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(SUBMIT A SEPARATE INSERTION ORDER PER DOCUMENT)

[] EMERGENCY RULE [x] NOTICE OF INTENT [] RULE [] POTPOURRI

REFER TO INSTRUCTIONS ON REVERSE SIDE

This is your authority to publish in the (month) October, 20 14 Louisiana Register the document indicated above.

Office of Coastal Management
Office/Board/Commission promulgating this document

Department of Natural Resources
Department under which office/board/commission is classified

Keith Lovell Assistant Secretary
(name) (title)
Name and title of person whose signature will appear in the publication (at the end of the document)

Jessica Diez 2253427268 2253429439
(name) (phone) (fax)
Name, phone number, and FAX number of person to contact regarding this document
jessica.diez@la.gov
E-mail address of contact person

Provide a short descriptive listing for this document to be used in the Louisiana Register's TABLE OF CONTENTS/INDEX (note: this description should match the fiscal statement title, if sending a Notice of Intent:

*If sending a diskette, indicate the name of the file on diskette:

Administration of the Fisherman's Gear Compe

Signature of Agency Head or Designee
Keith Lovell, Assistant Secretary
Print Name and Title of Agency Head or Designee

Important: If submitting both an Emergency Rule (ER) and a Notice of Intent (NOI) to be published this month, AND if the rule text in the ER is identical to the rule text in the NOI, check here: []

LA Gov Codes: 4312010700 Order DNR DA 1000022
CERTIFICATION OF AVAILABLE FUNDS DOCUMENT #

[x] ISIS AGENCY: I certify the availability of fiscal year 15 appropriated funds for the payment of the above referenced publication and authorize the processing of an Interagency Billing with the following coding on the 30th of the month of the publication. Attach supplemental sheet for additional lines of coding.

431 2040 3650 SR
AGENCY ORGANIZATION # OBJECT SUB-OBJECT REPORTING CATEGORY

[] NON-ISIS AGENCY: I certify the availability of fiscal year appropriated funds for the payment of the above referenced publication and agree to place corresponding invoice in line for payment upon receipt.

Billing Address for Agencies:
LDNR Office of Coastal Management
Agency Name
P.O. Box 44487
Street Address or Post Office Box
Baton Rouge LA 70804
City State Zip Code

Signature of Agency Head or Designee - Phone # (225)342-3583

Lines/Other Charges Typesetting \$ TOTAL \$

NOTICE OF INTENT

Department of Natural Resources Office of Coastal Management

Administration of the Fisherman's Gear
Compensation Fund (LAC 43:I.1509)

Under the authority of R.S. 49:214.21-49:214.42 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:450 et seq., the Department of Natural Resources, Office of Coastal Management proposes to amend LAC 43:I.1509 relative to the administration of the Fisherman's Gear Compensation Fund.

The Rule change better defines the required claim documentation and is a change to one of several claim denial criteria. The change of the denial criteria is in regards to proof of ownership documents of damaged equipment/gear and method of payment (i.e., cash paid receipts) and it removes the current practice of denying claims for equipment that was paid by cash since cash receipts from bona fide business will now be accepted as an eligibility component. This action is not required by federal regulation.

Title 43

NATURAL RESOURCES

Part I. Office of the Secretary

Subpart 1. General

§1509. Claims—General Form and Content

A. - A.5.a. ...

b. the amount claimed together with proof of ownership of the gear which was damaged or lost on the obstruction. Proof of ownership must include: paid receipts which are completely filled out including the date, full name, address and telephone of the seller along with the claimant's name and/or address together with proof of payment such as copies of money orders or bank cashier's checks for the gear; affidavits; or other evidence. No receipts paid by "cash" will be accepted for gear purchased after the effective date of this rule except for receipts from bona fide businesses in possession of a commercial or business permit/license, which was in effect at the time of the sale or repair, or a notarized affidavit from a business owner or chief executive officer of the business supporting the validity of the sale or repair. Claimants that made or repaired the damaged gear shall submit a notarized statement that he or she made his or her own gear along with paid receipts for the materials. If all damaged gear was original to the vessel when it was purchased or acquired, a copy of the bill of sale of the boat or subsequent notarized statement to the effect that all gear was original to the boat including date vessel was acquired, full name of seller, and sale price must be included;

A.5.c. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:700.3.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 6:515 (August 1980), amended LR 21:957 (September 1995), amended by the Office of Coastal Management, LR 41:

Family Impact Statement

This proposed Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

This proposed Rule has no known impact on poverty as described in R.S. 49:973.

Small Business Statement

In accordance with R.S. 49:965.6, the Department of Natural Resources Office of Coastal Management has conducted a Regulatory Flexibility Analysis and found that the proposed amendment of this Rule will have negligible impact on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session.

1. The effect on the staffing level requirements or qualifications required to provide the same level of service. The proposed Rule has no effect on the staffing level requirements or qualifications required to provide the same level of service.

2. The total direct and indirect effect on the cost to the provider to provide the same level of service. The proposed Rule has no total direct and no total indirect effect on the cost to the provider to provide the same level of service.

3. The overall effect on the ability of the provider to provide the same level of service. The proposed Rule has no overall effect on the ability of the provider to provide the same level of service.

Public Comment

All interested persons are invited to submit written comments on the proposed regulation amendment. Persons commenting should reference this proposed regulation by Administration of the Fisherman's Gear Compensation Fund. Such comments must be received no later than November 10, 2014, at 4:30 p.m., and should be sent to Jessica Diez, Coastal Resource Scientist, Office of Coastal Management P.O. Box 44487, Baton Rouge, LA 70804-4487 or by email to jessica.diez@la.gov. Copies of this proposed regulation can be purchased by contacting OCM at (225) 342-7360, and are available for viewing and copying on the internet at: <http://dnr.louisiana.gov/index.cfm?md=pagebuilder&tmp=home&pid=85&ngid=5>.

Public Hearing

Requests for a public hearing must be received by 4:30 p.m. November 10, 2014. If determined a public hearing is warranted, the public hearing will be held on November 25, 2014 from 10 a.m. to 12 p.m. in the Griffon Room of the LaSalle Building, 617 North Third Street, Baton Rouge, LA 70802, so that interested persons may submit oral comments on the proposed amendments.

Keith Lovell

Assistant Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Administration of the Fisherman's Gear Compensation Fund

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

The proposed rule amendment will not increase expenses. The change, while allowing a previously excluded class of reimbursable claims, will not result in a measurable increase in overall claims paid and the percentage represented by the proposed change will be within the usual fluctuation of the percentage of rejected claims. The rule amendment better defines the required claim documentation and is a change to one of the several claim denial criteria. The proposed rule

amendment will not increase workload or paperwork as the claims will still be processed in the same manner as before. There is no anticipated direct material effect on local governmental expenditures as a result of the proposed rule change. The intent of the change is to remove programmatic discrimination against the use of legal U.S. currency in the course of doing business.

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

There is no anticipated effect on revenue collections of state or local governmental units resulting from the proposed rule change.

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

The proposed rule will have no measurable cost or benefit to directly affected persons or non-governmental groups. While a positive economic benefit may be realized by a statistically insignificant number of directly affected persons (claimants) through the payment of claims that were previously denied, the change will be absorbed within the usual fluctuation of claims paid, resulting in no net change. There were only nine (9) claims that were denied due to claimants attempting to use documentation that would be permitted with the proposed rule, and of those nine, at least five (5) would have been disallowed for various other reasons.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment as a result of this proposed rule change.

Keith Lovell
Assistant Secretary
1410#031

Evan Brasseaux
Staff Director
Legislative Fiscal Office

Family Impact Statement

R.S. 49:953(A)(1)(a)(viii) and 972

(Respond with complete sentences.)

How will this rule affect:

1. The stability of the family?
The proposed rule is not anticipated to have any effect on the stability of the family.
2. The authority and rights of parents regarding the education and supervision of their children?
The proposed rule is not anticipated to have any effect on the authority and rights of parents regarding the education and supervision of their children.
3. The functioning of the family?
The proposed rule is not anticipated to have any effect on the functioning of the family.
4. Family earnings and family budget?
The proposed rule is not anticipated to have any effect on family earnings and family budget.
5. The behavior and personal responsibility of children?
The proposed rule is not anticipated to have any effect on the behavior and personal responsibility of children.
6. The ability of the family or a local government to perform the function as contained in this proposed rule?
The proposed rule is not anticipated to have any effect on the ability of the family or a local government to perform the function as contained in this proposed rule.

Poverty Impact Statement

R.S. 49:973

(Respond with complete sentences.)

How will this rule effect:

1. Household income, assets and financial security?

This rule will have no impact on household income, assets or financial security.

2. Early childhood development and preschool through postsecondary education development?

This rule will have no impact on early childhood development or preschool through postsecondary education development.

3. Employment and workforce development?

This rule will have no impact on employment or workforce development.

4. Taxes and tax credits?

This rule will have no impact on taxes or tax credits.

5. Child and dependent care, housing, health care, nutrition, transportation and utilities assistance?

This rule will have no impact on child and dependent care, housing, health care, nutrition, transportation or utilities assistance.

REGULATORY FLEXIBILITY FOR SMALL BUSINESSES

Person Preparing
Statement: Jessica Diez

Date: September 16, 2014

Rule Title: Administration of the Fisherman's Gear Compensation Fund

Office/Division: OCM

LAC Citation: LAC43:I.1509

This document provides for implementation of Act No. 820 of the 2008 regular legislative session, which enacted R.S. 49:965.2 - 965.8. The Act requires agencies to prepare an economic impact statement and a regulatory flexibility analysis prior to the adoption of a proposed rule affecting small businesses. A "small business" is defined by the Act to mean a small business that is domiciled in Louisiana, employs 100 or fewer full-time employees, and meets at least one of the following conditions: (a) Gross annual sales are less than 10 million dollars, or (b) total net worth of the business is less than 2 million dollars.

Part I. Economic Impact Statement

Prior to the adoption of any proposed rule on or after July 1, 2009, that may have an adverse impact on small businesses in the state, each agency must prepare an economic impact statement to include the following:

1. An identification and estimate of the number of small businesses subject to the proposed rule.

It is estimated that the proposed rule will have no effect on small businesses.

2. The projected reporting, record keeping, and other administrative costs required for compliance with the proposed rule.

The proposed rule will not impose any new reporting, record keeping, and other administrative costs required for compliance.

3. A statement of the probable effect on impacted small businesses.

It is estimated that there will be no probable effect on impacted small businesses.

4. A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed rule.

The proposed rule does not impose intrusive or costly methods to achieve its purpose.

Part II. Regulatory Flexibility Analysis

Prior to adoption of any proposed rule on or after July 1, 2009, each agency shall prepare a regulatory flexibility analysis. Describe how the agency has minimized adverse impacts on small businesses without weakening the effectiveness of the proposed regulation.

1. What less stringent compliance or reporting requirements were established for small businesses?
There are no applicable "less stringent compliance or reporting requirements" that could be established for small business.
2. What less stringent schedules or deadlines for compliance or reporting requirements were utilized for small businesses?
There are no applicable "less stringent schedules or deadlines for compliance or reporting requirements" that could be utilized for small businesses.
3. Was there any consolidation or simplification of compliance or reporting requirements established for small businesses?
There is no applicable consolidation or simplification of compliance or reporting requirements that could be established for small business in the context of the proposed regulation.
4. What performance standards have been established for small businesses to replace design or operational standards required in the proposed rule?
There are no applicable performance standards that could be established for small businesses to replace design or operational standards, as none are required in the proposed rule.
5. What exemptions, from all or any part of the requirements in the proposed rule, were established for small businesses?
No applicable exemptions, from all or any part of the requirements in the proposed rule, are appropriate to be established for small businesses.

Part III. Notice to the Department of Economic Development

According to the economic impact statement required by R.S. 49:965.5 and the results of the regulatory flexibility analysis required by R.S. 49:965.6 would the proposed rule have an adverse impact on small businesses, requiring the agency to notify the Department of Economic Development of its intent to adopt the proposed rule?

NO, there is no adverse impact, and therefore no report is required.

Provider Impact Consideration and Statement Pursuant to HCR 170 of 2014¹

Prepared on: September 16, 2014

Prepared by: Jessica Diez

Proposed Rule to Enact or Amend: Administration of the Fisherman's Gear Compensation Fund

The proposed rule amendment will better define required claim documentation needed from claimants.

CONSIDERATION of the Impact of the Proposed Rule Enactment or Amendment on Providers²

(1) *The effect on the staffing level requirements or qualifications required to provide the same level of service.*

The Proposed Rule has no effect on the staffing level requirements or qualifications required to provide the same level of service.

(2) *The total direct and indirect effect on the cost to the provider to provide the same level of service.*

The Proposed Rule has no total direct and no total indirect effect on the cost to the provider to provide the same level of service.

(3) *The overall effect on the ability of the provider to provide the same level of service.*

The Proposed Rule has no overall effect on the ability of the provider to provide the same level of service.

STATEMENT

Therefore, the proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session.

¹ The statement is to be included in the notice required by R.S. 49:953(A)(1).
This document is to be retained in accordance with the Public Records Law

² "Provider" means an organization that provides services for individuals with developmental disabilities.

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

Person Preparing Statement: JESSICA DIEZ Dept.: NATURAL RESOURCES
Phone: 225-342-7268 Office: COASTAL MANAGEMENT
Return Address: P. O. BOX 44887 Rule Title: ADMINISTRATION OF THE FISHERMAN'S
BATON ROUGE, LA 70804-4487 GEAR COMPENSATION FUND
Date Rule Takes Effect: JANUARY, 2015 (anticipated)

SUMMARY
(Use complete sentences)

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

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

The proposed rule change may result in an increase in expenses in the statutorily dedicated Fisherman's Gear Compensation Fund. The change will allow a previously excluded class of reimbursable claims. However, the change is not expected to result in a measureable increase in overall claims paid since the percentage impacted by the proposed rule change will be within the usual fluctuation of the percentage of rejected claims. The rule change better defines the required claim documentation and is a change to one of several claim denial criteria. The proposed rule amendment will not increase workload or paperwork as the claims will still be processed in the same manner as before. There is no anticipated direct material effect on local governmental expenditures as a result of the proposed rule change. The proposed rule removes the current practice of denying claims for equipment that was paid by cash since cash receipts from bona fide business will now be accepted as an eligibility component.

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

There is no anticipated effect on revenue collections of state or local governmental units resulting from the proposed rule change.

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

The proposed rule will have no measurable cost or benefit to directly affected persons or non-governmental groups. While a positive economic benefit may be realized by a statistically insignificant number of directly affected persons (claimants) through the payment of claims that were previously denied, the change will be absorbed within the usual fluctuation of claims paid, resulting in no net change. There were only nine (9) claims that were denied due to claimants attempting to use documentation that would be permitted with the proposed rule, and of those nine, at least five (5) would have been disallowed for various other reasons.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment as a result of this proposed rule change.

Keith Lovell
Signature of Agency Head or Designee

Keith Lovell, Assistant Secretary
Typed Name & Title of Agency Head or Designee

10/8/14
Date of Signature

Evan Brassel, Staff Director
Legislative Fiscal Officer or Designee

10/8/14
Date of Signature

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

The following information is required in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberation on the proposed rule.

- A. Provide a brief summary of the content of the rule (if proposed for adoption, or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated).

The proposed rule amendment will better define the required claim documentation needed from claimants and is a change to one of the several claim denial criteria. The change of the denial criteria is in regards to proof of ownership documents of damaged equipment/gear and method of payment (i.e., cash paid receipts), removing programmatic discrimination against the use of legal U.S. currency in the course of doing business.

- B. Summarize the circumstances, which require this action. If the Action is required by federal regulation, attach a copy of the applicable regulation.

The proposed rule amendment is part of an update of agency rules in order to better define the needs of the program. This action is not required by federal regulation.

- C. Compliance with Act 11 of the 1986 First Extraordinary Session

- (1) Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

No increase in expenditure of funds is anticipated as a result of the proposed rule amendment.

- (2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

(a) _____ Yes. If yes, attach documentation.

(b) x NO. If no, provide justification as to why this rule change should be published at this time

The proposed rule amendment should be published, as it is intended to update agency rules in order to better define the needs of the program.

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

COSTS	FY 14-15	FY 15-16	FY 16-17
Personal Services	0	0	0
Operating Expenses	0	0	0
Professional Services	0	0	0
Other Charges	0	0	0
Equipment	0	0	0
Major Repairs & Constr.	0	0	0
TOTAL	0	0	0
POSITIONS (#)	0	0	0

2. Provide a narrative explanation of the costs or savings shown in "A. 1.", including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

The proposed rule amendment will not increase expenses. The change, while allowing a previously excluded class of reimbursable claims, will not result in a measureable increase in overall claims paid as the percentage represented by the proposed change will be within the usual fluctuation of the percentage of rejected claims. The rule amendment better defines the required claim documentation and is a change to one of the several claim denial criteria. The proposed rule is not intended to increase workload or paperwork as the claims will still be processed in the same manner as before.

3. Sources of funding for implementing the proposed rule or rule change.

SOURCE	FY 14-15	FY 15-16	FY 16-17
State General Fund	0	0	0
Agency Self-Generated	0	0	0
Dedicated	0	0	0
Federal Funds	0	0	0
Other (Specify)	0	0	0
TOTAL	0	0	0

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

Yes, sufficient funds are currently available to implement the proposed action. No increased costs associated with the implementation of the proposed rule amendment is anticipated.

B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED.

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

The proposed rule amendment will not impact local governmental units and will not cause any adjustments in workload or paperwork requirements.

2. Indicate the sources of funding of the local governmental unit, which will be affected by these costs or savings.

The proposed rule amendment will not impact local governmental units and therefore will not necessitate the need for adjustments in workload or paperwork requirements. Local governmental costs and savings will not be affected.

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS

A. What increase (decrease) in revenues can be anticipated from the proposed action?

<u>REVENUE INCREASE/DECREASE</u>	<u>FY 14-15</u>	<u>FY 15-16</u>	<u>FY 16-17</u>
State General Fund	0	0	0
Agency Self-Generated	0	0	0
Dedicated Funds*	0	0	0
Federal Funds	0	0	0
Local Funds	0	0	0
TOTAL	0	0	0

*Specify the particular fund being impacted.

There is no anticipated increase or decrease in revenue as a result of the proposed rule amendment.

B. Provide a narrative explanation of each increase or decrease in revenues shown in "A." Describe all data, assumptions, and methods used in calculating these increases or decreases.

There is no anticipated increase or decrease in revenue as a result of the proposed rule amendment.

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS

- A. What persons or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

The proposed rule will have no measurable cost or benefit to directly affected persons or non-governmental groups. While a positive economic benefit may be realized by a statistically insignificant number of directly affected persons (claimants) through the payment of claims that were previously denied, the change will be absorbed within the usual fluctuation of claims paid, resulting in no net change. There were only nine (9) claims that were denied due to claimants attempting to use documentation that would be permitted with the proposed rule, and of those nine, at least five (5) would have been disallowed for various other reasons.

- B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

There is no anticipated impact on receipts and/or income resulting from this proposed rule amendment.

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

The proposed rule amendment is not anticipated to have any impact on competition and employment in the public and private sectors, since the proposed rule amendment is not a substantive change.