

NOTICE OF INTENT

Department of Culture, Recreation and Tourism Office of Cultural Development

Fees (LAC 25:122)

Under the authority of the Archaeological Resources Act, R.S. 41:1608, and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Division of Archaeology gives notice that procedures have been initiated to increase the curation fee and assess an annual GIS access fee. The proposed amendment will increase the fee for depositing a box of archaeological materials with the Division's curation facility, and will establish an annual fee for access to the Division's online Geographic Information System (GIS). The curation fee increase will provide sufficient operating funds to the Division to fully support its archaeological curation facility and staff without relying on state funds. The GIS Fee will provide funds for the Division of Archaeology's GIS operation and maintenance. The Division operates a GIS system for inhouse use and provides online access to federal agencies, state agencies, private firms, students, and academic and other researchers. Online accessibility to the system enables users to save significant time and money by accessing the system at their office rather than having to travel to Baton Rouge and use the system at the Division's offices. In addition, the GIS system allows users to overlay multiple datasets and examine the data in ways that is not possible through the use of paper records. The proposed annual fee will maintain this access and provide the funds to support the operation, maintenance, and necessary upgrades of the GIS system. State agencies will not be charged the access fee, and the Division will provide free online access at its Baton Rouge office for any user who does not wish to pay the access fee.

Title 25

Cultural Resources

Part I. Office of Cultural Development

Subchapter A. Regulations

§ 122. Fees

A. – B.

C. Curation of Archaeological Collections. A one time fee of ~~\$200~~ \$400 shall be charged for processing and long-term curation of a standard box of artifacts deposited with the division. A standard box measures 12 x 10 x 15 inches and the contents can weigh no more than 30 pounds (13.6 kg). Oversize artifacts shall be assessed at the rate of ~~\$200 per cubic foot~~ \$400 per square foot of shelf space occupied. ~~The fee must be paid within 30 days of billing.~~

D. 1. The division shall charge an annual, non-refundable fee for online access to the division's Geographic Information System (GIS). The fee will be \$1,300 per state fiscal year for each public or private entity with one or more professional archaeologists on staff or an individual professional archaeologist who will use the online access.

2. Professional archaeologists at academic institutions and graduate students studying to become a professional archaeologist will not be charged the access fee.

~~D. E. Fee Adjustments Waivers.~~ Fees may be adjusted in accordance with ~~as described in the~~ division's *Archaeological Code of Louisiana*.

~~F. Fee Adjustments.~~ Fees may be periodically readjusted to reflect changes in product costs and services.

AUTHORITY NOTE: Promulgated in accordance with Revised Statute 41:1601-1615.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Division of Archaeology, LR 20:411 (April 1994), amended LR 42:.

Family Impact Statement

The proposed amendment will not have any effect on the stability of the family. The proposed amendment will not affect the authority and rights of persons regarding the education and supervision of their children. This amendment will not have any effect on the functioning of the family. This amendment will not affect family earnings or family budget. This amendment will not affect the behavior or personal responsibility of children. This amendment will not have any effect on the family or local government.

Poverty Impact Statement

The proposed amendment should not have any foreseeable impact on any child, individual or family as defined by R.S. 49:973.B. In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Provider Impact Statement

The proposed amendment does not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the 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 providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments until 4:00 p.m., November 15, 2016, to Chip McGimsey, Division of Archaeology, PO Box 44247, Baton Rouge, LA 70804.

Fiscal and Economic Impact Summary

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

The proposed rule change will double the current per box curation fee from \$200 to \$400 per box and institute an annual fee of \$1,300 for online access to the Division GIS System. The goal of the proposed rule is to make the Division's curation facility and GIS System substantially self-supporting through fees. The cost of operations is currently partly absorbed by existing fees and partly by the Office of Cultural Development within the Department of Culture, Recreation and Tourism. The curation fee will be used solely to support the curation facility, and the GIS fee will be used solely to support the GIS system. Neither fee increase will fully cover the costs for each activity. The implementation of the amended rules will provide no additional cost or savings to state or local governmental units.

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

Increasing the curation fee from \$200 per 1 standard box to \$400 per 1 standard box will increase revenue collections in the form of self-generated funds at the state level, but will have no effect at the local government level. The \$1,300 GIS fee will increase revenue collections in the form of self-generated funds at the state level but will have no effect at the local governmental level.

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

Private firms undertaking archaeological investigations in Louisiana under contract to businesses or federal agencies required under the federal National Historic Preservation Act to conduct those investigations will pay the \$400 per box curation fee to the Division for all collections submitted. Firms are not required to deposit collections with the Division and may choose other out-of-state facilities. Nearly all archaeological collections currently obtained from Louisiana are curated with the Division, thus there will be no additional workload requirement for the private firms.

Agencies and private firms conducting archaeological investigations in Louisiana will be subject to the \$1,300 annual GIS fee, unless they wish to access the system at no cost at the Division's offices. Most agencies and firms have multiple staff that access the system on a daily or weekly basis. Paying the fee will be more cost-effective than sending staff on day-long trips to the Division's office. The fee will not create any increased workload or paperwork for the organizations that pay it.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The amended fee structure will have no effect on competition and employment.