of contagious disease.

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 23:

§1505. Issuance of Farm-Raising License; Renewals

A. Any person who keeps, breeds, raises, contains, harvests, kills, slaughters, buys, sells, trades, or transfers ownership of any type of farm-raised alternative livestock for commercial purposes shall obtain a farm-raising license from the department prior to engaging in such activity.

B. The department shall not issue any farm-raising license until the application for the farm-raising license and the information requested, including the required plan for the operation of the farm, is approved by the department and the proposed farm passes the department's and LDWF's inspection.

C. Any changes in any information submitted in the original application occurring during or after the application process shall be submitted in writing to the department. The department and LDWF must approve, in writing, any change or modification, which shall be in writing, in the written farm operation plan submitted with the original application, before such change or modification may go into effect.

D. A farm-raising license shall be valid for the period beginning with the date of issuance and ending the following June 30 or from July 1 of the year of renewal through the following June 30.

E. A farm-raising license may be renewed each year by the department. A licensee shall submit a written request for renewal, the renewal fee, any proposed modification, which shall be in writing, of the written farm operation plan previously submitted to and approved by the department, and any proof requested by the department of compliance by the licensee with Part I of Chapter 19-A of Title 3 of the Revised Statutes, these rules and regulations, the written farm operation plan submitted to and approved by the department, and any quarantine. If either the written request for renewal or the renewal fee is received by the department after July 31, the farm-raising license shall be deemed expired, *ipso facto*, retroactive to June 30.

F. In the event that the department determines that a farm does not meet the requirements of or was not complying with Part I of Chapter 19-A of Title 3 of the Revised Statutes, these rules and regulations, the written farm operation plan submitted to and approved by the department, or any quarantine, the farm-raising license may not be renewed by the department.

G. The licensee may contest the department's decision not to renew a farm-raising license by filing a written request for an adjudicatory hearing with the department within 15 days from receipt of the notice of nonrenewal. Such a hearing is to be held in accordance with the provisions of the Administrative Procedure Act. Any such hearing shall be held within 30 days of the request, unless continued for good cause.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 23:

§1507. Fees

A. Farm-Raising License Fees

1. The fee for a new farm-raising license shall be \$50.
2. The farm-raising license renewal fee shall be \$50.
3. The department shall waive the farm-raising license fee for any person who obtains a farm-raising license from this department, and who holds a valid game breeders license issued by LDWF for the possession of any alternative livestock at the time these rules and regulations become effective, and who submits a written application within the calendar year that these rules and regulations become effective.
4. The waiver granted in §1507.A.3 applies only to a new farm-raising license and shall not apply to any renewal of a farm-raising license issued by the department under these rules and regulations.

B. Harvesting Permit Fee

1. Each individual intending to harvest or kill any farm-raised alternative livestock at any farm licensed by the department shall obtain a harvesting permit from LDWF, before harvesting or killing any farm-raised alternative livestock, except as provided by §1507.B.3.
2. The fee due to the department for each harvesting permit shall be \$50, which fee shall be ministerially collected

by LDWF, who shall promptly remit the fee to the department, retaining one-half for administrative costs.

3. No licensee or those persons employed by or assisting such licensee harvesting farm-raised alternative livestock to be taken directly to a state- or federally-approved slaughter facility or capturing farm-raised alternative livestock to be sold or traded for breeding or stocking purposes shall be required to obtain a harvesting permit or pay a fee.

C. Farm-Raised Alternative Livestock Tag Fee

1. Each farm-raised alternative livestock harvested or killed shall have a farm-raised tag attached to the left ear or left antler of the carcass at the time of kill and the tag shall remain with the carcass at all times, except as provided in §1507.C.3.

2. The farm-raised alternative livestock tag shall be provided by the department at a cost of \$5 per tag.

3. No farm-raised tag shall be required for farm-raised alternative livestock which are to be taken directly to a state- or federally-approved slaughter facility or which are sold or traded alive for breeding or stocking purposes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 23:

§1509. Farm-Raising Licensing Requirements

A. Written Application. Each applicant for a farm-raising license shall submit a completed written application on a form supplied by the department. In addition to any other information that may be requested by the department, the applicant shall provide the following information:

1. name, physical address, mailing address and telephone number of the applicant and whether the applicant will own or lease the land. If the land is leased, then a copy of the lease shall be provided to the department;

2. the name under which the business will operate, the physical address, mailing address, and telephone number of the business, if different than the information provided in §1509.A.1;

3. the business structure, (sole proprietorship, partnership, corporation, limited liability company, joint venture, or otherwise);

4. the name of the person or persons in charge, position (e.g., owner, manager, etc.), residence address and phone number;

5. the physical location and size of the farm;

6. a topographical map of the farm if 50 acres or more;

7. the species of alternative livestock to be farm-raised;

8. the approximate number of animals to be farm-raised;

9. the complete plan for the operation of the farm including:

a. an enclosure system, including fencing the farm, indicating the location, size, nature and extent of the fencing material and of any right-of-way related to the farm property;

b. systematic inspection of the enclosure system, including the fence, maintenance, repair and replacement of the fence, keeping the fence and any clearance along either side of the fence clear, and verification to the department of compliance with this provision;

c. the capture of any farm-raised alternative livestock that may escape from or wild white-tailed deer that may enter the farm through a breach or opening in the enclosure system or fence;

d. removal of white-tailed deer from the farm prior to completion of the enclosure of the farm;

e. controlling farm-raised alternative livestock population;

f. identification by means of an electronic implant of all white-tailed deer born, bought, sold, traded or which otherwise become farm-raised white-tailed deer, which shall include the systematic capture of farm-raised white-tailed deer for implantation purposes;

g. the removal and disposal of all alternative livestock in the event that the farm ceases operation for any reason or upon revocation or nonrenewal of the farm-raising license, including a provision for written notice to the department prior to cessation of farming operation;

h. the type of farming operation records that will be kept;

10. a statement that the applicant shall abide by the requirements of Part I of Chapter 19-A of Title 3 of the Revised Statutes, these rules and regulations, the written farm operation plan submitted to and approved by the department, and any quarantine;

11. a certified statement that all representations contained in the application, the farm operation plan and attachments are true and correct.

B. Farm Inspection. An applicant shall have the proposed farm physically inspected and approved by the department and LDWF before a farm-raising license may be issued by the department. To obtain department approval a proposed farm shall:

1. be located in a rural area of the state;

2. be securely enclosed by an enclosure system, including fencing, that meets the following specifications:

a. a minimum height, above the relevant ground, of 8 feet;

b. enclose an area of not less than 150 acres nor more than 2,500 acres unless good cause is shown by the applicant why an enclosure of a different size is not inconsistent with the intent of Part 1 of Chapter 19-A of Title 3 of the Revised Statutes;

c. a minimum gauge wire of 12½;

d. fencing material of chain link, woven wire, solid panel or welded panel or, if made with any other material, approved in writing by the department; however, welded wire fence shall not be used unless it was approved by LDWF and installed prior to April 22, 1997, but such welded wire fences, when replaced or partially replaced, shall be replaced by fencing required by these rules and regulations;

3. have drainage sufficient to leave a majority of the farm free from extended periods of standing water;

4. have adequate space; and, if the total enclosed area of the farm is less than 50 acres, allow at least 5,000 square feet for the first elk or farm-raised white-tailed deer placed on the farm and at least 2,500 square feet for each subsequent elk or farm-raised white-tailed deer;

5. have no condition which may cause noncompliance with or substantial difficulty in complying with Part I of Chapter 19-A of Title 3 of the Revised Statutes, these rules and regulations, the written farm operation plan submitted to and approved by the department, or any quarantine;

6. not be subject to an objection for good cause related to wildlife, made in writing to the department by LDWF, which written objection shall follow within 10 working days of a physical inspection of the proposed farm made concurrently and jointly by the department and LDWF.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 23:

§1511. Grounds for Refusal to Issue or Renew a Farm-Raising License

The commissioner may refuse to issue or renew a farm-raising license for any of the following circumstances:

1. the applicant cannot demonstrate to the satisfaction of the commissioner a competency to operate an alternative livestock farm;

2. the applicant has failed to provide all of the information required in or with the farm-raising license or renewal application, or has provided false information to the department;

3. the applicant has previously refused to permit the department to inspect the farm or to inspect farm records; or the applicant has otherwise failed to comply with Part I of Chapter 19-A of Title 3 of the Revised Statutes, these rules and regulations, the written farm operation plan submitted to and approved by the department, or any quarantine;

4. the department does not approve the farm operation plan;

5. the proposed farm does not pass the department's or LDWF's inspection;

6. the applicant has previously been found in violation of either Part I of Chapter 19-A of Title 3 of the Revised Statutes, these rules and regulations, the written farm operation plan submitted to and approved by the department, or any quarantine.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 23:

§1513. Obligations of the Farm-Raising Licensee

A. Identification of Farm-Raised Alternative Livestock

1. All farm-raised white-tailed deer shall be identified by means of an electronic implant implanted as follows:

a. the electronic implant shall be implanted into the subcutaneous tissue at the base of the left ear or in either shoulder;

b. all farm-raised white-tailed deer being brought into Louisiana shall have the electronic implant implanted before entering this state and prior to being released on the farm;

c. farm-raised white-tailed deer born in this state shall have an electronic implant implanted the first time the farm-raised white-tailed deer is captured alive and before the farm-raised white-tailed deer leaves the farm;

d. all white-tailed deer shall be electronically implanted at the base of the left ear immediately upon harvest

whether or not such deer have already been implanted previously. This requirement for electronic implantation is in addition to any and all other requirements for electronic implantation contained in these regulations. This electronic implantation shall remain with the carcass at all times;

e. each electronic implant code shall be listed on the farm-raised white-tailed deer's health certificate and on the bill of sale or certificate of transfer.

2. All farm-raised alternative livestock other than farm-raised white-tailed deer shall be permanently and individually identified as follows:

a. by means of an electronic implant or by a permanent ear tattoo and ear tag;

b. the electronic implant shall be implanted into the subcutaneous tissue at the base of the left ear or in either shoulder;

c. prior to entering the state, alternative livestock, other than farm-raised white-tailed deer, shall be identified as required herein;

d. alternative livestock born in this state, other than farm-raised white-tailed deer, shall be identified, as required herein, the first time any such animal is captured alive and before any such animal leaves the farm;

e. the identification number or electronic implant code, and the location thereof shall be listed on the health certificate and the bill of sale or certificate of transfer.

3. Farm-raised alternative livestock, other than farm-raised white-tailed deer, that will be transported directly to a state- or federally-approved slaughter facility are exempt from this identification requirement.

4. Farm-raised alternative livestock placed on a farm prior to the effective date of these regulations, other than farm-raised white-tailed deer, are not required to be identified by a permanent ear tattoo and ear tag or electronic implant unless removed alive from the farm.

B. Record Keeping

1. Each licensee shall maintain records, for no less than 36 months, of all sales, deaths, kills, trades, purchases, or transfers of any farm-raised alternative livestock. The records shall include:

a. the total number of farm-raised alternative livestock, carcasses, or parts thereof, killed, sold, traded, purchased or transported;

b. the name and address of the person to whom each farm-raised alternative livestock, or any carcass or parts thereof, was sold, traded, delivered, presented or transported;

c. the electronic implant code or identification number of the farm-raised alternative livestock;

d. copies of any health certificates issued;

e. accurate records showing all inspections, maintenance, repairs and replacement to the enclosure system, including the fence; and such records shall include the dates and times of each, names of the persons performing services, the location of any breaches of the enclosure system, including the fence, and the nature and location of any repairs or replacements made to the fence;

f. records customarily kept in the normal course of conducting business and those records required by these rules and regulations.

2. Sellers, traders or transferors of farm-raised alternative livestock, any carcass or any part thereof, shall furnish the purchaser or transferee with a bill of sale or letter of transfer as verification of the farm-raised status.

3. The furnishing of any false information shall be a violation of these rules and regulations.

C. Enclosure System and Fence Inspection and Maintenance

1. Any licensee shall conduct or shall have conducted a visual ground inspection of the enclosure system, including the fence, along the entire perimeter of the fenced area of the farm no less than weekly. An inspection shall be conducted immediately after any major storm or occurrence of any other force of nature that would cause a reasonable person to be concerned about the integrity of the enclosure system, including the fence.

2. Any licensee shall maintain the enclosure system, including the fence, in good repair at all times. Good repair means that farm-raised alternative livestock are not able to leave and wild white-tailed deer are not able to enter through the enclosure system, including the fence, or otherwise.

3. Any licensee who discovers a breach or opening in the enclosure system or fence that would allow farm-raised alternative livestock to leave from or wild white-tailed deer to enter into the enclosed area shall notify the department and LDWF, orally and in writing, of the breach or opening; and the department shall notify LDWF within 12 hours.

4. In the event of such a breach or opening the licensee shall immediately close the breach or opening and make all reasonable efforts to determine if farm-raised alternative livestock left from or wild white-tailed deer entered into the area enclosed by the fence.

D. Other Obligations of the Farm Licensee

1. A licensee shall remove white-tailed deer from the farm prior to completion of the fencing and enclosure system of the farm. Removal of the white-tailed deer shall be accomplished to the satisfaction of the department and LDWF pursuant to these regulations.

2. A licensee shall control the population of farm-raised alternative livestock on the farm.

3. A licensee shall make all efforts that a reasonable licensee would make to capture any farm-raised alternative livestock that escapes from the fenced area of the farm and to remove wild white-tailed deer that enters the fenced area of the farm.

4. A licensee shall, in writing, notify the department at least 10 days prior to placing any alternative livestock on the farm if such alternative livestock was not listed on the original application or on any modification previously approved, in writing, by the department. The department shall promptly notify LDWF following receipt of licensee's notice.

5. A licensee, upon cessation of operations or upon revocation or nonrenewal of the farm-raising license, shall remove and dispose of all farm-raised alternative livestock on the farm in accordance with the farm operation plan submitted to and approved by the department, or in accordance with specific written instructions issued by the department in the event that circumstances warrant removal and disposal of the farm-raised alternative livestock to be made in a manner different from the farm operation plan.

6. A licensee shall be responsible for ensuring that any individual who harvests or kills any farm-raised alternative livestock on the licensee's farm does so in accordance with these rules and regulations.

7. A licensee shall harvest or kill farm-raised alternative livestock in accordance with these rules and regulations.

8. A licensee shall provide that all farm-raised alternative livestock have the necessary health certificates and that the farm-raised alternative livestock meet all applicable health requirements.

9. A licensee shall allow authorized representatives of the department and authorized representatives of LDWF to inspect the farm at any time; and all books and records at any reasonable time.

10. A licensee shall comply with all provisions of Part I of Chapter 19-A of Title 3 of the Revised Statutes, these rules and regulations, the written farm operation plan submitted to and approved by the department, and any quarantine.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 23:

§1515. Health Certificates and Health Requirements

A. Prior to entering Louisiana, all alternative livestock, except those being transported directly to a state- or federally-approved slaughter facility, shall:

1. meet the general health requirements promulgated at LAC 7:XXI.107.

2. have an entry permit number issued by the State Veterinarian's Office no more than 15 days before entry into Louisiana which entry number shall be included on the certificate of veterinary inspection;

3. have written proof of a negative test for brucellosis in accordance with the *Brucellosis Eradication in Cervidae Uniform Methods and Rules* as and when published by the United States 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 alternative livestock 6 months of age and older entering Louisiana, except those being transported directly to a state- or federally-approved slaughter facility, shall be tested negative for brucellosis within 30 days prior to entry into Louisiana, and written proof thereof shall be provided, unless the alternative livestock originate from a herd which has been officially declared a certified brucellosis-free herd by the state of origin.

4. have written proof of a negative test for tuberculosis in accordance with the *Tuberculosis Eradication in Cervidae Uniform Methods and Rules* as published by the United States Department of Agriculture, Animal and Plant Health Inspection Service.

B. Prior to any person importing any alternative livestock into Louisiana, LDWF shall be provided by the department a copy of the entry permits or other applicable documents which describe the alternative livestock by species, sex, age and place of origin.

C. Any alternative livestock which has been exposed to brucellosis or tuberculosis shall be quarantined and tested for the diseases to which it has been exposed within 60 days of

the date of the quarantine. The quarantine shall remain in effect until removed, in writing, by the State Veterinarian's Office.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 23:

§1517. Harvesting or Killing of Farm-Raised Alternative Livestock

A. Farm-raised white-tailed deer shall be harvested by killing only from one-half hour before sunrise to one-half hour after sunset during the period of October 1 through January 31 of the following year, as established by the Louisiana Wildlife and Fisheries Commission. Licensees may also harvest at will at any other time from one-half hour before sunrise to one-half hour after sunset upon 48 hours notice to and written approval of the department. Upon receipt of any such notice, the department shall, no later than 24 hours before the harvest, notify LDWF.

B. Except for farm-raised white-tailed deer, farm-raised alternative livestock may be harvested or killed at any time from one-half hour before sunrise to one-half hour after sunset unless the commissioner provides otherwise in accordance with the provisions of §1517.C.

C. The commissioner and Louisiana Wildlife and Fisheries Commission may establish, by written order, other dates and conditions for the harvesting or killing of farm-raised alternative livestock as the commissioner deems necessary to carry out the purposes of Part I of Chapter 19-A of Title 3 of the Revised Statutes. Such orders shall be issued by the commissioner in January of each year or as soon thereafter as is practical and published in the January issue of the *Louisiana Register* or in the first available issue after any such order is issued.

D. Prior to harvesting or killing farm-raised alternative livestock, any person, except as provided by §1507.B.3 of these regulations, shall first apply for and obtain a harvesting permit to do so from LDWF by submitting an application on a form supplied by the department.

1. Any harvesting permit issued by LDWF shall be valid only for the time periods stated on the face of the permit.

2. LDWF may ministerially issue a harvesting permit upon written application by any individual or by any farm licensee making application on behalf of the individual and upon receipt of the harvesting permit fee.

3. The applicant shall not be subject to any existing court or administrative order denying the applicant's right to harvest.

E. Except as provided by §1507.C.3 of these regulations, any farm-raised alternative livestock harvested or killed shall have a farm-raised tag attached to the left ear or left antler of the carcass at the time of the kill, and the tag shall remain with the carcass at all times.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 23:

§1519. Prohibitions

A. No farm-raised alternative livestock shall be released into the wild without express written permission from both the

department and LDWF.

B. Farm-raised white-tailed deer meat or farm-raised white-tailed deer parts of any kind shall not be bought, sold, traded, or moved in commerce in any way.

C. Farm-raised alternative livestock sold for slaughter, except farm-raised white-tailed deer, the sale of which is prohibited, shall be handled in accordance with state and federal meat inspection laws and regulations.

D. It is a violation of these regulations to sell, purchase, trade, transport, or otherwise transfer any farm-raised alternative livestock for any purpose other than immediate slaughter at a state- or federally-approved slaughter facility if such farm-raised alternative livestock originates from a herd which is under quarantine for brucellosis or tuberculosis.

E. Failure to comply with any provision of Part I of Chapter 19-A of Title 3 of the Revised Statutes, these rules and regulations, the written farm operation plan submitted to and approved by the department, or any quarantine is prohibited and each act or omission or each day of a continuing violation shall constitute a separate violation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 23:

§1521. Enforcement

A. The department's and LDWF's authorized representatives may, at any time, enter and inspect all farms on which farm-raised alternative livestock are located for the purposes of issuing, renewing, or reviewing farm-raising licenses and to insure compliance with Part I of Chapter 19-A of Title 3 of the Revised Statutes, these rules and regulations, the written farm operation plan submitted to and approved by the department, or any quarantine.

B. Authorized representatives of the department and LDWF may inspect, during any reasonable hours, any records regarding or relating to any farm-raised alternative livestock.

C. Farm-raised alternative livestock which escape from the enclosure system of the farm, if not captured by a licensee within 96 hours of the escape, may be captured by authorized representatives of the department or by any law enforcement agency by whatever means deemed necessary by that agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 23:

§1523. Penalties

A. The commissioner may suspend or revoke the farm-raising license of any licensee and the harvesting permit issued to any person found guilty of violating Part I of Chapter 19-A of Title 3 of the Revised Statutes, those portions of Title 56 of the Revised Statutes related to wildlife, these rules and regulations, the written farm operation plan submitted to and approved by the department, or any quarantine.

B. The commissioner may, in addition to suspending or revoking any farm-raising license or harvesting permit, impose upon any person charged with violating any provisions of Part I of Chapter 19-A of Title 3 of the Revised Statutes, these rules and regulations, the written farm

operation plan submitted to and approved by the department, or any quarantine, a fine for up to \$100 per violation for each violation of which such person is found guilty.

C. These civil penalties may be assessed only by a ruling of the commissioner based on an adjudicatory hearing held in accordance with the Administrative Procedure Act.

D. Any person or licensee subject to an order or decision made pursuant to these regulations may request and receive an adjudicatory hearing before the department to be held in accordance with the Administrative Procedure Act by making written application for same to the department within 15 days of issuance of such order or decision.

E. The commissioner may seek a restraining order, injunctive relief or other relief in a proper court of law to restrain violations of or to compel compliance with Part I of Chapter 19-A of Title 3 of the Revised Statutes, these rules and regulations, the written farm operation plan submitted to and approved by the department, or any quarantine or to enforce any order or ruling made by him in an adjudicatory proceeding.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 23:

Bob Odom
Commissioner

9710#037

DECLARATION OF EMERGENCY

Office of the Governor Crime Victims Reparations Board

Definitions and Awards (LAC 22:XIII.Chapters 1-5)

The following amendments are published in accordance with the emergency provision of R.S. 49:953(B), the Administrative Procedure Act, and R.S. 46:1801 et seq., the Crime Victims Reparations Act, which allows the Crime Victims Reparations Board to promulgate rules necessary to carry out its business or the provision of the Chapter.

The board hereby finds that an emergency exists whereby victims, or the claimants in the case of deceased victims, will suffer an immediate, detrimental loss of compensation of \$190,850 over the next six months necessary to go through rulemaking if these adopted rules are not immediately implemented. These rules remove administrative constraints of the verification of supporting claim documents, add peace officers, firemen, terrorist victims and family members of homicide victims as being eligible for the program, and increase the maximum amount of lost wages/week, medical travel including ambulance charges, medical and funeral awards. Furthermore, the changes would allow for greater flexibility with mental health counseling by permitting an initial evaluation; by raising the maximum amount of

counseling awards; by providing counseling for family members of homicide victims; and by clarifying existing rules relating to treatment plans, peer review, and psychiatric inpatient hospitalization.

In order to prevent additional harm to victims and their families, the board adopts these rules effective October 8, 1997. They shall remain in effect for 120 days or until the final rule takes effect through the normal promulgation process, whichever occurs first.

Title 22

CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT

Part XIII. Crime Victims Reparations Board

Chapter 1. Authority and Definitions

§103. Definitions

* * *

Intervenor—a person who goes to the aid of another and is killed or injured in the good faith effort to prevent a crime covered by this Chapter, to apprehend a person reasonably suspected of having engaged in such a crime, or to aid a peace officer. "Peace officer" shall include commissioned police officers, sheriffs, deputy sheriffs, marshals, deputy marshals, correctional officers, constables, wildlife enforcement agents, and probation and parole officers.

Pecuniary Loss—amount of expenses reasonably and necessarily incurred by reason of personal injury, as a consequence of death, or a catastrophic property loss, and includes:

a.i. - iii. ...

b. as a consequence of death:

i. - iii. ...

iv. counseling or therapy for any surviving family member of the victim or any person in close relationship to such victim;

v. *pecuniary loss* does not include loss attributable to pain and suffering.

c. - d. ...

* * *

Victim

a. any person who suffers personal injury, death, or catastrophic property loss as a result of a crime committed in this state and covered by this Chapter; or

b. - c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1801 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Crime Victims Reparations Board, LR 20:538 (May 1994), amended LR 22:709 (August 1996), LR 23:861 (July 1997), LR 24:

Chapter 5. Awards

§501. Payment of Awards

A. ...

B. Verification of Claimed Expenses

1. Each type of claim form used by the board should identify the documents that must be submitted by the victim/claimant to support and verify a claimed expense.

2. When applications lack documentation necessary for a decision or award in total or in part, and adequate effort has been made to acquire that information, the application will be placed on an agenda and the decision and award will be based

on that information available. Should the formerly sought information become available, a supplemental application can be filed.

C. - F.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1801 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Crime Victims Reparations Board, LR 20:539 (May 1994), repromulgated LR 22:710 (August 1996), LR 24:

§503. Limits on Awards

A. - B.3. ...

C. Funeral Expenses

1. A maximum cap of \$3,000 for all services exists. This is to cover the costs of the funeral.

2. - 3. ...

4.a. - c. Repealed.

D. Lost Wages/ Earnings

1. - 3.b. ...

4. The board may reimburse loss wages/earnings with a maximum of \$10,000.

a. The board will award up to \$320 per week based on net, after-tax or take home pay.

b. If only gross income is provided, the board will award at 80 percent of gross up to the \$400 per week cap.

5. - 8. ...

9.a. - d. Repealed.

10. - 11. ...

12. Repealed.

E.1. - 3.b. ...

F. Ambulance

1. A maximum cap of \$300 exists for regular ambulance transport. A maximum cap of \$500 exists for air medical transport.

2. - 4. ...

G. Medical Expenses

1. - 2. ...

3. The board will pay only 70 per cent of all outstanding charges after any third-party payment sources up to the statutory limits.

4. - 5. ...

6. Psychiatric Inpatient Hospitalization. It is the opinion of the board that any psychiatric inpatient hospitalization required by a crime victim would be very acute and crisis management in scope. Compensation for such care will require a peer review as described in §503.I.3

a. The board will not reimburse for more than seven days of psychiatric inpatient hospitalization at a cost of no more than \$500 per day. This is intended for an acute hospitalization with the goals of emotional stabilization and placement in outpatient treatment.

b. The board will not reimburse for more than one psychological evaluation (as defined in §503.I.5.).

i. - iii.(c). ...

c. Therapeutic groups outside the per diem charge of the hospital will not be reimbursed.

d. All therapist charges that are outside the per diem charge of the hospital will be limited to no more than one session per day at a rate described in §503.I.8.

e. - f. Repealed.

7. - 11. ...

12.a. - c. Repealed.

H. Travel Expenses. Transportation costs other than the initial ambulance services are reimbursable only when required medical care is not locally available. Certification is required by the physician of record that local medical care is unavailable. Allowable private vehicle mileage for out-of-town travel is reimbursed at the rate published in the current state travel regulation.

I. Mental Health Counseling

1. It is the board's opinion that the majority of those directly victimized by violent crime (e.g., *Primary Victims*) can obtain significant improvement within the first six months of qualified counseling. The board recognizes that short-term crisis management counseling may also be needed for *Secondary Victims* (defined as primary family members or cohabitators of the victim).

2. Mental health services are limited to six months from the date of the first visit or after the first 26 qualified sessions/groups (whichever comes first).

3. Cases which extend beyond the allowable time limit will be subject to a peer review by a psychiatrist or psychologist, licensed by the state of Louisiana, consulting with the board. Peer review will involve an examination of the following:

a. complete progress notes for crime-related conditions(s) being treated;

b. any psychological evaluations/testing pertaining to the crime-related condition;

c. description of prior conditions or treatments;

d. current treatment and treatment response to date; and

e. updated treatment plan.

4. For the life of each case, reimbursable charges may not exceed \$5,000 for Primary Victims and \$2,500 for Secondary Victims. These limits include the cost of all treatment services and psychological evaluations/testing as described in §503.I.8.

5. Psychological evaluation/testing may not exceed \$300. Any evaluation/testing must be conducted by a licensed psychologist and should include the following:

a. description of any structured interview used;

b. description and results of testing administered; and

c. case formulation and DSM-IV diagnoses.

6. Treatment plans completed by the therapist of record (or primary therapist) are required for consideration of mental health expenses. The therapist must show that the psychological condition being treated is a direct result of the crime. Treatment plans must be fully documented in a "problem" and "intervention" format. Detail must be provided for both symptom and intervention. Single word descriptors such as "nightmares" or "supporting counseling" will not suffice. Insufficient treatment plans will be returned to the therapist and the case may be deferred or denied until revised.

7. All payments for services are subject to review and audit by the board.

8. Only physicians, psychiatrists, state-certified or state-licensed psychologists, licensed professional counselors, or board certified social workers are eligible for reimbursement.

The rates for reimbursement shall be:

- a. M.D./Psychiatrists \$75/hour
- b. Ph.D. or Psy.D. Licensed Psychologists \$75/hour
- c. Licensed Professional Counselors \$60/hour
- d. Board Certified Social Worker \$60/hour
- e. Group Therapy Rates (90 minute minimum sessions) \$25/session

9. It is the board's assessment that psychiatric inpatient hospitalization of crime victims is rarely required. If under unusual circumstances such treatment is required, compensation will be subject to a peer review as previously described. Reimbursement for such treatment is limited in amounts and procedures listed under "medical" services.

10. Any claim for injuries sustained may be denied if prescribed or preempted as a matter of law.

11. Repealed.

J. Catastrophic Property Loss

1. - 3. ...

4. Repealed.

K. Vehicular Incidents

1. - 2. ...

3.a. - b. Repealed.

L. Child Care Expenses

1. - 3. ...

4.a. - d. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1801 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Crime Victims Reparations Board, LR 20:539 (May 1994), amended LR 22:710 (August 1996), LR 24:

Lamarr Davis
Chairman

9710#076

DECLARATION OF EMERGENCY

Office of the Governor Division of Administration Architects Selection Board

Regular Meeting Dates; Application Form;
and Voting Procedure (LAC 4:VII.Chapter 1)

In accordance with R.S. 38:2310 et seq., as amended, the rules governing the Architects Selection Board are amended. These rules will replace the current rules and include the following changes: the times for the regular meetings are revised; the title of the application form is changed; and the voting procedure for the interview process is amended.

This emergency rule is to be effective upon publication in the *Louisiana Register* and will remain in effect for 120 days or until a final rule takes effect through the normal rulemaking process, whichever occurs first.

Emergency rulemaking is necessary in order to proceed immediately with the selection of a designer for the Elayn

Hunt Correctional Center, Skilled Nursing Care/Mental Health Unit/HIV-AIDS Unit, and renovation of related support facilities. This selection is imminent and will benefit from the revised procedure by having more qualified architects included in the review process.

Title 4

ADMINISTRATION

Part VII. Governor's Office

Chapter 1. Architects Selection Board

§101. Name

The name of this board is the "Louisiana Architects Selection Board," hereinafter referred to as "board," and its domicile shall be in Baton Rouge, Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Architects Selection Board, LR 1:180 (April 1975), amended LR 4:494 (December 1978), repromulgated LR 10:453 (June 1984), LR 24:

§103. Authority

The Louisiana Architects Selection Board shall be organized in accordance with the provisions of R.S. 38:2310 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Architects Selection Board, LR 1:180 (April 1975), amended LR 4:494 (December 1978), repromulgated LR 10:453 (June 1984), amended LR 15:262 (April 1989), LR 24:

§105. Objective

The objective of this board is to provide a system for the procurement of services rendered by architects, licensed to practice in the state of Louisiana, that is impartial, equitable and in the best public interest of the citizens of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Architects Selection Board, LR 1:180 (April 1975), amended LR 4:494 (December 1978), repromulgated LR 10:453 (June 1984), LR 24:

§107. Members

A. The board shall be composed of members, serving terms in accordance with the provisions of the authority set forth in §103.

B. Any member desiring to resign from the board shall submit his resignation, in writing by registered mail, to the governor of Louisiana and the president of the Board of Architectural Examiners, with copies addressed to the chairman of the board. The effective date of resignation shall be the date of registered mailing to the Governor's Office.

C. The filling of a board vacancy for the unexpired term due to resignation, or death, or removal from office by just cause, shall be made in accordance with the provisions of the authority stated in §103.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Architects Selection Board, LR 1:180 (April 1975), amended LR 4:494 (December 1978), repromulgated LR 10:453 (June 1984), amended LR 15:262 (April 1989), LR 24:

§109. Officers

A. The officers of this board shall be a chairman and a vice chairman elected by the board at the first regular meeting following each January 1 and July 1. The board member who serves as chairman and the board member who serves as vice chairman shall be from different, overlapping terms of service to the board. In the event, for whatever reason, the offices of both chairman and vice chairman of the board become vacant, a special board meeting shall be called within 30 days of the second vacancy to fill both vacancies for the remainder of the unexpired term of each respective office.

B. The duties of the chairman shall be as follows:

1. be the presiding officer at meetings of the board;
2. call meetings of the board;
3. coordinate the activities of the board;
4. appoint all committees and serve as an ex-officio member thereof;
5. be responsible for implementing all orders and resolutions of the board; and
6. have the authority to issue the official advertisement of the intent of an agency to contract for design services.

C. The duties of the vice chairman shall be as follows:

1. in the event of absence or incapacity of the chairman, assume his duties as outlined above;
2. authenticate by his signature, when necessary, all acts, orders, and proceedings of the board, including the minutes; and
3. tabulate and record the results of all balloting at the meetings.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Architects Selection Board, LR 1:180 (April 1975), amended LR 4:494 (December 1978), repromulgated LR 10:454 (June 1984), amended LR 15:262 (April 1989), repromulgated LR 24:

§111. Meetings

A. A regular meeting of the board shall be held between January 1 and June 30 and between July 1 and December 31 of each year, unless such meeting is waived by the chairman as unnecessary.

B. Special meetings may be called by the chairman or shall be called upon the written request of a simple majority of the total membership of the board. Except in cases of emergency, at least three days' notice shall be given for special meetings.

C. A simple majority of all members of the board shall constitute a quorum.

D. All meetings shall be held in public except as provided in §128.A.6.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Architects Selection Board, LR 1:180 (April 1975) amended LR 4:494 (December 1978), repromulgated LR 10:454 (June 1984), amended LR 15:262 (April 1989), LR 17:1206 (December 1991), LR 24:

§113. Committees

Committees, standing or special, shall be appointed by the chairman of the board as he shall deem necessary to carry on the work of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Architects Selection Board, LR 4:494 (December 1978), repromulgated LR 10:454 (June 1984), LR 24:

§115. Parliamentary Authority

The rules contained in the current edition of *Robert's Rules of Order Newly Revised* shall govern the board except as modified herein or as provided for in §119.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Architects Selection Board, LR 1:180 (April 1975), amended LR 4:494 (December 1978), repromulgated LR 10:454 (June 1984), amended LR 24:

§117. Voting

Only the votes of members present at the meeting shall be counted in the board's official actions. Proxy votes are not allowed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Architects Selection Board, LR 1:180 (April 1975), amended LR 4:494 (December 1978), repromulgated LR 10:454 (June 1984), LR 24:

§119. Amendments to Rules

These rules may be amended in accordance with the Administrative Procedure Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Architects Selection Board, amended LR 4:494 (December 1978), repromulgated LR 10:454 (June 1984), LR 24:

§125. Application

A. Any applicant (proprietorship, partnership, corporation or joint venture of any of these) meeting the requirements of Title 38 of the Revised Statutes of 1950, R.S. 38:2310 et seq., may submit an application for selection consideration for a particular project upon which official advertisement has been published. The applicant shall submit data concerning its experience, previous projects undertaken, present state projects now being performed, scope and amount of work on hand, and any other information which the board may request.

B.1. The Louisiana Architects Selection Board adopts the use of the LASB-1 form as the format for submitting a firm's experiences to the board.

2. The board will accept only those applications submitted on the current edition of the LASB-1 form, with no more than two attached additional 8½" x 11" sheets of paper. Any submittal not following this format will be discarded.

3. In this LASB-1 form, *principal* shall be defined as a licensed architect who has the right and authority to exercise control over the project; who shares in profits, losses, and responsibility for incurred liabilities.

4. The board has the right to require proof of compliance with the above definition.

C. Consultants may be listed at the option of the applicant.

D. All applications to be considered shall be received by the board at the Office of Facility Planning and Control during the time prescribed in the advertisement.

E. The board may, at its option and with the concurrence of the Division of Administration and the user agency, conduct design competitions in accordance with nationally accepted professional standards. Final selection of the applicant from among the competition submissions will be made within 30 days of deadline date of receipt of the entries. No closed competitions will be allowed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2312.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Architects Selection Board, LR 1:180 (April 1975), amended LR 4:494 (December 1978), repromulgated LR 10:454 (June 1984), amended LR 15:262 (April 1989), LR 20:29 (January 1994), LR 24:

§127. Selection

A. After the deadline for applications, the Office of Facility Planning and Control shall forward copies of the applications together with any available description of the job to the board members.

B. The selection procedure shall be as follows:

1. user agency shall give scope of project and make recommendations, with supporting data, of a firm or firms for the project under consideration;
2. discussion of applications and recommendation by the board members;
3. the board shall then take a vote. Each board member present shall, by written ballot, vote for three applicants. This is a weighted vote:
 - a. first choice—three points;
 - b. second choice—two points;
 - c. third choice—one point.

Each board member shall vote for the first, second, and third choice of applicants for each project, except where fewer than six applicants have applied, in which case board members shall vote for only two applicants. In cases where there are three or fewer applicants, board members may vote for only one applicant. In all cases, board members may abstain from voting entirely;

4. the secretary shall tabulate these ballots aloud and report to the board the results of the balloting;

5. in the event that during the selection of a designer for a particular project the first ballot is unanimous for the first place choice, the selection shall be awarded to that firm, and a second ballot will not be required;

6. the two applicants receiving the most votes shall be considered nominated, then be voted on by written ballot, each board member having one vote;

7. the results of this balloting shall be announced by the secretary. The applicant selected must receive a majority vote;

8. in case of a tie for nomination, there shall be a runoff election to reduce the nominees to two in accordance with procedures prescribed in §127.B.3;

9. in case no applicant receives a majority vote for selection, a discussion will be held, and new balloting for selection shall take place;

10. the selection of an architect by the board shall be final unless formal charges of having submitted false information required by R.S. 38:2313 are made against the selected architect by the Office of Facility Planning and

Control, in writing, with proper accompanying documentation, to the board members and the selected architect within seven days of the selection. When a formal charge is made the board shall, within 10 calendar days, hold a hearing at which time the evidence of false information shall be presented and the selected architect shall be given opportunity to present rebuttal. If the board determines that the charges of false information are not sufficiently documented, the selection shall become final. If the board determines that the information was false, the application will be rejected and the project readvertised. The applicant shall be allowed to reapply.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2313.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Architects Selection Board, LR 1:181 (April 1975), amended LR 4:495 (December 1978), repromulgated LR 10:454 (June 1984), amended LR 15:263 (April 1989), LR 24:

§128. Interview Procedures

The interview procedures of the board are as follows:

1. The user agency notifies the Division of Administration, or the Division of Administration may determine on its own that the proposed project is of a special nature and should be considered under the interview procedure.

2. The user agency, the Division of Administration, and the chairman of the board (vice chairman in the absence of a chairman) shall decide if the nature of the project warrants utilizing the interview procedure. This may be done in a meeting or by teleconference.

3. The chairman of the board authorizes the Division of Administration to advertise the project under these procedures. The advertisement will contain:

- a. the deadline for applications;
- b. the date of the meeting;
- c. the proposed interview meeting date.

4. The selection procedure (§127) will be followed from §127.A and B.1, 2, 3, 4, and 6. However, if an applicant is not selected unanimously on the first ballot, the following procedure will be implemented:

a. After the results of the weighted ballot are reported, the board secretary will list all applicants receiving one or more points. They will be listed in order, ranked by number of points from highest to lowest.

b. After the list is prepared, there will be a roll call vote on each applicant starting with the first applicant on the list. Voting for each applicant will take place in the order that he is listed. Each applicant on the list will receive a "yes" or "no" vote from each board member. Each applicant that receives a majority of "yes" votes will be invited to be interviewed.

c. Voting will end when there are five applicants to be invited to be interviewed or the end of the list is reached, whichever comes first.

d. In the event that the end of the list is reached before there are at least three applicants to be interviewed, the board may begin voting again by the method of their choice.

e. All applicants selected by the foregoing process will be invited to be interviewed at an interview meeting.

5. The interview meeting will be held in accordance with criteria that the board sets forth in a letter to the applicants that have been selected to be interviewed.

6. At the interview meeting, the board will begin in an open meeting and vote to go into executive session to conduct the interviews in accordance with the criteria set forth in §128.A.5 and pursuant to R.S. 42:6 and 42:6.1.

7. After all the interviews have been conducted, the board will return to a public meeting.

8. At this time, the selection procedure will resume according to procedures outlined in §127.B.5, 7, 8, and 9.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2310 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Architects Selection Board, LR 17:1206 (December 1991), amended LR 24:

§129. Emergency Procedures

The emergency procedures of the board are as follows:

1. notification of emergency to the Division of Administration by the user agency is received;

2. chairman of the board is notified by the Division of Administration that an emergency does exist;

3. the chairman of the board then:

a. authorizes the advertisement; and

b. sets date for meeting for selection within 72 hours after advertisement is printed, not including Saturdays, Sundays and holidays;

4. meeting will convene at 10 a.m. on the day designated pursuant to §129.3.b to receive applications;

5. applications will be distributed as the first order of business;

6. meeting will then adjourn and reconvene one hour later (11 a.m.) after review of applications; and then selections shall be made.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2313.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Architects Selection Board, LR 7:408 (August 1981), amended LR 10:455 (June 1984), LR 24:

§131. Communications with Applicant Firms

No member of the board shall communicate in any manner concerning a project application with any representative of an applicant firm or anyone communicating on behalf of an applicant firm. This restriction shall apply from the time advertisement of a project begins until the opening of the board meeting at which the project application will be considered.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Architects Selection Board, LR 10:454 (June 1984), repromulgated LR 24:

§133. Information

Any person may obtain information concerning the board, its rules, regulations and procedures from the board's secretary at the Office of Facility Planning and Control, Division of Administration, Box 94095, Capitol Station, Baton Rouge, LA 70804. Requests for information may be made verbally or in writing. There may be a nominal fee charged to defray the cost of information furnished. Said fee shall be set by the Office of Facility Planning and Control, with the approval of

the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2312.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Architects Selection Board, LR 4:495 (December 1978), repromulgated LR 10:455 (June 1984), amended LR 15:263 (April 1989), repromulgated LR 24:

§139. Severability

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Architects Selection Board, LR 4:495 (December 1978), repromulgated LR 10:455 (June 1984), LR 24:

§141. Previous Rules Repealed

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2311.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Architects Selection Board, LR 10:455 (June 1984), repealed LR 24:

Roger Magendie
Director

9710#056

DECLARATION OF EMERGENCY

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

Medicaid Eligibility—Continuity of Stay for Long-Term
Care and Home and Community Based Services

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

The Bureau of Health Services Financing has consistently applied continuity of stay as a condition for ongoing Medicaid eligibility for long-term care and home and community based services. Continuity of stay is considered to be interrupted when a recipient either is absent from a facility or does not receive waiver services for a period of more than 14 consecutive days, even if the recipient was not discharged from the facility or waiver. As a result of a clarification from the Health Care Financing Administration (HCFA), the bureau has decided to revise the continuity of stay requirement to allow up to 30 consecutive days for temporary absence from a facility or nonreceipt of waiver services before continuity of stay is considered to be interrupted for individuals eligible

under the special income level.

The following emergency rule is necessary to protect the health and welfare of Medicaid recipients who receive long-term care and home and community based services by assuring continued eligibility for these services when continuity of stay is interrupted for a period of less than 30 days. No change in expenditures is anticipated as a result of implementation of this emergency rule.

Emergency Rule

Effective September 23, 1997, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following requirement governing continuity of stay for the purpose of determining continued eligibility for long-term care and home and community based services. In addition, the adoption of this emergency rule revises the continuity of stay requirement contained in Section I of the Medicaid Eligibility Manual as follows:

A temporary absence from a facility or nonreceipt of waiver services shall be allowed for a period up to 30 consecutive days before continuity of stay will be considered interrupted for individuals eligible under the special income level.

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

Bobby P. Jindal
Secretary

9710#019

DECLARATION OF EMERGENCY

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

**Medically Needy Program
Service Coverage Restrictions**

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 in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and shall be in effect for the maximum period allowed under the Administrative Procedure Act or until adoption of the final rule.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopted an emergency rule to terminate the Title XIX Medically Needy Program as an eligibility category under the Medicaid Program effective July 1, 1996 (*Louisiana Register*, Volume 22, Number 6). This action was taken to avoid a budget deficit in the Medicaid Program due to the lack of sufficient funds required to match the federal financial participation

required under Title XIX of the Social Security Act. A subsequent emergency rule was adopted in compliance with Executive Order MJF 96-17 to establish a state-funded Medically Needy Program with limitations (*Louisiana Register*, Volume 22, Number 7).

The department adopted an emergency rule reinstating the Title XIX Medically Needy Program and terminating the state-funded Medically Needy Program effective July 1, 1997 (*Louisiana Register*, Volume 23, Number 7). Another emergency rule was adopted with an effective date of August 1, 1997 to amend the July 1, 1997 emergency rule to place restrictions in service coverage under the reinstated Title XIX Medically Needy Program (*Louisiana Register*, Volume 23, Number 7).

As a result of comments received from professional services associations, the department has decided to amend the August 1, 1997 emergency rule to include the following services for coverage under the Title XIX Medically Needy Program: audiology, optometry, podiatry, and chiropractic services. All other components of the Title XIX Medically Needy Program shall be reinstated in accordance with the federal requirements as stated in the *Code of Federal Regulations*.

Emergency Rule

Effective October 29, 1997 and after, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing reinstates the Title XIX Medically Needy Program and amends the August 1, 1997 emergency rule regarding service coverage restrictions as follows:

Audiology, optometry, podiatry, and chiropractic services are included for coverage under the Title XIX Medically Needy Program.

The following services shall be covered:

- 1) inpatient and outpatient hospital services;
- 2) Intermediate Care Facility for the Mentally Retarded (ICF/MR) services;
- 3) Intermediate Care and Skilled Nursing Facility (ICF and SNF) services;
- 4) physician services, medical/surgical services by a dentist;
- 5) nurse midwife services;
- 6) Certified Registered Nurse Anesthetist (CRNA) services, anesthesiologist;
- 7) lab and x-ray services;
- 8) prescription drugs;
- 9) EPSDT (KIDMED) screening services;
- 10) rural health clinic services;
- 11) hemodialysis clinic services;
- 12) ambulatory surgery clinic services;
- 13) prenatal clinic services;
- 14) Federally Qualified Health Center (FQHC) services;
- 15) family planning services;
- 16) durable medical equipment;
- 17) rehabilitation services (PT, OT, ST);
- 18) nurse practitioner;
- 19) medical transportation services (emergency and nonemergency);
- 20) home health services for individuals needing skilled nursing services;

- 21) chiropractic services;
- 22) optometry services;
- 23) podiatry services;
- 24) audiology services; and
- 25) radiation therapy.

The following services shall not be covered:

- 1) dental services or dentures;
- 2) alcohol and substance abuse clinic/services;
- 3) mental health clinic services;
- 4) home and community based waiver services;
- 5) home health (nurse aid and physical therapy);
- 6) case management services;
- 7) mental health rehabilitation services;
- 8) psychiatric inpatient services for individuals under 22 years of age;
- 9) Sexually Transmitted Diseases (STD) Clinic services; and
- 10) Tuberculosis (TB) Clinic services.

All other components of the Title XIX Medically Needy Program shall be in accordance with the federal requirements as stated in the *Code of Federal Regulations*.

Bobby P. Jindal
Secretary

9710#069

DECLARATION OF EMERGENCY

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

**Mentally Retarded/Developmentally
Disabled—Pinecrest Waiver Slot Allocation**

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 provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and shall be in effect for the maximum period allowed under the Administrative Procedure Act or until adoption of the rule, whichever occurs first.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing administers the Mentally Retarded/Developmentally Disabled (MR/DD) waiver under Home and Community Based Services Waiver Programs. The bureau adopted regulations governing the MR/DD Waiver Program to terminate the previous restrictions placed on the assignment of vacated waiver slots; establish methodology for the assignment of slots vacated by discharged waiver participants and the 342 previously unoccupied slots; and clarify policies on admission and discharge criteria, mandatory reporting requirements and the

effective date on which Medicaid reimbursement for waiver services shall begin (*Louisiana Register*, Volume 23, Number 6).

The department has now determined that it is necessary to amend the language in the June 20, 1997 rule regarding the allocation of waiver slots to residents of the Pinecrest Developmental Center. The language is being amended to include the Hammond Development Center in the targeted groups for slot allocation in the following manner. A maximum of 160 slots shall be available to current residents of the Pinecrest and Hammond Developmental Centers or their alternates who successfully complete the financial and medical certification eligibility process and are certified for the waiver. The term *alternate* is defined as a current resident of a private ICF-MR community home who:

1. willingly chooses to apply for waiver participation; and
2. resides in a community group home that has agreed to accept a Pinecrest or Hammond Developmental Center resident for placement if a resident of the community home is certified for waiver participation. The Pinecrest or Hammond resident must be given freedom of choice in the selection of a private ICF-MR community home placement in the area of the resident's choice, based on availability.

The following emergency rule is necessary to assure the health and welfare of residents of Pinecrest Developmental Center, Hammond Developmental Center and private ICF-MR community homes by assuring access to those services appropriate to meet their needs.

Emergency Rule

Effective October 1, 1997 the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the language contained in the June 20, 1997 rule regarding the allocation of waiver slots to residents of the Pinecrest Development Center:

A maximum of 160 slots shall be available to current residents of the Pinecrest and Hammond Developmental Centers or their alternates who successfully complete the financial and medical certification eligibility process and are certified for the waiver. The term *alternate* is defined as a current resident of a private ICF-MR community home who:

1. willingly chooses to apply for waiver participation; and
2. resides in a community group home that has agreed to accept a Pinecrest or Hammond Developmental Center resident for placement if a resident of the community home is certified for waiver participation. The Pinecrest or Hammond resident must be given freedom of choice in the selection of a private ICF-MR community home placement in the area of the resident's choice, based on availability.

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

Bobby P. Jindal
Secretary

9710#018