

buildings, barns, sheds and offices, any person who is known to be ordered by the commission to be excluded, ejected or otherwise deemed not in good standing. The commission, or designated racing stewards, may revoke, limit, condition, or suspend the license of or impose a fine on any individual or licensee in accordance with the law of this state and rules and regulations of the commission, if the licensee or person knowingly and willfully fails to act to exclude or eject any person who is known to be excluded, ejected or otherwise deemed not in good standing by the commission.

E. Each training track shall provide one ambulance during all days and at all times designated within the license for the conduct of official work-outs. During such time, the ambulance shall be ready for duty, properly equipped to provide emergency medical services, including equipment and personnel, and shall have immediate access to the racing strip.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 4:289 (August 1978), amended by the Office of the Governor, Division of Administration, Racing Commission, LR 38:1018 (April 2012).

§1906. Production of Books, Memorandum, or Documents; Removal of Official or Employee; Manner of Keeping Books; Witnesses; Penalty

A. The commission may compel the production of all books, memoranda, or documents showing receipts of accounts payable and accounts receivable of any person licensed to conduct a training track. As a condition of licensing, the commission may require that the books, financial statement, or other statement of any licensee be kept in a manner provided by the commission.

B. The commission, a racing steward, or a designated representative of either may visit, investigate, audit, and place inspectors in the offices, tracks or place of business of the licensed training track.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 38:1019 (April 2012).

§1907. Grounds for Denial or Termination of Training Track License

A. The commission may refuse, suspend, or withdraw a training track license for just cause, which shall include but not be limited to any of the following:

1. any actions which are found to violate the provisions of this chapter or other applicable *Rules of Racing* to the Louisiana State Racing Commission, the laws of this state or the United States;

2. corrupt practice;

3. willful falsification and/or misstatement of material fact in an application for license;

4. material false statement to the commission, racing stewards, or its duly authorized representative;

5. continued failure to meet the terms and conditions of the license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 38:1019 (April 2012).

Charles A. Gardiner III
Executive Director

1204#018

RULE

**Office of the Governor
Office of Homeland Security and
Emergency Preparedness**

Intrastate Mutual Aid Compact
(LAC 55:XXIII.Chapter 1 and 3)

Under the authority of The Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the director has adopted LAC 55:XXIII.Chapter 1 and 3 (Intrastate Mutual Aid Compact).

The Rule applies to intrastate mutual aid between parishes in the prevention of, response to, and recovery from, an emergency or disaster. The Rule will provide guidelines and procedures implementing effective mutual aid in the state and provide for responsibilities of requesting and assisting parishes with respect to limitations, reimbursement and insurance.

Title 55

PUBLIC SAFETY

Part XXIII. Intrastate Mutual Aid Compact

Chapter 1. General Provisions

§101. Overview

A. Act 1035 of the 2010 Regular Legislative Session, effective on August 15, 2010, established the Intrastate Mutual Aid Compact, effective for any and all parishes in the state, to provide and promote mutual assistance among the parishes in the prevention of, response to, and recovery from, an emergency or disaster, as defined in R.S. 29:723, occurring in a parish, or any other event that exceeds a parish's capability or resources and provides for mutual cooperation among the parishes in conducting disaster related exercises, testing, or other training activities outside actual emergency periods.

B. The Intrastate Mutual Aid Compact does not mandate that a parish provide assistance when requested, nor does it preclude parishes from entering into supplemental agreements with other parishes pursuant to R.S. 29:730 and 730.1 and does not affect any other agreement to which a parish may currently be a party, or decide to be a party.

C. Revised Statutes 29:739(D) added by Act 1035 of the 2010 Regular Legislative Session, effective August 15, 2010, established the Intrastate Mutual Aid Subcommittee whose responsibility it will be to:

1. review the progress and status of providing statewide mutual aid in times of disaster;

2. assist in developing methods to track and evaluate the activation of the mutual aid system; and

3. examine issues facing participating parishes regarding the implementation of this compact;

4. prepare an annual report on the condition and effectiveness of mutual aid in the state, make recommendations for correcting any deficiencies, and submit that report to the governor and the Joint House and Senate Select Committees on Homeland Security by January thirty-first of each year;

5. the subcommittee shall make recommendations to the Governor's Office of Homeland Security and Emergency Preparedness on comprehensive guidelines and procedures including but not limited to the following:

- a. projected or anticipated costs;
- b. checklists for requesting and providing assistance;
- c. recordkeeping for all parishes;
- d. reimbursement procedures;
- e. changes in legislation or policy to better facilitate the mutual aid process; and
- f. any necessary implementation elements such as forms for requests and other records documenting deployment and return of assets.

D. Revised Statutes 29:739(E)(3) added by Act 1035 of the 2010 Regular Legislative Session, effective August 15, 2010, requires the Governor's Office of Homeland Security and Emergency Preparedness, in coordination with the Intrastate Mutual Aid Subcommittee, to develop guidance and procedures governing the implementation of the Intrastate Mutual Aid Compact in accordance with the Administrative Procedure Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 29:725.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Homeland Security and Emergency Preparedness, LR 38:1019 (April 2012).

§103. Purpose and Scope

A. The purpose of these regulations is:

1. to establish an agreement for providing governmental services and resources in preparation for, response to and recovery from any disaster resulting in a formal declaration of emergency; and
2. to provide an easily accessible source of information on procedures used during the Intrastate Mutual Aid Compact process.

B. The scope of these regulations is:

1. a simple and efficient structure for requesting and receiving disaster assistance from other participating parishes;
2. resolution of potential legal and administrative issues in advance of a disaster; and
3. a tool to strengthen mutual aid resources across Louisiana by strengthening local government's capacity to respond to a disaster.

AUTHORITY NOTE: Promulgated in accordance with R.S. 29:725.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Homeland Security and Emergency Preparedness, LR 38:1020 (April 2012).

§105. Definitions

IMAC—Intrastate Mutual Aid Compact.

First Responder—those individuals who in the early stages of an incident are responsible for the protection and preservation of life, property, evidence, and the environment,

including emergency response providers as defined in Section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101), as well as emergency management, public health, clinical care, public works, and other skilled support personnel, such as equipment operators that provide immediate support services during prevention, response, and recovery operations consistent with Homeland Security Presidential Directive 8.

Requesting Parish—any parish in the state of Louisiana that has informally or formally requested Intrastate Mutual Aid Compact assistance.

Assisting Parish—any parish in the state of Louisiana that is providing an Intrastate Mutual Aid Compact requested resource.

Authorized Representative—person designated by the chief executive of the parish to obligate resources and expend funds on behalf of the parish.

AUTHORITY NOTE: Promulgated in accordance with R.S. 29:725.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Homeland Security and Emergency Preparedness, LR 38:1020 (April 2012).

Chapter 3. Limitations, Implementation, and Reimbursement

§301. Limitations

A. A parish's obligation to provide assistance in preparation for, response to or recovery from a disaster shall be subject to the following conditions:

1. first responders of a responding parish shall remain subject to recall by their responding jurisdiction, will continue to utilize customary skills, techniques, standard operating procedures to include medical procedures and protocols, and other procedures and protocols;
2. first responders shall be under the direction and control of the appropriate officials within the incident management system of the parish receiving the assistance; and
3. assets and equipment of a responding parish shall remain subject to recall by their responding jurisdiction, but shall be under the direction and control of the appropriate officials within the incident management system of the parish receiving the assistance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 29:725.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Homeland Security and Emergency Preparedness, LR 38:1020 (April 2012).

§303. Implementation

A. Responsibilities of a requesting parish include:

1. parish state of emergency declaration prior to requesting assistance;
2. documenting of process from declaration through reimbursement;
3. utilizing State Emergency Management process for requesting resources;
4. adhering to guidelines set forth in the National Incident Management System; and
5. participating in after action review and implementing corrective actions.

B. Responsibilities of an assisting parish include:

1. verifying the details of the request for assistance;
2. ensuring receipt of proper authorization from requesting parish prior to deployment;

3. utilizing State Emergency Management process for requesting resources;

4. adhering to guidelines set forth in the National Incident Management System; and

5. participating in after action review and implementing corrective actions.

C. Responsibilities of the state of Louisiana:

1. overseeing and maintaining the State Emergency Management process in order to facilitate the IMAC process; and

2. maintaining updated parish authorized representative listing.

D. By officially executing the IMAC request, the authorized representatives from both the assisting parish and requesting parish will have, in effect, entered into a contract to provide and to reimburse for services to be rendered under the Intrastate Mutual Aid Compact.

AUTHORITY NOTE: Promulgated in accordance with R.S. 29:725.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Homeland Security and Emergency Preparedness LR 38:1020 (April 2012).

§305. Reimbursement

A. Intrastate Mutual Aid Compact response shall not depend on assistance that may result from a state or federal disaster declaration.

B. With a letter to the requesting parish, assisting parishes may donate mutual aid or assume partial or total costs associated with loss, damage or use of personnel, equipment and/or resources while providing mutual aid through an IMAC request.

C. Reimbursement shall not be:

1. provided to those assisting parishes that document the donation of their services or assume any costs while providing IMAC assistance;

2. available for costs incurred when mutual aid assistance has been provided to a parish that does not have a formal declaration of emergency;

3. for costs associated with Worker Compensation claims or death benefits to injured assisting parish responders, other than the portion of the responder's agreed-upon daily cost rate ordinarily attributable to "benefits;"

4. in duplication of other payment and insurance proceeds;

5. provided for costs and expenses incurred that cannot be supported by documentation;

6. provided to assisting parishes that have self-deployed without a formal request from a requesting parish; or

7. provided for ineligible costs including:

a. the value of volunteer labor or paid labor that is provided at no cost;

b. administration of IMAC resources; and

c. training, exercise or on-the-job training.

D. Responsibilities of a requesting parish include:

1. review and agreement to estimated daily costs of resources offered by an assisting parish prior to deployment of those resources;

2. coordination of requests for reimbursement from assisting parish through the authorized representatives;

3. maintaining financial records in compliance with the state or local retention guidance;

4. ensure a state of emergency was issued by the parish;

5. maintaining and making available all appropriate documentation; and

E. Responsibilities of an assisting parish include:

1. providing estimated daily costs of resources requested by the requesting parish prior to deployment of resources;

2. using Intrastate Mutual Aid Compact reimbursement procedures, seek reimbursement through the authorized representative for expenses associated with resources provided in response to an IMAC request;

3. providing accurate and complete request for reimbursement to the requesting parish authorized representative within 30 days from demobilization;

4. maintaining original documents that support request for reimbursement in accordance with applicable record retention guidance; and

5. providing a written request for a time extension through the authorized representative if a reimbursement request cannot be completed within the 30 day timeframe.

F. Responsibilities of the state of Louisiana:

1. providing technical assistance should a requesting parish seek reimbursement for mutual aid provided by an assisting parish.

G. Revised Statutes 29:739(H) added by Act 1035 of the 2010 Regular Legislative Session, effective August 15, 2010, provides that personnel authorized by their employer to respond to an event who sustain injury or death in the course and scope of their employment remain entitled to all applicable benefits normally available pursuant to their employment even though they may be under the direction and control of another governmental entity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 29:725.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Homeland Security and Emergency Preparedness, LR 38:1021 (April 2012).

Pat Santos

Interim Director

1204#049

RULE

**Office of the Governor
Real Estate Commission**

Internet Advertising (LAC 46:LXVII.2515)

Under the authority of the Louisiana Real Estate License Law, R.S. 37:1430 et seq., and in accordance with the provisions of the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., the Louisiana Real Estate Commission has amended LAC 46:LXVII, Real Estate, Chapter 25 (Advertising; Disclosures; Representations), Section 2515 (Internet Advertising).

The amendment reinserts previously removed language relative to the license regulatory jurisdiction information included in all internet advertising.