

CONTENTS

I. EXECUTIVE ORDERS

EWE 86-38—Creates Emergency Response Commission	71
EWE 87-1—Directs Department of Natural Resources to administer the Weatherization Assistance Program	71
EWE 87-2—Restores \$500,000 to Agriculture Department	72
EWE 87-3—Amends EWE 86-39—Allocates unused private activity volumes	72
EWE 87-4—Places Building and Grounds' accounting and purchasing activities under the commissioner of administration	72
EWE 87-5—Adds additional representation to the Emergency Reponse Commission	72
EWE 87-6—Reduces the budget and transfers certain fund balances to the general fund	72
EWE 87-7—Rescinds EWE 87-1 placing Weatherization Assistance Program under the Natural Resources Department	74
EWE 87-8—Freezes the number of state employees, freezes agency expenditures for out-of-state travel, professional services, supplies and equipment	74
EWE 87-9—Reduces the number of state vehicles	74
EWE 87-10—Creates the Save Our Coastline Commission (SOCC)	75

II. EMERGENCY RULES

Health and Human Resources Department:	
Office of Family Security—MAP—Allows reimbursement for ambulance transportation claims when accompanied with doctor's statement	75
MAP—Disallows ambulance transportation reimbursements denied by Medicare	76
MAP—Reduces inpatient hospital leave days to five per hospital stay	76
MAP—Reduces physician, osteopath and nurse-midwife reimbursement six percent	77
MAP—Restores Medicaid for O, F, V and I categories	77

III. RULES

Agriculture Department:	
State Market Commission - Loans	77
Commerce Department:	
Board of Certified Public Accountants—Assessment of fees (LAC 46:XIX.2101) (Republished rule)	82
Culture, Recreation and Tourism Department:	
Office of State Museum—Admission fees (LAC 25.III.105)	82
Building rental policy (LAC 25:III.103)	83
Education Department:	
Board of Elementary and Secondary Education—Environmental Science, World History, Western Civilization, American History and map supplement curriculum guides	83
Postsecondary Vo-Tech facility bus transportation	84
Postsecondary Vo-Tech residency requirements; nonresident fees	84
Vocational-Technical school fee schedule	84
Vocational-Technical school regional coordination	84
Environmental Quality Department:	
Office of Solid and Hazardous Waste—Clarified hazardous waste regulations	84
Fee system	85
Underground storage tank regulations	85
Governor's Office:	
Department of Veterans Affairs—Admission requirements (LAC 4:VII.937)	85
Division of Administration—Office of Contractual Review—Contractual Review process (LAC 34:V.121)	87
Office of State Purchasing—Bidder lists (LAC 34:I.509)	88
Governor's Special Commission on Education Services—Practical nursing education and licensure to practice in Louisiana	88
Health and Human Resources Department:	
Office of Family Security—Food Stamp Program—Categorical eligibility	90
Definitions and level of benefits for students	91
MAP—Elimination of categories O, F, V and I	92
MAP—Hospital interim per diem reduced	92
MAP—Inpatient hospital days reduction	92
MAP—Medicaid crossover coverage limitation	92
MAP—Medically Needy Income Eligibility Standards reduction	93
MAP—Physician/optometrist/midwife payments reduced	93
MAP—Provider payment for home leave reduced	93
Office of Human Development, Commission for the Deaf—Adoption of rules	93
Office of Management and Finance—Division of Policy, Planning and Evaluation—Section 1122, Expedited review criteria	97
State Health Plan revisions	97
Office of Preventive and Public Health Services—Mechanical sewerage treatment plants	98
Public Safety and Corrections Department:	
Office of Motor Vehicles—Vehicle inspection stations (LAC 55:III. Chapter 8)	99
Office of State Police—Division of Charitable Gaming—Charitable Bingo, Keno and Raffle (LAC 55:I. Chapter 17)	99
Revenue and Taxation Department:	
Excise Taxes Section—Hazardous waste disposal tax	105
Sales Tax Section—Adopts, rescinds and repromulgates various rules	107
Tax exemption for purchases and importations outside the state	108

This public document was published at a total cost of \$5,726.70. 1,475 copies of this public document were published in this monthly printing at a cost of \$3,726.70. The total cost of all printings of this document including reprints is \$5,726.70. This document was published by Bourque Printing, Inc., 13112 South Choctaw Drive, Baton Rouge, LA 70815, as a service to the state agencies in keeping them cognizant of the new rules and regulations under the authority of R.S. 49:950-970. This material was printed in accordance with standards for printing by state agencies established pursuant to R.S. 43:31. Printing of this material was purchased in accordance with the provisions of Title 43 of the Louisiana Revised Statutes.

Severance Tax Section—First use tax (Article 47:11)	109
First use tax (Article 47:647-1 through 647-4)	109
First use tax (Article 47:1302-1305)	109
Tax Credits to municipal operated manufacturing establishment or electric generating plant	110
Taxes on natural resources other than oil and gas.	111
Treasury Department:	
Board of Trustees of the State Employees Group Benefits Program—Contract amendments	113
Defines covered person and family unit	113
Dependents of non-continuing employees	114
Ineligibility after obtaining coverage in another group plan	114
Member responsibility	114
Surviving dependents of continuing employees	115
Wildlife and Fisheries Department:	
Wildlife and Fisheries Commission—Seismic fee increase (LAC 76:I.301.X)	115

IV. NOTICES OF INTENT

Commerce Department:	
Racing Commission—Elimination of horses; Too many entries (LAC 35:V.6336)	115
Jockey fee schedule (LAC 46:XLI.725)	116
Masculine; feminine; singular; plural (LAC 35:I.102)	116
Education Department:	
Board of Elementary and Secondary Education—Bulletin 741, Minimum session/minimum instructional time	116
Bulletin 1213, Minimum standards for school buses.	117
Environmental Quality Department:	
Office of Solid and Hazardous Waste—Small quantity generators	118
Governor's Office:	
Division of Administration—Office of Telecommunications Management—Payment (LAC 4:IX. Chapter 15)	118
Office of Women's Services—Minimum standards for family violence programs	119
Programs for victims of family violence.	120
Health and Human Resources Department:	
Aids Trust Fund Board—Bylaws.	121
Board of Examiners for Nursing Home Administrators—Continuing Education Programs	122
Board of Nursing—Repeal LAC 46:XLV.II3349	123
Office of Family Security—AFDC and Refugee cash assistance payment standard restored	123
MAP—Eligibility for SNF services	124
MAP—LTC Reimbursement Methodology - Wage Clarification	125
MAP—Physician, et al payment reduction	125
MAP—Reduction of optional personal care needs	126
MAP—Reimbursement of non-emergency transportation	127
Office of Preventive and Public Health Services—Amends Chapter XIV. (Plumbing) of the Sanitary Code	128
Epidemiology program—disposition of corpses	129
WIC—Prohibition for collection of taxes on all food packages	129
Labor Department:	
Office of Worker's Compensation—Compliance rules.	130
Public Safety and Corrections Department:	
Public Safety Services—Constables and Justices of the Peace supplemental pay	131
Firemen supplemental pay	131
Municipal Police Officers' supplemental pay	131
Revenue and Taxation Department:	
Tax Commission—Amendments to Oil and Gas Properties, Leased Equipment, Use Value and Financial Institutions of Real/Personal Property	132
Transportation and Development Department:	
Office of Highways—Fee schedule	133
Wildlife and Fisheries Department:	
Wildlife and Fisheries Commission—Establish a public oyster seed ground	134
Issue special commercial fish seining permit	134

V. COMMITTEE REPORTS

Environmental Quality Department:	
Office of Solid and Hazardous Waste—Underground Storage Tank Regulations.	135
Health and Human Resources Department:	
Office of Family Security—Eliminates the Medically Needy Program, the Hemodialysis Program and Hospital Days Extensions	135
Wildlife and Fisheries Department:	
Wildlife and Fisheries Commission—Defines menhaden and herring-like species	135
Defines "excessive killing of fish"	135

VI. POTPOURRI

Agriculture Department:	
Horticulture Commission—Retail Floristry examinations.	136
Horticulture Commission—Landscape architecture deadline set	136
Health and Human Resources Department:	
Board of Embalmers and Funeral Directors—National Board Funeral Director and Embalmer/Funeral Director exams scheduled.	136
Office of Human Development—Public Hearing set on proposed Income Exemption Policy for Rehabilitation Services.	136
Natural Resources Department:	
Fishermen's Gear Compensation Fund—Claims.	136
Treasury Department:	
State Employees Retirement System—Regular monthly meeting date changed	140

Executive Orders

EXECUTIVE ORDER EWE 86-38

WHEREAS, The protection and overall well-being of the citizens of this state is of primary importance to this administration and the future of the state is dependent on the same; and

WHEREAS, The Department of Public Safety and Corrections has been designated as the lead agency for the state of Louisiana in the area of Hazardous Materials/Right to Know/Motor Carrier Safety Enforcement; and

WHEREAS, The United States Congress has passed and the President of the United States has signed into law the Superfund Amendments and Reauthorization Act which requires the Governor of each state to appoint an Emergency Response Commission,

NOW THEREFORE I, EDWIN EDWARDS, Governor of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: The Louisiana Emergency Response Commission is created within the Department of Public Safety and Corrections, Public Safety Services.

SECTION 2: The commission shall be composed of 16 members who are designated representatives from the following organizations:

1. The Louisiana Department of Public Safety and Corrections/Office of State Police;
2. The Louisiana Association of Broadcasters;
3. The Louisiana Association of Chiefs of Police;
4. The Louisiana Chemical Association;
5. The Louisiana Emergency Preparedness Association;
6. The Louisiana Fire Chiefs Association;
7. The Louisiana Motor Transport Association;
8. The Louisiana Municipal Association;
9. The Louisiana National Guard;
10. The Louisiana Department of Environmental Quality;
11. The Louisiana Sheriffs Association;
12. The Louisiana Department of Health and Human Resources;
13. The Louisiana Police Jury Association of Louisiana;
14. The Jefferson Parish Department of Emergency Management;
15. The St. Charles Parish Office of Emergency Preparedness;
16. The Louisiana Office of Emergency Preparedness.

SECTION 3: Each member appointed by the governor shall serve at the pleasure of the governor. Any vacancy occurring on the Commission shall be filled in the manner of the original appointment.

SECTION 4: The duties of the commission are to:

1. designate emergency planning districts to facilitate implementation of emergency plans;
2. appoint local emergency planning committees;
3. approve the local committees' emergency response plans.

SECTION 5: The commission may receive grants, donations, or gifts of money, equipment, supplies, and services from any public or private source to carry out its duties hereunder.

SECTION 6: The governor shall appoint the chairman of the commission and the commission may elect such other offi-

cers as it deems necessary.

SECTION 7: The commission shall meet bimonthly and at other times on call of the chairman. A majority of the members shall constitute a quorum for the transaction of business.

SECTION 8: Members shall serve without compensation, and no member shall receive a per diem or reimbursement of personal expenses from public funds.

SECTION 9: This order shall remain in effect until amended or modified by the Governor or until terminated by operation of law.

IN WITNESS WHEREOF, I have hereunder 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 17th day of November, 1986.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

EXECUTIVE ORDER EWE 87-1

WHEREAS, Weatherization Assistance continues to be a viable and important energy conservation program measure supported by the United States Department of Energy; and

WHEREAS, Louisiana enjoys an active participation in this program, disbursing annually monies to the low income and/or handicapped citizens for energy conservation home improvements; and

WHEREAS, most recently the State of Louisiana has allocated more than \$12 million of the oil overcharge funds to augment existing Weatherization efforts; and

WHEREAS, by statute and executive order the Department of Natural Resources administers the bulk of energy conservation program measures and, in particular, is charged with coordinating the allocation of oil overcharge settlement funds; and

WHEREAS, by consolidating the Weatherization Program with other energy conservation programs now being administered by DNR, efficiencies in administration and increases in effectiveness can be achieved;

NOW THEREFORE I, EDWIN EDWARDS, Governor of the State of Louisiana, do hereby order and direct the Louisiana Department of Natural Resources to administer the Weatherization Assistance Program in Louisiana including the Department of Energy's regular annual appropriations and any appropriations made by the State of Louisiana of oil overcharge settlement funds.

IN WITNESS WHEREOF, I have hereunto 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 the 8th day of January, A.D. 1987.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

EXECUTIVE ORDER EWE 87-2

WHEREAS, under the authority granted me by Section 10 of Act 17 of the 1986 Regular Session of the Legislature, R.S. 39:55, and Article 4, Section 5, of the Louisiana Constitution of 1974, I did issue an executive order on the 13th day of October, 1986, reducing certain appropriations in force; and

WHEREAS, a portion of the reduction was applied against the appropriation made to the Department of Agriculture; and

WHEREAS, said reduction severely impacted the ability of the state to make full use of the Federal Commodity Distribution Program; and

WHEREAS, the value of the commodities to be received for the balance of the current fiscal year exceeds \$15,000,000; said commodities will be used to offset the cost of meals to the elderly and to enhance the ability of the public school system to maintain a viable school lunch program without additional cost for the remainder of the year;

NOW THEREFORE I, EDWIN EDWARDS, Governor of the State of Louisiana, do hereby restore the sum of \$500,000 to the Department of Agriculture effective January 8, 1987.

IN WITNESS WHEREOF, I have hereunto 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 the 8th day of January, 1987.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

EXECUTIVE ORDER EWE 87-3

Executive Order NO. EWE 86-39 dated December 31, 1986 is hereby amended as follows:

ISSUER	CARRYFORWARD PROJECT	CARRYFORWARD AMOUNT
Louisiana Public Facilities Authority	Guaranteed Student Loan Bonds (Statewide)	\$ 43,745,000

This executive order shall be effective upon signature of the governor.

IN WITNESS WHEREOF, I have hereunder 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 12th day of January, 1987.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

EXECUTIVE ORDER EWE 87-4

WHEREAS, Executive Order EWE 84-4 directed the commissioner of administration to assume responsibility for and authority over the superintendent of the Division of State Build-

ings and Grounds; and

WHEREAS, certain economies of scale exist in the centralization of the accounting and purchasing functions of the Division of State Buildings with that of the Division of Administration; and

WHEREAS, such centralization provides for efficient use of human and other resources:

NOW THEREFORE I, EDWIN EDWARDS, Governor of the State of Louisiana, do hereby order and direct the commissioner of administration to assume administrative control over the accounting and purchasing activities of the Division of State Buildings and Grounds.

IN WITNESS WHEREOF, I have hereunder 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 13th day of January, 1987.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

EXECUTIVE ORDER EWE 87-5

WHEREAS, Executive Order EWE 86-38 created the Louisiana Emergency Response Commission relative to the area of Hazardous Materials/Right to Know/Motor Carrier Safety Enforcement; and

WHEREAS, it would be beneficial to add additional representation to the commission so that input of other organizations may be utilized by the commission as it undertakes its duties;

NOW, THEREFORE, I, EDWIN EDWARDS, Governor of the State of Louisiana do hereby order and direct as follows:

SECTION 1: the Louisiana Emergency Response Commission as set up by Executive Order EWE 86-38 is continued.

SECTION 2: representation by the additional groups listed below is provided as follows:

- a. AFL-CIO
- b. Louisiana Association of Fire Fighters
- c. United Transportation Union
- d. oil and chemical atomic workers
- e. the environmental community
- f. three members of the community at large

IN WITNESS WHEREOF, I have hereunto 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 the 14th day of January, A.D. 1987.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

EXECUTIVE ORDER EWE 87-6

WHEREAS, it has been reported to me by the commissioner of administration that the receipts of the Treasury will fall

short of revenue for the fiscal year 1986-1987; and

WHEREAS, as governor of the State of Louisiana, pursuant to the authority granted me by Section 10 of Act 17 of the 1986 Regular Session of the Legislature, R.S. 39:55 and Article IV, Section 5, of the Louisiana Constitution of 1974, I did issue an executive order reducing appropriations in force; and

WHEREAS, these reductions were insufficient to achieve a balanced budget; and

WHEREAS, I found it necessary to call the legislature into extraordinary session for the purpose of enacting revenue-producing measures and addressing certain budgetary problems; and

WHEREAS, the Louisiana legislature did grant me the authority to further reduce appropriations in force and to provide for transfer of funds between budget units;

NOW THEREFORE I, EDWIN EDWARDS, Governor of the State of Louisiana, under the authority granted me in Act 38 of the First Extraordinary Session of 1986, do hereby take the following actions:

SECTION 1. Reduction of appropriations in the following amounts:

A. Department of Health and Human Resources	
Office of Management and Finance	\$100,000
Office of Hospitals-Director's Office	17,890
New Orleans Home and Rehab.	11,768
E. A. Conway Memorial Hospital	750,000
Earl K. Long Memorial Hospital	155,300
Huey P. Long Memorial Hospital	25,227
University Medical Center	279,708
W. O. Moss Regional Hospital	540
Lallie Kemp Charity Hospital	110,204
Washington-St. Tammany Hospital	71,348
Villa Feliciana Geriatric Hospital	70,612
South La. Medical Center	256,220
Charity Hospital of La. at New Orleans	2,501,308
Office of Prev. and Public Health	1,622,849
Central La. State Hospital	538,969
East La. State Hospital	1,195,535
Southeast La. State Hospital	360,445
Greenwell Springs Hospital	206,940
Feliciana Forensic Facility	29,040
Office of Mental Retard./DD-Administration	58,479
Thibodaux State School	4,750
Metropolitan Develop. Center	38,654
Columbia State School	5,585
Hammond State School	327,695
Leesville State School	4,948
Northwest State School	97,316
Pinecrest State School	9,948
Ruston State School	23,476
Southwest State School	1,431,713
Ofc. of Alcohol and Drug Abuse	390,127
Ofc. of Family Security-Administration	403,828
Public Assistance	3,968,859
Ofc. of Human Development-Administration	42,000
Service to the Blind	25,321
Division of Rehab. Services	65,000
Div. of Child., Youth and Family	963,527
B. Department of Agriculture and Forestry	\$2,700,000
C. Office of Corrections	1,685,600
D. Department of Natural Resources	200,000
E. Office of Public Safety	500,000
F. Department of Transportation and Develop.	10,500,000

G. Parish Transportation Fund	12,782,725
H. Department of Commerce	25,723,797
I. Higher Education as follows:	
Delgado College	418,484
Grambling State University	477,104
Louisiana Tech University	570,417
McNeese State University	606,240
Nicholls State University	567,910
Northeastern State University	629,471
Northwestern State University	453,186
Southeastern Louisiana University	301,546
University of Southwestern Louisiana	1,243,846
Board of Trustees-St. Colleges & Universities	6,850
Louisiana State University-Baton Rouge	2,581,315
Louisiana State University-Alexandria	137,519
Louisiana State University-Eunice	101,886
Louisiana State University-Shreveport	271,960
University of New Orleans	747,090
Louisiana State University Ag. Center	1,144,010
Louisiana State University Medical Center	4,122,137
Paul M. Hebert Law Center	158,317
Board of Supervisors, LSU	48,909
Southern University at Baton Rouge	856,355
Southern University at New Orleans	276,946
Southern University at Shreveport	172,527
Board of Supervisors, Southern University	44,908
Board of Regents for Higher Education	54,667
Louisiana Universities Marine Consortium	55,622

J. Further reductions in other appropriations, not less than \$6,500,000 in their aggregate, all as further directed by me and to be made known through the commissioner of administration.

SECTION 2. Transfer of fund balances to the state General Fund in the following amounts and from the sources indicated as follows:

A. Rockefeller Wildlife Refuge and Game Preservation Fund	\$2,000,000
B. Conservation Fund	2,000,000
C. Department of Labor-Penalty and Interest Fund	2,000,000
D. Department of Transportation and Development-Mississippi Bridge Authority Operations Fund	5,300,000
E. Financial Responsibility Division Fund	2,600,000
F. Motor Vehicle Operations Fund	300,000
G. Any other fund balances as directed by me and made known by the commissioner of administration which in the aggregate of this section shall not exceed \$25,000,000.	

SECTION 3. All budget units as defined by R.S. 39:2(7) which are affected by this order shall submit revised budgets to the commissioner of administration for approval no later than February 5, 1987, with the exception of the Department of Health and Human Resources and the units of higher education, which shall make a submission by March 1, 1987, and April 15, 1987, respectively.

SECTION 4: Budget reductions pursuant to this order shall become effective January 9, 1987.

IN WITNESS WHEREOF, I have hereunto 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 the 15th day of January, 1987.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

EXECUTIVE ORDER EWE 87-7

Executive Order No. EWE 87-1 issued January 8, 1987, is hereby rescinded in its entirety.

IN WITNESS WHEREOF, I have hereunto 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 the 26th day of January, 1987.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

EXECUTIVE ORDER EWE 87-8

WHEREAS, the purpose of this order is to freeze the number of state employees in the executive branch of government at the current level and to freeze further expenditures for out-of-state travel, professional services, supplies, and equipment by every agency without severely reducing state services or creating hardships;

NOW THEREFORE I, EDWIN EDWARDS, Governor of the State of Louisiana, do hereby order and direct:

Section 1: Except as hereinafter authorized, no vacancy occurring after February 1, 1987, for any reason whatsoever shall be filled without express approval of the commissioner of administration. Additionally, no expenditures for travel, professional services, supplies, and equipment shall be made without prior approval.

Section 2: The following are exempt from the provisions of Section 1:

A. The office of corrections services in the Department of Public Safety and Corrections, the Department of Health and Human Resources, and institutions of higher education, each only insofar as necessary to comply with court orders.

B. A vacant position which must be filled in order to prevent emergencies or serious disruption of services. Agencies shall justify in writing such action to the commissioner of administration within 72 hours.

C. Transfers, promotions, or reallocations within a department and between departments which will not in any way increase the aggregate number of employees within the respective department.

D. The exceptions in Paragraphs B and C relate only to the necessity to fill vacancies when they occur. In no event are new positions to be created or filled without express approval of the commissioner of administration.

E. Expenditures for travel for audit and related personnel engaged in the revenue collection effort of the state.

F. Expenditures for athletic travel for institutions of higher education which have made prior contractual arrangements with other colleges and universities necessitating the travel.

G. Expenditures for travel by the office of tourism as they relate to participation in trade shows.

H. Expenditures for travel by the Department of Commerce as they relate to matters involving industrial inducements.

I. Expenditures to replace equipment and supplies without which human life or safety would be endangered.

J. Expenditures for routine supplies that total no more than 20 percent of the sum available for expenditure as of the effective date of this order.

K. Expenditures for new professional service contracts deemed to be absolutely essential.

Section 3: The secretary of each department shall file a report with the governor on March 1, 1987, and a monthly report thereafter. The first report shall cover the period from February 1, 1987, through March 1, 1987. The report shall reflect a full accounting of personnel changes within the agency for the period covered. It shall include employment figures at the beginning and end of each period and shall indicate how many vacancies have been filled and have not been filled pursuant to this order. The report shall also include a summary by category of transactions pursuant to the exceptions set forth in Section 2 (A), (E), (F), (G), (H), (I), (J), and (K).

Section 4: Written request by the departments and agencies to fill vacancies or expend funds for travel, professional services, supplies, and equipment shall be directed to the commissioner of administration and shall include justification for the action.

Section 5: Department and agency heads who do not report to secretaries but are in the executive branch of government are covered by the provisions of this executive order.

Section 6: This order shall be effective January 26, 1987.

IN WITNESS WHEREOF, I have hereunto 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 the 30th day of January, 1987.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

EXECUTIVE ORDER EWE 87-9

WHEREAS, the purpose of this order is to accelerate the implementation of R.S. 39:361 as amended by Act 523 of the 1986 Regular Legislative Session without severely reducing state services or creating hardships;

NOW THEREFORE I, EDWIN EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested in me by the Constitution and applicable statutes of the state of Louisiana, do hereby order and direct the commissioner of administration to reduce by 1,000 the number of vehicles which were in use by state agencies as of July 1, 1986. The reduction shall be accomplished by June 30, 1987. The vehicles shall be recalled and sold in a manner consistent with prudent logistics. The commissioner of administration, commencing on March 1, 1987, shall file a monthly report with the governor indicating the number of vehicles turned in and the money accruing to the General Fund

as a result of the sales thereof. The Division of Administration shall retain no more than 12 percent of the proceeds to defray costs associated with the assembly of inventory, advertising proposed sales, and costs associated with the sale activity itself.

IN WITNESS WHEREOF, I have hereunto 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 the 30th day of January, 1987.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

EXECUTIVE ORDER EWE 87-10

WHEREAS, the state's coastal areas, marshes, and wetlands are eroding at an alarming rate; and

WHEREAS, it is imperative that we preserve, protect, and conserve these valuable and productive areas of our state; and

WHEREAS, the public interest demands that we attempt to stop the erosion and attack the problems through the development of a state plan that is both realistic and achievable; and

WHEREAS, the resources in the state and federal governments should be combined in reaching a solution to the coastal problems; and

WHEREAS, certain members of the state's delegation to the Congress are in key committee positions necessary to lead this effort on the federal level; and

WHEREAS, several key people in state government with special or technical backgrounds are knowledgeable on this subject and are essential to the development of a comprehensive and effective conservation plan:

NOW THEREFORE I, EDWIN EDWARDS, Governor of the State of Louisiana, do hereby order and direct as follows:

Section 1: The Save Our Coastline Commission (SOCC) is hereby created within the office of the governor.

Section 2: The commission shall be composed of 23 members as follows:

- a. 1. Governor Edwin W. Edwards, or his designee
2. Senator John B. Breaux
Committee-Environment and Public Works
3. Senator J. Bennett Johnston
Committee - Appropriations and Energy
4. Congresswoman Lindy Boggs
House - Appropriations
5. Congressman Jerry Huckaby
House - Interior
6. Congressman W. J. "Billy" Tauzin
House - Commerce
7. Congressman Richard Baker
House - Interior
8. Congressman Jimmy Hayes
House - Public Works
9. Congressman Robert L. Livingston
House - Appropriations
10. State Representative Clyde Kimball
Chairman, House Committee on Natural Resources
11. State Senator Francis "Hank" Lauricella

- Chairman, Senate Committee on Natural Resources
 12. State Representative Manuel Fernandez
House Committee on Natural Resources
 13. State Senator Leonard Chabert
Vice-Chairman, Senate Committee on Natural Resources
 14. B. Jim Porter
Secretary, Department of Natural Resources
 15. Herbert W. Thompson
Commissioner of Conservation
 16. Martha A. Madden
Secretary, Department of Environmental Quality
 17. Marty J. Chabert
Department of Transportation and Development, Office of Public Works
 18. Theodore "Ted" Jones, Coordinator
Federal and State Relations
 - b. TECHNICAL
 19. Dr. Charles G. "Chip" Groat
Director, Louisiana Geological Survey
 20. William S. "Corky" Perrett
Department of Wildlife and Fisheries
 21. Jack R. Van Lopik
LSU Center for Wetlands
 22. Paul H. Templet
LSU Environmental Studies
 23. Donald Boesch
Director, Louisiana Universities Marine Consortium
- J. "Billy" Tauzin shall serve as co-chairmen of SOCC. Senator Francis "Hank" Lauricella shall serve as vice-chairman.

IN WITNESS WHEREOF, I have hereunto 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 the 5th day of February, 1987.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

Emergency Rules

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953B to adopt the following rule in the Medical Assistance Program.

Currently, the worker in the Parish Office of Family Security obtains a doctor's statement as to the need for ambulance transportation when the transport is of a non-emergency nature. When a recipient is transported on an emergency basis a hospital employee in the emergency room signs the claim form to indicate that the recipient was received in the emergency room for

treatment. For recipients who are Medicare eligible no statement is obtained.

As a result of a recent audit by the Health Care Financing Administration the Office of Family Security was cited for not obtaining a doctor's statement as to the need for ambulance services on all ambulance transportation. The agency was advised that a doctor's statement certifying the need for ambulance transportation is mandated under federal regulations and a money penalty has been assessed against the agency for non-compliance. Therefore, the agency is required to immediately amend its reimbursement limitations on ambulance transportation to avoid further federal sanctions for noncompliance with mandatory federal regulations which are currently in effect.

Under this rule, the agency will require that a doctor's statement as to the need for ambulance services be attached to every claim that is submitted to our fiscal intermediary for payment.

RULE

Effective for services rendered on or after February 15, 1987, reimbursement for any ambulance transportation claims shall only be allowed when accompanied by a doctor's statement certifying the need for ambulance services.

Implementation of this rule is dependent on the approval of the Health Care Financing Administration (HCFA). Disapproval of the change by HCFA will automatically cancel the provisions of this rule and current policy will remain in effect.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953B to adopt the following rule in the Medical Assistance Program.

Summary

Currently, the Medical Assistance Program makes payment on ambulance transportation claims regardless of Medicare's determination of medical necessity for recipients with dual eligibility. The Health Care Financing Administration has advised the agency that this policy is not in compliance with federal regulations. Under the federal regulations a Medicaid determination of medical necessity for provider services cannot be less restrictive than a Medicare determination of medical necessity for the same service. Therefore, the agency is required to immediately amend its reimbursement limitations on ambulance transportation to avoid federal sanctions for noncompliance with mandatory federal regulations which are currently in effect.

Under this rule, the agency will deny any payment for ambulance transportation services which are not determined to be medically necessary when submitted to Medicare for payment.

RULE

Effective for claims submitted on or after February 15,

1987, reimbursement shall not be allowed for any ambulance transportation claim which has been denied by Medicare based upon a determination that the ambulance transportation provided was not medically necessary.

Implementation of this rule is dependent on the approval of the Health Care Financing Administration (HCFA). Disapproval of the change by HCFA will automatically cancel the provisions of this rule and current policy will remain in effect.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953B and Act 38, First Extraordinary Session, 1986 to adopt the following rule in the Medical Assistance Program.

Currently, payment is provided by the Medical Assistance Program for the reservation of a bed during the absence of a recipient from a Long Term Care Facility for a hospital stay. A notice of intent was published in the *Louisiana Register*, Vol. 12, No. 12, Page 866, dated December 20, 1986 which proposed to eliminate payments for bed reservations during the absence of a recipient from a Long Term Care Facility. During the review and comment period, the agency was requested to reduce the limit on payments for hospital leave days from 15 per hospital stay to five rather than eliminate such payments.

Current budgetary circumstances necessitate that maximum savings measures be implemented as quickly as possible to ensure mandatory and essential services are maintained to protect the health and welfare of Medicaid recipients statewide. The agency has determined that reducing the number of hospital leave days to five per hospitalization immediately, will be necessary to reach targeted budget levels. Under this rule, nursing home providers will only be reimbursed when a recipient is absent from the facility for inpatient hospital care for five days per hospitalization effective January 23, 1987. This rule is in accordance with the provisions of Act 38, First Extraordinary Session, 1986 and R.S. 49:953(B).

RULE

Payment for the absence of a recipient from a Long Term Care Facility which is a result of hospitalization will be limited to five days per hospital stay.

Interested persons may submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Box 94065, Baton Rouge, LA 70804-4065. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of this emergency rule is available for review in each local Office of Family Security.

Implementation of this rule is dependent on the approval of the Health Care Financing Administration (HCFA). Disapproval of the change by HCFA will automatically cancel the provisions of this rule and current policy will remain in effect.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953B and Act 38, First Extraordinary Session, 1986 to adopt the following rule in the Medical Assistance Program.

Currently, physician, osteopath, optometrist and nurse midwife services are reimbursed by the Medical Assistance Program as a mandatory service under Title XIX. These services are provided throughout the state. The agency published a notice of intent in the *Louisiana Register*, Vol. 12, No. 9, Page 621, dated September 20, 1986 announcing the revision of the reimbursement methodology for providers of such services. Under the revised reimbursement methodology, the state maximum pricing file was updated to reflect current market pricing on a statewide basis for each procedure payable under Medicaid. The final rule, adopting the revised payment methodology, was sent to the *Louisiana Register* for publication in Vol. 13, No. 1, dated January 20, 1987. An emergency rule was declared in accordance with the provisions of R.S. 49:953B to reduce reimbursement for physician, osteopath, optometrist and nurse midwife services by 5 percent effective February 1, 1987. However, following extended review of reimbursement for these services, the agency has determined that a 6 percent reduction in the revised state maximum pricing file will provide reimbursement which meets the costs which must be incurred by efficiently and economically operated providers to provide services in conformity with applicable state and federal laws, regulations and quality and safety standards. This change is in accordance with 42 CFR 440.50 and 440.230.

Current budgetary circumstances necessitate that maximum savings measures be implemented as quickly as possible to ensure mandatory and essential services are maintained to protect the health and welfare of Medicaid recipients statewide. The agency has determined that reducing reimbursement for physician, osteopath, optometrist and nurse midwife services by an additional 1 percent immediately, will be necessary to reach targeted budget levels. Therefore, the agency is adopting an emergency rule to reduce reimbursement for physician, osteopath, optometrist and nurse midwife services by 6 percent. This rule is in accordance with the provisions of Act 38, First Extraordinary Session, 1986 and amends the emergency rule published in the *Louisiana Register*, Vol. 12, No. 11, Page 758, dated November 20, 1986.

RULE

Effective February 1, 1987, reimbursement for physician, osteopath, optometrist and nurse midwife services shall be reduced by 6 percent.

Interested persons may submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Box 94065, Baton Rouge, LA 70804-4065. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of this emergency rule is available for review in each local Office of Family Security.

Implementation of this rule is dependent on the approval of the Health Care Financing Administration (HCFA). Disapproval of the change by HCFA will automatically cancel the provisions of this rule and current policy will remain in effect.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953B and Act 38, First Extraordinary Session, 1986 to adopt the following rule in the Medical Assistance Program.

The Medical Assistance Program is revoking an emergency rule, published in the *Louisiana Register*, Vol. 13, No. 1, dated January 20, 1987 which restored Title XIX coverage of Foster children, IV-E children, and children under the care and supervision of the Office of Human Development and Division of Youth Services between the ages of 18 and 21. The agency has determined that elimination of O, F, V, and I categories of services for individuals between 18 and 21 will be necessary to reach targeted budget levels.

RULE

Coverage of individuals between the ages of 18 and 21 in the F, V, I, and O categories of assistance provided under an emergency rule published in the *Louisiana Register*, Vol. 13, No. 1, dated January 20, 1987 is hereby repealed.

Interested persons may submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Box 94065, Baton Rouge, LA 70804-4065. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of this emergency rule is available for review in each local office of Family Security.

Implementation of this rule is dependent on the approval of the Health Care Financing Administration (HCFA). Disapproval of the change by HCFA will automatically cancel the provisions of this rule and current policy will remain in effect.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

Rules

RULE

Department of Agriculture and Forestry Market Commission

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 3:450.3, the Department of Agriculture and Forestry, State Market Commission, has adopted rules and regulations for the administration of the Agricultural Products Processing Development Law as detailed below.

Title 7

Agriculture and Animals

Part V. Advertising, Marketing and Processing

Chapter 12. Market Commission - Agricultural Products Processing Development Law - Loans and Loan Guaranties

Subchapter A. Procedures for Authorization and Administration of Market Commission Loans and Loan Guaranties and Cooperative Endeavor Agreements under the Agricultural Products Processing Development Law

§1201. Definitions

Agricultural plant means any facility which receives raw agricultural products for the purpose of rendering them suitable for wholesale or retail marketing.

Agricultural product means any farm product or seafood product.

Aquacultural crop means catfish, crawfish, crabs, oysters, shrimp, prawns, alligators, turtles and other species of fish that are spawned, grown, managed and harvested as a cultivated crop within artificial reservoirs, tanks, cages or other impoundments so as to prevent at all times the ingress and egress of fish life from public waters including natural streams or lakes.

Cooperative Endeavor Agreements means agreements for a public purpose entered into by the State Market Commission with the United States government or any of its agencies, or with a public or private association, corporation or individual.

Farm product means any agronomic, horticultural, silvicultural or aquacultural crop; any commercially raised livestock or raw product derived therefrom; or any final derivative resulting from a combination or breakdown of raw farm products.

Final derivative means any agricultural product that is ready to be passed on to a marketing level.

Lender means any bank, savings bank, mutual savings bank, building and loan association, and savings and loan association organized under the laws of Louisiana or the United States, trust companies acting as fiduciaries, and other financial institutions subject to the supervision of the commissioner of financial institutions.

Necessary improvement means any improvement to an existing agricultural plant mandated by local, state or federal law, or an improvement thereto which will form an economically justifiable basis and, in the judgment of the Market Commission, improve the quality or quantity of service, or both.

Person means any individual, firm, corporation, partnership or association domiciled in this state.

Process or processing means any action that will enhance any raw agricultural product's value or render a raw agricultural product suitable for further refinement or introduction at a marketing level.

Property means, in the broad sense, any movable and immovable property, corporeal and incorporeal and includes, but is not limited to, land, buildings, equipment, inventory, accounts receivable, credits, stocks, bonds, notes, patents, copyrights, royalties and other intangibles of value.

Seafood product means any type of seafood species caught in privately owned waters or public waters, including streams and lakes, or any final derivative resulting from a combination or breakdown of raw seafood products.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:450.2 and R.S. 3:450.3.

§1203. Eligibility of Applicant

A. Any person engaged or to be engaged in the processing of agricultural products shall be eligible for a Market Commission loan or loan guaranty upon proper application and approval, as set forth herein, under the Agricultural Products Processing Development Program.

B. The Market Commission shall give priority to those persons who utilize Louisiana agricultural products to the maximum extent possible.

C. The Market Commission shall only participate in cooperative endeavors which involve the creation of a significant number of new jobs in relation to the amount of participation by the commission.

AUTHORITY NOTE: Promulgated in accordance with

R.S. 3:450.3 and R.S. 3:450.5.

§1205. Loan and Loan Guaranty Authorization

A. The Market Commission may loan to any person funds to be actually expended to acquire, construct, furnish, equip, make necessary improvement to or purchase land for any agricultural plant which will be occupied by the person, which loan shall not exceed 75 percent of the value of the property offered as security pursuant to a first mortgage, but requiring at a minimum the execution by the borrower of a note secured by a first mortgage on the property being acquired or constructed and payable to the commission within such time and under such terms and conditions together with such additional endorsements or other security as may be required by the commission.

B. The Market Commission may loan to any person funds for operating capital, market development and product inventories, which loan shall not exceed 75 percent of the value of the property offered as security pursuant to a first mortgage, but requiring as a minimum the execution by the borrower of a note or notes secured by a first mortgage on property, including but not limited to product inventories and accounts receivable from the sale of inventories, under such terms and conditions together with such additional endorsements or other security as may be required by the commission.

C. The Market Commission may guarantee, on an interim or long-term basis, all or part of loans for an amount to be actually expended to acquire, construct, furnish, equip, make necessary improvement to or purchase land for any agricultural plant made by any lender to any person approved by the commission, provided that whenever the commission guarantees the payment of such loan, the commission shall make and enter into a guarantee agreement with the lender and the borrower setting forth the terms and conditions under which the commission is obligated and the extent to which repayment of the loan is guaranteed and secured. Each loan which is guaranteed by the commission shall require as a minimum the execution of a note or notes secured by a first mortgage on property. Whenever the commission enters into such a loan guarantee agreement, the commission may impose and collect an origination fee not to exceed one percent of the amount of the loan guaranteed.

D. The Market Commission may guarantee, on an interim or long-term basis, all or part of loans for an amount to be actually expended for operating capital, market development and product inventories made by any lender to any person approved by the commission, provided that whenever the commission guarantees the payment of such loan, the commission shall make and enter into a guarantee agreement with the lender and the borrower setting forth the terms and conditions under which the commission is obligated and the extent to which repayment of the loan is guaranteed and secured. Each loan which is guaranteed by the commission shall require as a minimum the execution by the borrower of a note or notes secured by a first mortgage on property, including product inventories and accounts receivable from the sale of inventories, under such terms and conditions together with such additional endorsements or other security as may be required by the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:450.3 and R.S. 3:450.5.

§1207. Time for Filing Applications

A. Applications may be filed at any time throughout the year and may be personally delivered to the Market Commission Office in Baton Rouge or forwarded through the United States mail.

B. An application will be considered filed only upon provision of all information required in LAC 7:V.1209 Subsections

A, B and C.

C. A complete application, consisting of all information required in LAC 7:V.1209 Subsections A, B and C, must be physically on hand in the Market Commission office at least 20 working days prior to the commission meeting at which the application will be considered by the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:450.3 and R.S. 3:450.5.

§1209. Contents of Application

A. Every applicant for a Market Commission loan or for a loan guaranty shall submit the following information to the commission:

1. Name and address of applicant including all principals by name and address.

2. A statement of the nature and amount of the interest held by each principal.

3. Sworn statement of the relationship, if any, of any of the principals with any state official and/or with any employee of the Department of Agriculture and Forestry.

4. Location and legal description of all property to be offered as security.

5. Evidence that good title is or can be vested in the name of the applicant.

6. Personal financial statements of every principal of the firm, corporation, partnership or association, prepared in accordance with generally accepted accounting principles. In the case of corporations and cooperative associations, every member of the board of directors, by whatever name known, must provide personal financial statements.

7. Credit analyses of the principals, to be provided by an independent source, such as a bank or other lending institution.

8. A property appraisal by a Market Commission approved appraiser of all property to be offered as security.

9. Listing of all equipment and furnishings, both movable and immovable by destination, with amortization tables as appropriate, if equipment and furnishings will be offered as part of the security.

10. Evidence of satisfactory interim financing, where applicable.

11. A three-year projected cash flow statement.

12. An evaluation of the professional management capability of the individual(s) primarily responsible for the operation of the processing business to be provided by an independent, reputable source not involved in the firm, partnership, corporation or association.

13. An explanation of how the processing business for which the loan or loan guaranty is sought will benefit the community in which the business is located or is to be located including projection of new jobs created by the loan or loan guaranty, if granted.

14. Written authorization for the Market Commission to perform any credit check(s) which the commission may, in its discretion, deem advisable.

B. Every applicant for a loan or loan guaranty for new construction shall provide, in addition to the information required in LAC 7:V.1209.A, the following information:

1. Blueprints and construction specifications, if available at date of application. In the absence of blueprints and construction specifications, the applicant shall provide a written description of the planned construction at the time of application, to be followed by blueprints and construction specifications as set forth herein. It is not the intent of the Market Commission to require unnecessary expenditure of the applicant's funds; how-

ever, in the event that blueprints and construction specifications cannot be provided at the time of application, any applicant receiving approval for a loan or loan guaranty shall be required to provide, within 90 days after approval, either (a) copies of blueprints and construction specifications, or (b) a written statement of the reasons for delay in provision of such blueprints and construction specifications. Reasons acceptable to the commission shall include, but not be limited to, failure of the architect to timely provide all drawings and specifications.

2. A projected construction schedule, with anticipated completion date.

3. A statement of the number of jobs to be made available upon completion of the agricultural plant.

4. Evidence of adequate operating funds for a period of at least one year following completion of the plant.

5. Copies of available construction contracts, including prices and identities of the principals of the contractors.

C. Every applicant for a loan or loan guaranty for the purchase, improvement to or expansion of an existing agricultural plant shall provide, in addition to the information required in LAC 7:V.1209.A, the following information:

1. Profit and loss statements for the three fiscal years immediately preceding the date of application.

2. Balance sheets for the three fiscal years immediately preceding the date of application.

3. Statement demonstrating the marketability of the product or process for which the funds are sought.

4. Such additional market data which will enable the Market Commission to determine the advisability of loan or loan guaranty approval.

5. A statement of the number of jobs existing at the time of the application and the number of additional jobs to be created as a result of the proposed purchase, improvement to or expansion of the plant.

6. Blueprints of the existing plant, if purchase is contemplated, and, in the case of proposed improvements or expansions, blueprints of the existing and proposed plant. The applicant shall provide a detailed statement of reasons when prints cannot be provided. In the event that blueprints and specifications cannot be provided at the time of the application, any applicant receiving approval for a Market Commission loan or loan guaranty will be required to provide blueprints and construction specifications within 90 days after approval.

7. Copies of available construction or renovation contracts including prices and identities of the principals of the contractors.

D. Any applicant for a loan guaranty shall provide, in addition to the information required in Subsections A, B and C above, a letter of commitment from a lender setting forth the terms and conditions upon which the loan sought to be guaranteed will be made.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:450.3.

§1211. Conditions for Approval of Application for a Loan or Loan Guaranty

A. The applicant must provide all required information at least 20 working days prior to the meeting at which the application will be considered. The commission shall not consider any incomplete application.

B. The applicant or its representative must appear in person at the meeting at which the application will be considered, in order to provide any additional information which may be required by the commission.

C. Approval of the loan or loan guaranty must not result

in encumbrance(s) on the property offered as security in excess of 75 percent of the aggregate appraised value of all property offered as security. Moreover, no loan or loan guaranty may be approved unless the security therefore is at a minimum a first mortgage on all property offered as security. The commission may reject any appraisal which it feels would result in a violation of this limitation.

D. The period for which the loan or loan guaranty is requested must not exceed five years, provided, however, that the Market Commission may, under conditions hereinafter set forth, extend the period of the loan for an additional period not to exceed a total of 20 years from the date of the original loan.

E. A market assessment and/or feasibility study conducted or secured by the applicant or the Market Commission staff must support the advisability of the loan or loan guaranty.

F. The loan or loan guaranty application must satisfy all legal requirements, as evidenced by the written approval of the department's attorney.

G. In the event of extreme urgency affecting the continuation of existing jobs or the loss of a business opportunity to create new jobs, the Market Commission may either in open session or by telephone poll suspend the full requirements of the loan or loan guaranty application information and require the immediate submission of information sufficient to demonstrate the urgency, the advisability of the loan or loan guaranty and the adequacy of the security to be provided for the loan. In this event, however, the applicant shall provide the full information within such time as the commission fixes in conjunction with the granting of the suspension. Such suspension may be granted only when the amount of the loan or loan guaranty does not exceed the sum of \$100,000 and the loan or loan guaranty is fully secured by first mortgages on immovables and personal liability of sufficient solvent individuals. The granting of and justification for a suspension, as provided herein, shall be documented and made a matter of permanent public record.

H. In the event the land upon which a new agricultural plant will be constructed or an existing plant which will be expanded is already subject to a lien, mortgage or encumbrance which the applicant proposes to pay off with loan proceeds from the Market Commission or any other lender, such application can be approved only if the amount of the loan does not exceed 75 percent of the value of all security to be provided, the amount of the loan left after satisfying the encumbrances will finance the construction or improvements proposed and the applicant does not realize any cash from the loan except for operating capital, market development or product inventories. If the amount of the lien, mortgage or encumbrance to be satisfied out of the loan proceeds is disproportionate to the amount to be used for new construction, improvement or expansion, then the commission may reject the application on the grounds that it is a refinancing and is prohibited by the law creating the program. The commission considers disproportionate to be an amount in excess of 25 percent of the loan amount sought in the application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:450.3 and R.S. 3:450.5.

§1213. Conditions for Disbursement of Market Commission Loan Proceeds and Commission Concurrence in Loan Guaranties

A. Prior to the setting of a date for the loan closing, the applicant must submit the following:

1. Satisfactory proof that the agricultural plant, if new construction, improvement to or expansion of an existing plant has been completed in accordance with the plans submitted to the Market Commission for its consideration of the loan or loan

guarantee application.

2. A copy of the note and the mortgages and/or other security instruments to be executed at the closing for examination and approval by the department's attorney.

3. A copy of a plat survey by a registered surveyor.

4. Evidence of adequate title insurance.

5. Carry and provide evidence of the following insurance coverage:

a. Public liability insurance of \$500,000, naming the Market Commission as additional insured. The applicant must also provide a certificate evidencing such insurance, which certificate must provide that the insurance cannot be cancelled without 30 days prior notice to the Market Commission.

b. Fire and extended coverage and vandalism insurance to the full extent of the amount loaned or guaranteed by the Market Commission, naming the commission as a loss payee, the total amount of the insurance to meet the 80 percent co-insurance requirements. The applicant must also provide a certificate evidencing such insurance, which certificate must provide that the insurance cannot be cancelled without 30 days prior notice to the commission.

6. Satisfactory proof that all laborers and material men have been fully paid.

7. All legal instruments must be examined and approved by the department's attorney.

B. On or before the loan closing date, the applicant must:

1. Provide a title opinion by a title attorney approved by the Market Commission, which title opinion shall provide evidence of clear title and shall include, but not be limited to, the following:

a. a property description;

b. identification of the property owner, with pertinent recordation data;

c. satisfactory evidence that all taxes due on the property have been paid;

d. a full and complete list of all mortgages, liens, encumbrances and/or servitudes on the property; and

e. such other information as may be necessary for a full recital of the facts surrounding such property.

2. Provide a mortgage certificate from the clerk of court for the parish in which the property is located;

3. In the case of Market Commission loans paid directly to the borrower and/or the source of interim financing, the borrower must execute a note secured by a first mortgage payable to the commission setting forth in full the terms and conditions under which the loan will be repaid, and containing such additional endorsements or other security as may be required by the commission.

4. In the case of Market Commission loans paid directly to the borrower and/or the source of interim financing, the borrower must execute a first mortgage payable to the commission, which mortgage shall contain, but not necessarily be limited to, the following:

a. the amount loaned;

b. the rate of interest;

c. the repayment schedule;

d. description and listing of all property to be included in the security;

e. provision for executory process;

f. provision for payment of all costs of foreclosure, including attorney's fees at 25 percent of the principal balance and interest accrued at foreclosure; and

g. authorization for the addition to the principal balance

the amount of any taxes and/or insurance premiums paid by the commission, upon failure of the mortgagee to pay such amounts when due, to protect the security position of the commission.

C. In the case of all Market Commission loans paid directly to the borrower, the individual borrower and/or all partners of a partnership may be required personally to endorse the note secured by the first mortgage or shall provide other security at the commission's discretion.

D. In the case of all Market Commission loans paid directly to the borrower, all members of the boards of directors, by whatever name known, of the corporation or cooperative association may be required personally to endorse the note secured by the first mortgage or shall provide other security at the commission's discretion.

E. In the case of a loan guaranty, the borrower must provide for the Market Commission to file and record a copy of the note and the mortgage payable to the lender and any other data deemed necessary by the commission or commission staff.

F. The Market Commission shall authorize the setting of a loan closing date and the disbursement of loan proceeds upon presentation of all information required in LAC 7:V.1213.A-E.

G. The commissioner of agriculture and forestry, or his designee, as official representative of the Market Commission, shall execute all necessary legal instruments at the loan closing.

H. The loan guaranty agreement shall be executed by the borrower, the lender and the commissioner of agriculture and forestry, or his designee, as the official representative of the Market Commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:450.3.

§1215. Interest on Loans and Loan Guaranties

A. The Market Commission shall fix the rate of interest to be charged on every commission loan on a case by case basis, however, in no case shall the rate be less than the base federal reserve discount rate at the time the loan is approved.

B. The Market Commission may approve a fixed or variable rate of interest on commission loans. If a fixed rate is approved, the interest rate in effect at the time of loan approval shall govern the interest to be paid on the loan for the term of the loan. If a variable rate is approved, the interest rate shall not, at any time, be less than the base federal reserve discount rate.

C. The Market Commission may approve any fixed or variable interest rate on any loan guaranteed by the commission provided the interest rate is a fair market rate as determined by the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:450.3 and R.S. 3:450.5.

§1217. Requirements Subsequent to Disbursement of Loan Proceeds

A. Each year, on the anniversary of the disbursement of loan proceeds, each recipient of a loan or a loan guaranty shall provide the following:

1. A listing of all stockholders, with the number of shares held by each, at any time during the previous year.

2. A current statement of its operations, including an analysis of profits and losses.

3. A statement of financial condition, including but not limited to a balance sheet and profit and loss statement for the most recently completed fiscal year.

4. A current personal financial statement of all principals who have endorsed the note or are liable for repayment of the loan or any part thereof.

B. Each recipient of a loan guaranty shall authorize the

lender holding the loan record to file quarterly statements with the Market Commission showing the principal balance remaining outstanding and any defaults in payment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:450.3.

§1219. Balloon Notes and Re-scheduling of Payments

A. The Market Commission may approve a note providing for a final balloon payment, but shall not approve a final balloon payment in excess of 75 percent of the total amount of the original loan.

B. If the Market Commission votes in open session to approve re-scheduling of a balloon payment, such re-scheduled payments shall be financed at an interest rate determined by the commission at the time of renewal in accordance with LAC 7:V.1215.A-C.

C. No payment schedule shall be extended to more than a total of 20 years from date of the final loan disbursement to date of the final payment under the loan.

D. Any request for a renewal of a balloon note shall be accompanied by:

1. A statement of current financial condition, including balance sheet and profit and loss statement for the most recent fiscal year of operation, prepared in accordance with generally accepted accounting principles.

2. Names and addresses of all stockholders and the number of shares held by each.

3. Detailed explanation of the reason for the requested renewal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:450.3.

§1221. Cooperative Endeavor Agreements

A. The Market Commission may enter into cooperative endeavor agreements.

B. All cooperative endeavor agreements shall be written and shall be approved by the Market Commission.

C. Cooperative endeavor agreements shall not exceed a term of five years, but may be renewed for any additional term by the Market Commission.

D. Cooperative endeavors may be entered into with persons who have received or are negotiating for loans or loan guaranties from the Market Commission.

E. The Market Commission shall not enter into any cooperative endeavor unless it involves the creation of a significant number of new jobs in relation to the amount of participation by the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:450.1 and R.S. 3:450.3

§1223. Delinquency and Foreclosure on Market Commission Loans

A. Any unpaid principal and/or interest shall be considered delinquent on the tenth day following the due date.

B. Routine written notification of delinquency shall be sent to the borrower on the thirtieth day following the due date.

C. In the absence of response to the 30-day notification, the Market Commission staff shall send a specific written notification concerning the delinquency on the sixtieth day following the due date, which notification shall be sent by certified mail, return receipt requested.

D. In the absence of response to the 60-day notification, the delinquency shall be reported to the Market Commission.

E. Subsequent to notification to the Market Commission, the staff, unless otherwise directed by the commission, shall for-

ward a demand letter, again by certified mail with return receipt requested, informing the borrower that the remaining balance is accelerated, together with all interest accrued, and the full sum of the obligation is due and payable to the commission.

F. In the absence of satisfactory arrangements for repayment of the delinquency thereafter, the Market Commission shall initiate foreclosure proceedings no sooner than the ninetieth day following the due date of the unpaid principal and interest.

G. The Market Commission shall secure a judgment and foreclose on the collateral securing the loan and, if deemed in the best interest of the commission, secure deficiency judgments against all personal endorsers or other persons liable on the loan in whole or part.

H. The Market Commission staff shall select an appraiser to do any appraisal necessary for foreclosure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:450.3

§1224. Prohibitions

A. The Market Commission shall not approve any loan or loan guaranty for any applicant who fails to submit all required information.

B. The Market Commission shall not approve any loan or loan guaranty for any person which is not domiciled in Louisiana.

C. The Market Commission shall not approve any loan or loan guaranty in the amount exceeding 75 percent of the appraised value of all property offered as security for the loan or any loan or loan guaranty not secured by a first mortgage on the property offered as security.

D. The Market Commission shall not approve any loan or loan guaranty for any person with any pending or outstanding charge or liability relating to failure or inability to pay promissory notes or any other evidence of indebtedness.

E. The Market Commission shall not approve any loan or loan guaranty for any person, which has presently pending, at the federal, state or local level, any proceeding concerning the denial or revocation of a necessary license or permit.

F. The Market Commission shall not approve any loan or loan guaranty the proceeds of which are to be, or may be, used for the consolidation of existing, previous financial obligations.

G. The Market Commission shall not approve any loan or combination of loans to a single person, which is in excess of 50 percent of the total funds for loans or guaranties under this program.

H. The Market Commission shall not approve any loan or loan guaranty for any facility constructed or to be constructed on leased land except as follows:

1. the lease is for a term extending at least five years beyond the period of the loan;
2. the Market Commission receives an assignment on the lease and the right of re-assignment;
3. if the loan repayment schedule includes a balloon note, the Market Commission, at its discretion, may require a lease running for 20 years from the date of the approval of the loan;
4. a waiver of landlord's lien and privilege on movables must be provided.

I. The Market Commission shall not make any loan or loan guaranty on immovable equipment, building improvements and/or additions unless the property on which it is located is secured by a first mortgage to the commission or other lender.

J. The terms or conditions imposed and made part of any loan or loan guaranty authorized by vote of the Market Commission shall not be amended or altered by any member of

the commission or employee of the Department of Agriculture and Forestry except by subsequent vote of approval by the commission in open session with full explanation for such action.

K. The Market Commission shall not subordinate its interests if such subordination will result in any risk to its security position.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:450.2, R.S. 3:450.3 and R.S. 3:450.5.

Bob Odom
Commissioner

RULE

Department of Commerce Board of Certified Public Accountants

(Editor's Note: Part of this rule is being re-published to include a sentence that was inadvertently left out.)

Chapter 21. Fees and Service Charges for CPA Examination, Certification, Licensing

§2101. Assessment of Fees

A. Fees shall be assessed as follows:
Examination fees shall be assessed by the board in conformity with R.S. 37:80E Service charge for refund of examination fee under

§1909	\$20
Original certificate	\$50
Original license	\$50*
Replacement certificate	\$50**

Mildred M. McGaha, CPA
Executive Director

RULE

Department of Culture, Recreation and Tourism Office of State Museum

Notice is hereby given that the Office of State Museums adopted the rule as follows:

Title 25

Cultural Resources

Part III: Office of State Museums

Chapter 1. Public Access

§ 105. Admission Fees

The admission fees for the Louisiana State Museum's New Orleans buildings are:

	One Building	Two Buildings	Three or more Buildings
Adult	\$3.00	\$5.00	\$7.00
Student/Senior			
Citizen	\$1.50	\$2.50	\$3.50
Under 12 years	Free	Free	Free

Visitor may choose among the Presbytere, Cabildo, Old U.S. Mint, Madame John's Legacy and the 1850 House.

Authority Note: Promulgated in accordance with R.S. 25:343-344.

Noelle LeBlanc
Secretary

RULE

**Department of Culture, Recreation and Tourism
Office of State Museum**

Notice is hereby given that the Office of the State Museum adopted the rule as follows:

Title 25

Cultural Resources

Part III. Office of State Museums

Chapter 1. Public Access

§103. Building Rental Policy

The Louisiana State Museum is responsible for the preservation of historic buildings placed in its care. In order to meet this responsibility the board of directors of the Louisiana State Museum has adopted the following policy for use of the Museum's New Orleans facilities for functions not sponsored by the Louisiana State Museum.

A. Requests for usage of the Louisiana State Museum facilities will be entertained from:

1. nonprofit organizations whose purposes are similar to the educational and historical museum purposes of the Louisiana State Museum;
2. official governmental agencies for governmental functions;
3. other groups and individuals whose proposed usage does not involve commercial or political promotion or fundraising and whose usage is, in the board's opinion, not in conflict with the purpose of the Louisiana State Museum.

B. Requests will be considered from eligible non-profit corporations and governmental agencies for receptions and similar functions numbering less than 500 persons and occurring during non-public hours.

C. The museum director is authorized to approve usage of the buildings within the policy established above. Requests for usage that do not clearly come within the policy will be submitted to the board's Buildings and Grounds Committee, and the committee will make a recommendation to the board for final action.

D. In considering eligible requests, the Museum Board will deny the application if, in the board's opinion, the proposed usage would endanger the museum's buildings and collections or interfere with its interpretive exhibitions and other programs.

E. In considering eligible requests, the Museum Board may, if requested, waive the tax-deductible gift donation when the board determines that to do so would be in the best interest of the museum.

F. The museum does not provide catering services. Host organizations must make arrangements with caterer of their choice. The museum reserves the right to reject caterers that do not comply with the museum's instructions concerning proper care of museum facilities.

G. Rates and Procedures

1. All eligible requests must be submitted in writing at least three months prior to the anticipated function.

2. All rentals must be based on a written agreement signed at least 14 days in advance of the event or function by either the director or the deputy director of the State Museum and the authorized representative of the organization or group renting the space. The agreement must specify all costs, fees and arrangements.

3. A base service charge will be established to cover costs of security, custodial and utility services required for the function. The museum may, at its discretion, make additional charges based on the nature of the function. Such additional charges will

be specified in the rental agreement.

4. In addition to the base service charge, applicants from groups eligible under category "A.3" will donate a tax-deductible gift to the museum's educational, acquisitions and publication fund according to the following schedule:

Cabildo	\$4,000	(For up to three hours. An additional \$1,000 for each additional hour).
Presbytere	\$4,000	(For up to three hours. An additional \$1,000 for each additional hour).
U.S. Mint	\$4,000	(For up to three hours. An additional \$1,000 for each additional hour).
1850 House	\$2,000	(For up to three hours. An additional \$500 for each additional hour).
Madame John's Legacy	\$2,000	(For up to three hours. An additional \$500 for each additional hour).

5. In addition to the base service charge rates below, a cleaning and repair fee of not less than \$100 during normal public hours and \$300 during non-public hours will be charged for additional costs involved in preparation and post-function cleaning, set-up and take-down, and repairing exhibition material. The repair fee will not be less than actual costs. If any public gallery area of the museum is required to be closed to the public during normal public hours prior to, during, or after the function, an additional fee, to be determined by the board of directors, may be charged to compensate for loss of revenue.

**Base Service Charge Fees
Presbytere/Cabildo/U.S. Mint/
1850 House/Madame John's Legacy**

Business Meetings, Lectures, Slide Presentations				
10 a.m. - 5 p.m.	\$100			
After 5 p.m.:	Each Additional			
Minimum - 1 Hour	First Hour	Half Hour		
1-100 guests	\$200	\$50		
101-200 guests	250	60		
201-250 guests	300	70		
251-300 guests	350	80		
301-350 guests	400	90		
Receptions - after 5 p.m.				
	First Hour		Each additional	
	1st Floor	2nd Floor	1st Floor	2nd Floor
1-200 guests	\$250	\$300	\$ 50	\$ 75
201-300 guests	300	350	75	100
301-450 guests	350	400	100	125
More than 450 guests	400	450	125	150

Authority Note: Promulgated in accordance with R.S. 25:343-25:344.

Noelle LeBlanc
Secretary

RULE

Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published November 20, 1986, and under the authority contained in Louisi-

ana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:
Rule 3.01.11

The board adopted the following curriculum guides: Environmental Science, World History, Western Civilization, American History (revised), and map supplement curriculum guides.

Dr. James Meza, Jr.
Executive Director

RULE

Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Article Education, pursuant to notice of intent published November 20, 1986, and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted as policy, the rule listed below:
Rule 4.03.61

“Bus transportation to and from postsecondary vocational-technical facilities may be provided for students along major transportation routes of the normal enrollment area where routes can be economically justified. Students in adjoining areas may use the transportation system of either area. Students receiving transportation shall be charged a bus transportation fee in an amount sufficient to completely offset the actual cost of providing the transportation service. The State Board of Elementary and Secondary Education shall establish such fees and shall provide for their collection.”

Dr. James Meza, Jr.
Executive Director

RULE

Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published November 20, 1986, and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted as policy, the rule listed below:
Rule 4.03.47

“The board shall establish residency requirements for all applicants to state postsecondary vocational-technical schools. It shall be the responsibility of each vocational-technical school to ensure that the residency status of each enrolled student is properly documented as required by the board and by law.

All state postsecondary vocational-technical schools shall charge and collect from any nonresident student enrolling in a course of study, a nonrefundable registration fee and tuition fees fixed by the board. Such registration and tuition fees fixed by the board may exceed fees for residents.”

Dr. James Meza, Jr.
Executive Director

RULE

Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published November 20, 1986, and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted as policy, the rule listed below:

Rule 4.03.48

“A vocational school may collect tuition fees in advance on a monthly, quarterly, term, semi-annual, or annual basis. The school shall have the option of not collecting fees on a monthly basis if the number of students requesting monthly payments are small and the cost of collecting on a monthly basis is considered exorbitant.”

Dr. James Meza, Jr.
Executive Director

RULE

Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published November 20, 1986, and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted as policy, the rule listed below:

Rule 4.03.50

“The board shall provide for regional coordination of vocational-technical schools and related matters. All postsecondary vocational schools shall be under the control of the board which shall adopt policies governing the schools. The board may provide for regional coordination of vocational technical schools to be administered in the following areas: 1. regional fiscal matters, 2. personnel matters, 3. building standards and maintenance, 4. reporting and data collection, 5. coordination of instruction, 6. such other duties as may be prescribed by the board or department.”

Dr. James Meza, Jr.
Executive Director

RULE

Department of Environmental Quality Office of Solid and Hazardous Waste Hazardous Waste Division

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:1051 et seq. and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary of the Department of Environmental Quality adopted revisions to the Louisiana Hazardous Waste regulations. Preceding final adoption of the revisions by the secretary, the revisions were forwarded and found acceptable by the Joint Committees on Natural Resources. The effective date of these regulations is February 20, 1987.

The secretary initiated rulemaking procedures to adopt

this rule on December 10, 1986 and adopted the rule on February 9, 1987.

Persons requesting copies and/or further information concerning the rule may contact Bill Greenwich, Department of Environmental Quality, Hazardous Waste Division, Box 44307, Baton Rouge, LA 70804.

Martha A. Madden
Secretary

RULE

Department of Environmental Quality Office of Solid and Hazardous Waste Solid Waste Division

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:1051 et seq. and in accordance with the provisions in the Administrative Procedure Act, R.S. 49:950 et seq., the secretary of the Department of Environmental Quality adopted revisions to the Solid Waste Fee System, Section 6.4.5. of the Louisiana Solid Waste rules and regulations (LSWRR). The effective date of these regulations will be February 20, 1987.

The revisions to Section 6.4.5. of the LSWRR require that all solid waste disposal facilities with a permit to operate be assessed an annual monitoring and maintenance fee. The revision renames the annual permit maintenance fee to the annual monitoring and maintenance fee. The revisions also provide a ceiling on the fee to be assessed for solid waste management systems with multiple facilities scheduled for closure. The assessment of the fee for those sites scheduled for closure will be retroactive for state fiscal year 1986-1987.

6.4.5. B. Annual Monitoring and Maintenance Fee

1. Operators of all solid waste disposal facilities with a permit shall be charged an annual monitoring and maintenance fee for each facility.

2. Calculation of Annual Monitoring and Maintenance Fee
Base Fee Per Permit + Fee Based on Volume = Annual Monitoring and Maintenance Fee.

a. Base fee per permit for industrial solid waste sites - \$2080.

b. Base fee per permit for non-industrial solid waste sites - \$520.

c. Fee will be based on volume as reported in previous year disposer annual report.

(1) Industrial Waste - \$.21/ton or
\$.27/cubic yard

(2) Non-Industrial Waste -
Amts. exceeding 75,000 tons \$.05/ton or
Amts. exceeding 250,000 cubic yards \$.03/cubic yard

d. Maximum annual monitoring and maintenance fee per permit for industrial solid waste sites - \$20,800.

e. Maximum annual monitoring and maintenance fee per permit for non-industrial solid waste sites - \$5,200.

f. Surface impoundments will be assessed the base fee per permit only.

g. Public operated water supply treatment plant sludge and domestic sewage sludge facilities will be assessed the base fee per permit only.

h. Sites which are permitted to handle both industrial solid waste and non-industrial solid waste will be assessed the

base fee for industrial solid waste disposal sites. In addition, these sites will be assessed the volume fee for any industrial solid waste received, plus the volume fee for any non-industrial solid waste exceeding the limits as provided in Section 6.4.5.B.2.c.(2).

i. Solid waste management systems with multiple disposal facilities which are scheduled for closure shall be assessed at a maximum the following maintenance and monitoring fees:

Industrial facilities- \$4,000

Non-Industrial facilities- \$1,000

This does not include facilities which are operating under or seeking a standard permit.

3. The annual maintenance period shall be from July 1 through June 30, commencing upon promulgation of these revised regulations and terminating upon closure of the site in accordance with the permit, or order of the administrative authority.

The secretary initiated rulemaking procedures to adopt this rule on November 20, 1986. Prior to final adoption by the secretary, this rule was forwarded to the Joint Committees on Natural Resources.

Martha A. Madden
Secretary

RULE

Department of Environmental Quality Office of Solid and Hazardous Waste Ground Water Protection Division

Under the authority of the Environmental Quality Act, R.S. 30:1051 et seq., and in particular, Section 1141.2(C) as amended, and in accordance with provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary of the Department of Environmental Quality amended the Louisiana Underground Storage Tank Regulations as follows.

Title 33

Environmental Quality

Part XI. Ground Water Protection

Chapter 3. Underground Storage Tank Regulations

§305.A.1 farm or residential tanks of 1,100 gallons or less capacity used for storing motor fuel for non-commercial purposes;

Martha A. Madden
Secretary

RULE

Office of the Governor Department of Veterans Affairs War Veterans Home

Title 4

Administration

Part VII. Governor's Office

The Louisiana Department of Veterans Affairs hereby amends LAC 4:VII. 937 as follows:

Chapter 9. Veterans Affairs
Subchapter A. Veterans Affairs Commission

§937. Admission Requirements

A. For admission to the Louisiana War Veterans Home, Jackson, LA, for domiciliary or nursing care, a veteran must be a resident of the state of Louisiana.

B. The veteran's military service must be such as to meet the requirements for admission into any veterans administration medical center.

C. The veteran applicant must undergo a medical examination and, as a result, it must be shown that he/she does not have a communicable disease, does not require medical or hospital care for which the home is not equipped to provide, and does not have violent traits which may prove dangerous to the physical well-being of other residents or employees.

D. The veteran must consent to abide by all the rules and regulations governing the home and to follow the course of treatment prescribed by the Veterans' Home medical staff.

E. Every resident of the home shall be responsible for payment of the full resident care and maintenance charge. The home administrator may consider waiver of payment of care and maintenance charges only for the amount of difference of income the veteran has and the total charge of care and maintenance.

§939. Care and Maintenance Fees

A. Care and maintenance fees will be based on all family income. This includes income from all sources (Social Security, Veterans Administration pension, private pension, interest from savings account(s), income from any/all sources). In no case will the fees charged to the resident be more than the actual cost of care as determined by the director of the Louisiana Department of Veterans Affairs and the Veterans Affairs Commission.

§941. Domiciliary Resident Fees

A. When computing care and maintenance fees the following rule will apply. For domiciliary resident he/she may retain the first \$120 per month of his/her income provided income is \$300 or more per month. Any remaining income will be applied to care and maintenance fees until maximum care cost is reached. If the income is less than \$300 per month resident retains the first \$60 per month and the remainder will be divided equally, half going to the veteran and the other half going toward care and maintenance. The veteran is expected to handle personal expenses out of his/her retained funds.

B. If a veteran has a dependent he/she may be allowed a deduction from total income of up to \$300/month for a spouse and up to \$150 per month for a dependent child before the care and maintenance fee is figured. The exact amount of deduction will be computed based on dependents' monthly income. This rule also applies to nursing care residents.

C. Exclusion - All income received as a direct result of arts and crafts made at the home shall be exempt and excluded as income for consideration in computing the care and maintenance charges. One half of such income will be returned to the Recreation and Welfare Fund Account to be used in replenishing supplies.

§943. Nursing Care Resident Fee

A. For Nursing Care I, II, and III residents, the following rule will apply when computing care and maintenance fees: Residents will retain the first \$60 per month, to be used for personal expenses. The remaining income will be applied to care and maintenance fee until maximum care cost is reached.

B. For Nursing Care IV, intermediate level care residents, the following rule will apply when computing care and maintenance

fees. Residents will retain the first \$100 per month, to be used for personal expenses. The remaining income will be applied to care and maintenance fee until maximum care cost is reached.

§945. Free Will Election for Benefits

Residents must apply for all monetary benefits for which they may be entitled from both state and federal government. Any increase as a result thereof will be applied toward care and maintenance until maximum cost of care is reached.

§947. Fee Payable in Advance After Admission

Care and maintenance fees are payable one month in advance. These fees are due before the tenth of each month. A portion of a month will be prorated according to the number of days stay. Residents will not be charged care and maintenance fees for periods of hospital confinement in excess of 96 hours unless they desire that a bed be held until they return. For periods of leave from the home, maintenance fees are payable as arranged with the administrator or his designee. Note: Residents that are unable to pay charges in advance will be allowed to prorate the advance month fee over a 12-month period.

§949. Fees Adjusted

Care and maintenance fees will be adjusted when it has been established that there is a change in the veteran's income or family income if he has a dependent. The home reserves the right to request updated income information from the resident, dependents, or any other source (signed authority at admission by veteran and/or next of kin). The home also reserves the right to establish retroactive charges effective to the date a change in income occurs.

§951. Additional Fees

A. In addition to the regular care and maintenance fees collected, if less than maximum monthly amount and the resident has a savings account in excess of \$500 if single, and \$5,000 if married, the resident will be assessed an amount that would bring his care and maintenance fees up to the maximum amount allowable per month until this account is reduced to the above stated balance. This rule also applies to residents' in-house accounts in excess of \$2,500.

B. There will be no income limitation as an eligibility requirement for admission in the Louisiana War Veterans Home. Applicants' income or net worth, available or lacking, shall not be a bar to admission.

§953. Home Administrator Authority When Incorrect Income Given

The home administrator when given incorrect income information will avail himself of all state laws to recoup all monies that should have been available to the home for care and maintenance fees, retroactive to the time that these monies became available for the residents use while he/she was staying at the Louisiana War Veterans Home.

§955. Unusual Financial Circumstances

All residents of the Louisiana War Veterans Home who feel that they have unusual circumstances can request relief and consideration of reduction of care and maintenance fees. Under no circumstances will the waiver exceed 25 percent of the established care and maintenance fee based on all family income. The residents must apply for this consideration through the War Veterans Home administrator for recommendation to the director of Veterans Affairs for approval or disapproval. In the event this request is denied, an appeal may be submitted to the Veterans Affairs Commission for their consideration. The Veterans Affairs

Commission's decision shall be rendered final.

Authority Note: Adopted in accordance with R.S. 29:261.

Cleo C. Yarbrough
Executive Director

RULE

Office of the Governor Division of Administration Office of Contractual Review

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 39:1490(B), notice is hereby given that the Office of the Governor, Division of Administration, Office of Contractual Review amended LAC 34.V. Chapter 1. This rule revokes Section 121 of the earlier rules and regulations of this office. LR 11:1067 (November, 1985) Section 121 is amended to read as follows:

Chapter 1. Procurement of Professional, Personal, Consulting and Social Services

Subchapter A. General Provisions

§121. Contractual Review Process

A. Contracts arriving in the Office of Contractual Review will be date stamped and logged in. Contracts should be submitted prior to their effective dates and no contract shall be approved which has been submitted 60 days after its effective date, unless written justification is provided by the using agency and approval granted by the director of contractual review or his designee. All contracts must be received by the Office of Contractual Review at least by the termination date of the contract. All submittals will be required to have a cover letter attached thereto in conformity with Attachment D (See Appendix A).

B. If a contract does not appear to be out of the ordinary and appears to have the necessary attachments and inclusions, it will be routed to the appropriate budget analyst for the submitting agency. A BA-22, or its equivalent, shall be submitted with every contract submitted to the Office of Contractual Review.

C. Contracts that are incomplete as to form may be returned to the submitting agency. If a contract is merely missing an attachment then the necessary attachment may be secured from the submitting agency.

D. Contracts Returned From Budget

1. Not Recommended for Approval

If a contract is not recommended for approval, the Office of Contractual Review shall discuss the reason with the budget analyst. If the problem cannot be resolved the contract shall be returned to the submitting agency with a letter explaining the problem.

2. Recommended for Approval

If a contract is recommended for approval the review process shall continue.

E. Legal and Content Review

There are a number of different types of contracts, and content requirements may vary a little. All contracts shall contain the following:

1. Signatures of both the head of the using agency or his designee and the contractor. At least one submitted copy of each contract shall bear an actual, nonfacsimile signature of each party.

2. Scope of services that clearly and completely identifies the work to be performed and products to be delivered.

3. Beginning and termination dates for the contract. Normally, such contracts should be for a term no longer than one year, although the director of contractual review may approve contracts with terms up to three years. Contracts shall not include a clause permitting automatic renewal or extension of the original beyond a three-year period, unless authorized by the funding statute.

4. The maximum amount of compensation to be paid under the contract. This maximum must be inclusive of all payment, fees, travel expenses, etc. When applicable the amounts shall be stated by category and then given as a comprehensive total.

5. A statement giving the legislative auditor authority to audit the financial records of the contractor relative to work done under the contract.

6. A clause providing that the contractor shall not assign any interest in this contract, and shall not transfer any interest in the same (whether by assignment or novation), without the prior written consent of the submitting agency thereto, provided, however, that claims for money due or to become due to the contractor from the using agency under this contract may be assigned to a bank, trust company, or other financial institution without such approval. Notice of any such assignment or transfer shall be furnished promptly to both the using agency and the director of the Office of Contractual Review.

7. The Office of Contractual Review shall notify the using agency in writing and vice versa when an assignment of proceeds notice has been received from a contractor.

8. A statement giving the contractor the responsibility for paying any taxes which may be due as a result of the contract. The taxes could include state or federal income taxes or payroll taxes.

9. Advance payments on all contracts except those for professional services are allowable if limited to less than or equal to 20 percent of the contract amount and if necessary to provide for the lowest cost delivery of service.

a. All such advances shall be approved by the director of the Office of Contractual Review. If federal funds are to be advanced, federal guidelines shall prevail on the conditions and amount of the advance. Specific state statutory authority may override the 20 percent limit for certain contracts.

b. When submitting for approval a contract including provisions for an advance, the using agency shall submit the following additional information at a minimum:

c. Certification by the using agency that the procurement of the services involved at the lowest cost requires the advance and that no other source of funding is available.

d. Provisions in the contract specifying the amount and timing of the payments and safeguarding repayment of the advance.

F. Each contract submitted for approval shall be accompanied by a certification letter as described in R.S. 39:1497, signed by the using agency's representative (See Attachment B in Appendix A).

G. Proof of review and approval by other agencies shall accompany submitted contracts as follows; or contracts will be returned to the submitting agency without final approval:

1. Civil Service

All contracts must have Civil Service approval unless exempted by the Department of Civil Service.

2. Attorney General

Contracts for legal services that are not consulting work

and that do involve or lead to litigation must be reviewed by the attorney general for approval of the fee structure. Approval of the attorney general can be evidenced by the signature on the contract documents or by a letter from the attorney general. Contracts with Louisiana district attorneys do not require this approval. If the using agency has specific statutory authority to contract with attorneys, attorney general approval is not necessary. Such authority shall be cited by the using agency.

3. Legislative Auditor

Contracts for financial auditing of state agencies must have prior written approval of the legislative auditor.

4. If the contractor is a corporation not incorporated under the laws of the state of Louisiana, then the contractor must secure a certificate of authority pursuant to R.S. 12:301-302 from the Secretary of State of Louisiana and a copy of such certificate must be attached to the contract.

5. The Office of Telecommunications Management shall review and recommend any contract containing elements of telecommunication services before returning it to the Office of Contractual Review for completion of the analysis.

H. Consulting Services Contracts for \$75,000 or More

If a contract is for services defined as consulting in R.S. 39:1484(4) and is for an amount equal to or exceeding \$75,000, it must have been awarded pursuant to the requirements of R.S. 39:1503, unless exempt by §142. Failure to so comply shall result in the using agency having to reconduct the process. A statement in accordance with R.S. 39:1503 (C) as to why the award was made must be submitted with the contract.

I. Data Processing Consulting Service contracts for more than \$100,000 shall be procured in accordance with Subchapter C of these regulations.

J. Social Service Contracts for \$150,000 or More During a 12-Month Period.

If a contract is for services defined as social services in R.S. 39:1484(24), it must have been awarded pursuant to the requirements of R.S. 39:1503 unless exempt by R.S. 1494.1. Failure to so comply shall result in the using agency having to reconduct the process. A statement in accordance with R.S. 39:1503(c) as to why the award was made must be submitted with the contract.

K. When a contractor is a corporation, a formal, dated board resolution must be secured and attached to the contract indicating that the signatory is a corporate representative and authorized to sign said contract.

L. When it has been determined that a contract is complete, the contract shall be returned to the submitting agency with an approval letter attached and signed by the director of contractual review.

M. A performance evaluation for every personal, professional, consulting or social service contract shall be done by the using agency in accordance with R.S. 39:1500. This performance evaluation shall be retained by the using agency for all small purchase contracts approved under delegated authority. For all other contracts this performance evaluation shall be submitted to the Office of Contractual Review within 120 days after the termination of the contract. An example evaluation form can be found in Attachment F (See Appendix A). Using agencies should use their own formats.

Bonita B. Brown
Director

RULE

Office of the Governor Division of Administration State Purchasing

The Division of Administration, State Purchasing, pursuant to notice of intent published December 20, 1986 and under authority of R.S. 49:950 et seq. and the Louisiana Procurement Code, R.S. 39:196-200 and 1551-1716 deleted LAC 34:1.509. C. as follows:

§509. Bidder Lists

C. If a business on the bidder's list does not respond to six consecutive Invitation for Bids, its name may be removed from bidder's list.

Stephanie L. Alexander
Commissioner

RULE

Department of Health and Human Resources Board of Practical Nurse Examiners

The Louisiana State Board of Practical Nurse Examiners adopted the following rule changes to LAC Title 46, Part XLVII, Nurses, Chapter 3, Board of Practical Nurse Examiners, §307. Rules and Adjudication and License Suspension and Revocation Proceedings. The changes became effective October 27, 1986, as a result of emergency rulemaking promulgated in accordance with R.S. 49:953B and published in the *Louisiana Register* Volume 12, Number 10, Page 654, dated October 20, 1986. A notice of intent was published in the *Louisiana Register*, Volume 12, Number 10, Page 709, dated October 20, 1986. The changes were adopted on January 23, 1987, at a regular meeting of the board.

LAC Title 46

Part XLVII. Nurses

Chapter 3. Board of Practical Nurse Examiners

§ 307. Rules and adjudication and license suspension and revocation proceedings

A. All adjudication proceedings (as defined in Louisiana Revised Statutes, Title 49, Section 951) and license suspension and/or license revocation or probation proceedings conducted by the board shall be in accordance with the Administrative Procedure Act, Louisiana Revised Statutes, Title 49, Section 955 et seq.

B. All proceedings calling for the suspension, revocation, or probation of a license shall begin with the receipt by the board of allegation(s) pertaining to the violation(s) by a licensee of any provisions of R.S. 37:961 through 37:979.

C. Communications received by the board expressing such allegation(s) shall be privileged, confidential, and shall not be revealed to any person except when such document(s) are offered for evidence in a formal hearing. Such communications will be in writing and signed by the party making the allegation(s).

D. The allegation(s) shall be investigated by the executive director, his/her designee, and/or staff. Any information and/or documents generated pursuant to such investigation of the allegation(s) shall be considered the work product of the board and shall be privileged, confidential, and shall not be revealed to any person except when such investigative information and/or documents are offered for evidence in a formal hearing.

E. The allegation(s) against a licensee may be concluded

in an informal proceeding without formal hearing if the executive director does not deem the allegation(s) to be sufficiently serious. The informal resolution of the allegation(s) may be done by correspondence between the executive director and a licensee; by conference of the executive director and a licensee; or by consent order between the board and a licensee.

F. If such allegation(s) are concluded by this informal procedure, any result and/or recommendations shall be submitted by the executive director to the board for approval.

G. If a matter is not concluded by informal proceedings and a formal hearing is deemed necessary by the executive director, a formal hearing shall be scheduled before a hearing officer designated by the board. A decision to initiate a formal complaint by the board expressing the allegation(s) and specific violation(s) of R.S. 37:961 through 979 may be made if one or more of the following conditions exist:

1. the allegation(s) are sufficiently serious;
2. The licensee fails to respond to the board's correspondence concerning the allegation(s);
3. the licensee's response to the board's correspondence is insufficient, unsatisfactory, or fails to be convincing that no action is warranted;
4. an informal proceeding has failed to resolve all of the issues or allegation(s).

H. Formal hearing procedures shall commence with the filing of a formal complaint by the board indicating the specific allegation(s) and violation(s) of one or more of the provisions under R.S. 37:961 through 37:979.

I. A notice of formal complaint shall be sent by certified mail to the last known address of the accused licensee. If the mailing is not returned to the board, it is assumed to have been received by said licensee as it is the licensee's obligation and duty to keep the board informed of his/her whereabouts.

J. The licensee shall return his/her response to the complaint to the board within 10 days or shall be deemed to have waived his/her right to a hearing. In response, the licensee shall either deny or admit the allegations of the complaint and shall either request a hearing before the hearing officer or waive his/her right to said hearing.

K. If the licensee waives his/her right to a hearing or does not respond in writing within the time allotted, the hearing officer shall decide the case forthwith. The hearing officer shall make specific findings of fact, conclusions of law, and make recommendations to the board.

L. If a licensee requests a formal hearing before the hearing officer, the executive director or his/her designee shall schedule such hearing and notify the licensee of the place, date and time fixed for the formal hearing by certified mail at least 10 days prior to said hearing.

M. Except for conditions of extreme emergency, motions requesting the continuance of a formal hearing must be received by the board at least five days prior to the date fixed for a formal hearing. Such motion must express the specific reason(s) and show good cause why a continuance is warranted and be relevant for due process.

N. Discovery

1. Prior to a formal hearing an accused licensee shall have the right to retain an attorney to represent his/her interest before, during, and after the proceedings. All costs and/or expenses incurred by a licensee as a result of his/her exercise of said right, shall be the sole responsibility and obligation of the licensee.

2. Prior to a formal hearing, the executive director or his/her designee will, upon written request received by the

board at least five days prior to the formal hearing, issue subpoenas on behalf of the board and/or the accused licensee. Such subpoenas include or are for the purpose of:

a. requiring that a person appear and give testimony in the formal hearing; and

b. subpoena *duces tecum*, requiring that a person produce books, records, correspondence, or other materials over which he/she has control providing:

i. the information requested is reasonable in terms of amount; and

ii. the scope of the information requested is limited to documentary material that is relevant to the proceeding;

iii. the information requested does not include those documents referred to in Section 307(C) and 307(D); and

iv. the requesting party deposits with the board a sum of money sufficient to pay all fees and expenses to which a witness in the proceedings is entitled pursuant to R.S.-13:3661 and R.S.-13:3671.

3. Prior to a formal hearing, an accused licensee shall, upon written notice received by the board at least five days prior to said hearing, be given a list of all witnesses the board will or may call to give testimony during a formal hearing.

4. Prior to a formal hearing an accused licensee, his/her attorney, or any party representing his/her interest is prohibited from having any contact whatsoever with any witness which will or may be called to give testimony in a formal hearing.

5. Depositions for the purpose of discovery are not permissible and may only be allowed for the perpetuation of a witnesses' testimony upon good showing to the board that a witness will be unavailable to appear in person at a formal hearing. All costs of a deposition are borne by the requesting party.

6. Motions may be made before, during, and/or after a formal hearing. All motions made before and after a formal hearing shall be made in writing and in a timely manner in accordance with the nature of the request. Motions made during a formal hearing shall be made orally, as they become a part of the transcript of the proceeding.

O. During a formal hearing, the licensee or his/her attorney shall be afforded the opportunity to present documentary, visual, physical or illustrative evidence and cross-examine witnesses as well as call witnesses to give oral testimony on behalf of the licensee. All testimony given during a formal hearing shall be under oath and before a certified stenographer.

P. The record of the proceeding shall be retained until such time for any appeal has expired or until an appeal has been concluded. The record of the proceeding shall not be transcribed until such time as a party to the proceeding so requests, and the requesting party pays for the cost of the transcript.

Q. After the hearing is concluded, the hearing officer shall issue a report containing his/her findings of fact, conclusions of law and recommendations. This report shall be presented to the board.

R. The board shall make a decision based on the hearing officer's report and determine what sanctions, if any, should be imposed and issue an appropriate order with respect thereto. This order of the board shall be sent to the licensee by certified mail.

S. Sanctions imposed by the board may include reprimand, probation, suspension, revocation, as well as penalties provided under R.S. 37:961 et seq., as amended by Act 1075, of the 1986 Regular Session, or any combination thereof.

1. Reprimand - May include a personal conference between the licensee and the executive director and/or a letter to the licensee regarding the incident or incidents which have been

brought to the board's attention and which may or may not be determined to warrant a hearing.

2. Probation - Will include stipulations which may be imposed by the board as a result of the findings of facts of a hearing and the order shall clarify the obligations of the licensee through a specified period of time. A licensee who is placed on probation by the board may practice practical nursing in the state of Louisiana provided the probation terms are met.

3. Suspension - A license to practice practical nursing in the state of Louisiana may be withheld by the board as a result of the findings of facts presented in a hearing. The time of suspension may be a definite stated period or an indefinite term. A licensee whose license is suspended may not practice practical nursing in the state of Louisiana during the suspension period so designated.

a. Definite time of suspension shall be stipulated by the board in the order to the licensee. Upon termination of the time period the licensee shall be entitled to receive his/her license upon payment of the required fee and upon documented compliance with the conditions which may have been imposed by the board at the time of the original order.

b. If a license is suspended for an indefinite term, the licensee may petition for reinstatement of his/her license only after one calendar year has lapsed from the date of the original order. The board may terminate the suspension and reinstate such license after a hearing is held and the board determines that the cause/causes for the suspension no longer exist or that intervening circumstances have altered the condition leading to the suspension. If reinstatement is granted the licensee shall pay the required reinstatement fee.

4. Revocation - A license to practice practical nursing in the state of Louisiana may be withdrawn by the board. A person whose license is so revoked shall never again be allowed to practice practical nursing in the state.

T. A petition by a party for reconsideration or rehearing must be in proper form and filed within 30 days after notification of the board's decision. The petition shall set forth the grounds for the rehearing, which include one or more of the following:

1. the board's decision is clearly contrary to the law and the evidence;

2. there is newly discovered evidence, which was not available to the board or the licensee at the time of the hearing and which may be sufficient to reverse the board's action;

3. there is a showing that issues not previously considered ought to be examined in order to dispose of the case properly;

4. it would be in the public interest to further consider the issues and the evidence.

U. The grounds for disciplinary proceedings against a licensed practical nurse include, but are not limited to:

1. guilty of fraud or deceit in procuring or attempting to procure a license to practice practical nursing;

2. is guilty of a crime;

3. is unfit, or incompetent by reason of negligence, habit or other causes;

4. is habitually intemperate or is addicted to the use of habit-forming drugs;

5. is mentally incompetent; or

6. is guilty of unprofessional conduct; unprofessional conduct includes, but is not limited to the following:

a. failure to practice practical nursing in accordance with the standards normally expected;

b. failure to utilize appropriate judgment in administering nursing practice;

c. failure to exercise technical competence in carrying out

nursing care;

d. violating the confidentiality of information or knowledge concerning a patient;

e. performing procedures beyond the authorized scope of practical nursing;

f. performing duties and assuming responsibilities within the scope of the definition of practical nursing when competency has not been achieved or maintained, or where competency has not been achieved or maintained in a particular specialty;

g. improper use of drugs, medical supplies, or patients' records.

h. misappropriating personal items of an individual or the agency;

i. falsifying records;

j. intentionally committing any act that adversely affects the physical or psychosocial welfare of the patient;

k. delegating nursing care, functions, tasks, or responsibilities to others contrary to regulation;

l. leaving a nursing assignment without properly notifying appropriate personnel;

m. failing to report, through the proper channels, facts known regarding the incompetent, unethical, or illegal practice of any health care provider;

n. has violated any provisions of this Part (R.S.-37:961 through 979 as amended 1986) or aid or abet therein.

Terry L. DeMarca
Executive Director

RULE

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, shall adopt the following rule in the Food Stamp Program.

Summary

This rule is mandated by federal regulation as published in the *Federal Register* Vol. 51, No. 150, Tuesday, August 5, 1986 pp. 28196 - 28202.

It was necessary to adopt this as an emergency rule to avoid sanctions as federal regulations mandate a retroactive December 23, 1985, implementation date. This was published as an emergency rule in the November, 1986, issue of the *Louisiana Register*.

RULE

Categorical Eligibility for Certain Recipients

A. Households Considered Categorically Eligible

Households in which all members are authorized to receive public assistance (AFDC and/or SSI) shall be considered categorically eligible for food stamps.

Authorized to receive includes individuals determined eligible for AFDC or SSI benefits but the benefits have not yet been paid.

Recipient includes a person determined eligible to receive zero benefits, e.g., a person whose benefits are being recouped and an AFDC recipient whose benefits are less than \$10 and therefore does not receive a check.

A household may be considered categorically eligible even if it contains both AFDC and SSI recipients. Individuals entitled only to Medicaid and not public assistance are not categorically eligible.

A household shall *not* be considered categorically eligible if:

- 1) any member of that household is disqualified for an intentional program violation;
- 2) the household is disqualified for failure to comply with monthly reporting requirements;
- 3) the household is disqualified for failure to comply with the work registration requirements;

The following persons shall not be considered a member of a household when determining categorical eligibility:

- 1) an ineligible alien;
- 2) an ineligible student;
- 3) an institutionalized person.

Households which are categorically eligible are considered to have met the following food stamp eligibility factors without additional verification: 1) resources; 2) Social Security numbers; 3) sponsored alien information; 4) residency.

These households also do not have to meet the gross and net income limits but verification of income not counted for AFDC/SSI is required (e.g. educational assistance). If questionable, the factors used to determine categorical eligibility shall be verified.

Categorically eligible households must meet all food stamp eligibility factors except as outlined above.

Changes reported by categorically eligible Food Stamp households shall be handled according to established procedures except in the areas of resources or other eligibility factors.

Benefits for categorically eligible households shall be based on net income as for any other households. One and two person households will receive a minimum benefit of \$10. Households which meet categorical eligibility requirements but are not eligible for benefits must be certified and handled as if they were eligible for benefits. The household shall be notified that income exceeds the level at which benefits are issued but that they are categorically eligible and certified for participation. The household shall be advised of their reporting requirements.

B. Application Processing

Households in which all members are applying for public assistance shall continue to be processed according to joint processing procedures. Until a determination is made on the public assistance application, the household's food stamp eligibility and benefit level shall be based on food stamp eligibility criteria. However, the local office shall postpone denying a potentially categorically eligible household until the thirtieth day in case the household is determined eligible to receive public assistance benefits.

The household shall be informed on the notice of denial that it is required to notify the local office if its AFDC or SSI benefits are approved.

If the household is later determined eligible to receive public assistance benefits after the thirtieth day and is otherwise categorically eligible, benefits shall be provided using the original application along with other pertinent information occurring subsequent to that application.

The local office shall not reinterview the household but shall use any available information to update the application and/or make mail or phone contact with the household or authorized representative to determine any changes in circumstances. Any changes shall be initialed and the updated application resigned by the authorized representative or authorized household member. If eligibility for public assistance is determined within the 30-day food stamp processing time, benefits shall be provided back to the date of application. If eligibility for public assistance is determined after the food stamp application is denied, benefits for the initial month shall be prorated from the

effective date of the public assistance certification or the date of the food stamp application, whichever is later.

C. Certified Households

Certified households which become categorically eligible due to receipt of SSI benefits shall be eligible for the medical and uncapped shelter deductions from the beginning of the period for which the SSI benefits are authorized or the date of the food stamp application whichever is later. These additional benefits shall be provided through restoration.

D. Refugee Cash Assistance (RCA) Benefits

For food stamp purposes, RCA benefits are not considered public assistance. The cases are not categorically eligible and should no longer be classified as Type 1 households.

E. Implementation

These changes are effective retroactively to December 23, 1985. Any household that applied and was denied benefits from that date until implementation of this rule is entitled to restored benefits if it:

- A. was categorically eligible;
- B. is otherwise entitled to benefits; and
- C. requests a review of its case or if the agency otherwise becomes aware that a review is needed.

Restored benefits for these households shall be made available, if appropriate, back to the date of the food stamp application or December 23, 1985, whichever is later.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

RULE

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, shall adopt the following rule in the Food Stamp Program.

Summary

This rule is mandated by federal regulation as published in the *Federal Register* Vol. 51, No. 163, Friday, August 22, 1986 pp. 30045 - 30049.

It was necessary to adopt this as an emergency rule to avoid sanctions as federal regulations mandate an August 22, 1986 implementation date. This was published as an emergency rule in the November, 1986, issue of the *Louisiana Register*.

RULE

Student Related Provisions

A. The term institution of higher education has been changed to institution of post secondary education. The definition has also been expanded to include any public or private educational institutions which admit persons who are age 16 or older provided that the institution is legally authorized or recognized by the state to provide an educational program beyond secondary education or provides a program of training to prepare students for gainful employment.

B. Educational loans on which payment is deferred, grants, scholarships, fellowships, veterans' educational benefits, and the like that are provided to a third party on behalf of the household for living expenses such as rent or mortgage, personal clothing or food eaten at home shall be treated as money payable directly to the household and not excluded as a vendor payment.

C. Origination fees and insurance premiums on student

loans are excludable charges. Only the amount of the loan after these charges have been excluded is to be considered income.

D. Exclusions from Education Assistance

1. Federal Education Assistance

Tuition, mandatory fees, origination fees and insurance premiums are excludable from federal deferred payment educational loans, educational grants, scholarships, fellowships, veterans' educational benefits and the like. No portion of the educational assistance that is provided for the living expenses can be excluded.

2. Non - Federal Education Assistance

Tuition, mandatory fees, origination fees and insurance premiums are excludable from non-federal deferred payment educational loans, educational grants, scholarships, fellowships, veterans' educational benefits and the like. Additionally, if the provider of educational assistance specifically earmarks portions for education expenses, such as travel or books, these may also be excluded. No portion of the educational assistance that is provided for living expenses can be excluded.

E. Implementation

These changes are effective August 22, 1986, and shall be implemented at application and as case changes are processed. Benefits lost from August 22, 1986, shall be provided through restoration.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

RULE

**Department of Health and Human Resources
Office of Family Security**

The Medical Assistance Program is adopting the following rule which became effective November 1, 1986 as a result of emergency rulemaking promulgated in accordance with R.S. 49:953B and published in the *Louisiana Register* Vol. 12, No. 11, page 757, dated November 20, 1986. A notice of intent was published in the *Louisiana Register* Vol. 12, No. 12, page 863, dated December 20, 1986.

RULE

The Medical Assistance Program shall not provide optional Title XIX (Medicaid) coverage for individuals in between the ages of 18 and 21 under F, V, I, and O categories of assistance.

Implementation of this rule is dependent on the approval of the Health Care Financing Administration (HCFA). Disapproval of the change by HCFA will automatically cancel the provisions of this rule and current policy will remain in effect.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

RULE

**Department of Health and Human Resources
Office of Family Security**

The Medical Assistance Program is adopting the following rule which became effective November 1, 1986 as a result of emergency rulemaking promulgated in accordance with R.S. 49:953B and published in the *Louisiana Register* Vol. 12, No. 11, page 758, dated November 20, 1986. A notice of intent was

published in the *Louisiana Register* Vol. 12, No. 12, page 865, dated December 20, 1986. This rule shall provide additional notice to hospital providers of interim payment reductions which are allowed under the Title XIX State Plan and 42 CFR 405.454. Adjustments to per diem rates will continue to be processed in accordance with current policy, procedures, and federal regulations.

RULE

Interim payments to hospital providers under Medicaid shall be reduced by 10 percent effective for admissions on or after November 1, 1986.

Implementation of this rule is dependent on the approval of the Health Care Financing Administration (HCFA). Disapproval of the change by HCFA will automatically cancel the provisions of this rule and current policy will remain in effect.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

RULE

**Department of Health and Human Resources
Office of Family Security**

The Medical Assistance Program is adopting the following rule which became effective January 23, 1987 as a result of emergency rulemaking promulgated in accordance with the provisions of Act 38, First Extraordinary Session, 1986, R.S. 49:953B and published in the *Louisiana Register* Vol. 13, No. 2, dated February 20, 1987. A notice of intent was published in the *Louisiana Register* Vol. 12, No. 12, page 866, dated December 20, 1986.

RULE

Payment for the absence of a recipient from a skilled nursing facility, intensive care Facility I or intensive care Facility II which is a result of hospitalization, will be limited to five days per hospital stay.

Implementation of this rule is dependent on the approval of the Health Care Financing Administration (HCFA). Disapproval of the change by HCFA will automatically cancel the provisions of this rule and current policy will remain in effect.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

RULE

**Department of Health and Human Resources
Office of Family Security**

The Medical Assistance Program will begin implementation of the following rule effective February 20, 1987. A notice of intent was published in the *Louisiana Register* Vol. 12, No. 12, page 868, dated December 20, 1986.

RULE

The Medical Assistance Program shall provide Medicaid coverage of Medicare Part A and Part B crossover claims for dually eligible recipients with the following limitations:

1. Medicaid coverage of Medicare Part B crossover claims shall be limited to only those services covered under Title XIX (Medicaid); and
2. payment of Medicare Part A and Part B co-insurance

and deductibles shall be limited to the total Medicaid allowable cost for each covered service.

Implementation of this rule is dependent on the approval of the Health Care Financing Administration (HCFA). Disapproval of the change by HCFA will automatically cancel the provisions of this rule and current policy will remain in effect.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

RULE

Department of Health and Human Resources Office of Family Security

The Medical Assistance Program is adopting the following rule effective February 20, 1987. A notice of intent was published in the *Louisiana Register* Vol. 12, No. 12, page 869, dated December 20, 1986.

SUMMARY

Currently, program policy provides a Medically Needy Income Eligibility Standard (MNIES) for determining eligibility for the Medically Needy Program under Title XIX. This need standard is limited by 42 CFR 435.811(c) to 133.33 percent of the AFDC flat grant amount for individuals or families of comparable size. This rule will assure compliance with mandatory federal regulations by tracking the AFDC flat grant amount. Because the AFDC flat grant amounts have been restored this rule will have no effect on current recipient eligibility or benefits.

RULE

Medically Needy Income Eligibility Standards (MNIES) under Title XIX shall be set at 133.33 percent of the flat grant amount for Aid to Families With Dependent Children (AFDC) for individuals and families of comparable size.

Implementation of this rule is dependent on the approval of the Health Care Financing Administration (HCFA). Disapproval of the change by HCFA will automatically cancel the provisions of this rule and current policy will remain in effect.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

RULE

Department of Health and Human Resources Office of Family Security

The Medical Assistance Program is adopting the following rule which became effective February 1, 1987 as a result of emergency rulemaking promulgated in accordance with R.S. 49:953B and published in the *Louisiana Register* Vol. 13, No. 2, dated February 20, 1987. A notice of intent was published in the *Louisiana Register* Vol. 12, No. 12, page 874, dated December 20, 1986.

RULE

Effective February 1, 1987, payments for physician, osteopath, optometrist and nurse midwife services under the Medical Assistance Program shall be reduced by 5 percent.

Implementation of this rule is dependent on the approval

of the Health Care Financing Administration (HCFA). Disapproval of the change by HCFA will automatically cancel the provisions of this rule and current policy will remain in effect.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

RULE

Department of Health and Human Resources Office of Family Security

The Medical Assistance Program is adopting the following rule which became effective December 1, 1986, as a result of emergency rulemaking promulgated in accordance with R.S. 49:953B and published in the *Louisiana Register* Vol. 12, No. 12, page 824, dated December 20, 1986. A notice of intent was published in the *Louisiana Register* Vol. 12, No. 12, page 875, dated December 20, 1986.

RULE

Payments for bed reservations during the absence of a recipient from a long term care facility (skilled nursing and intermediate care Facilities I and II) will be one-half of the provider's per diem rate after patient liability has been deducted. Payment for home leave days in skilled nursing facilities and intermediate care facilities will continue to be limited to 18 days per calendar year.

Implementation of this rule is dependent on the approval of the Health Care Financing Administration (HCFA). Disapproval of the change by HCFA will automatically cancel the provisions of this rule and current policy will remain in effect.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

RULE

Department of Health and Human Resources Commission for the Deaf

Effective February 20, 1987, the Department of Health and Human Resources proposes to put into effect the rules of operation for the Louisiana Department of Health and Human Resources, Louisiana Commission for the Deaf.

Act 629 of the 1980 Regular Session of the Legislature authorizes the Department of Health and Human Resources to adopt these rules.

RULES OF OPERATION OF THE

LOUISIANA COMMISSION FOR THE DEAF

ARTICLE 1 — NAME

Section 1. The name of the commission shall be the Louisiana Commission for the Deaf. The Louisiana Commission for the Deaf, hereinafter referred to as the "commission," is established by Act 629 enacted by the 1980 Regular Session of the General Assembly and signed into law by Governor Treen on July 24, 1980.

ARTICLE II — PURPOSE OF THE RULES OF OPERATION

Section 1. The purpose of the rules of operation of the Louisiana Commission for the Deaf is to provide for the orderly conduct of the affairs of the commission. These rules of opera-

tion are in keeping with the provisions of this Act.

ARTICLE III — ROLE AND FUNCTION

Section 1. The role and function of the commission, as mandated by law (Act 629, 1980 Legislature, signed by Governor Treen, July 24, 1980 and as amended by Act 662, 1985 Legislature, signed by Governor Edwards, July 16, 1985) are as follows:

- A. promote, coordinate, and facilitate accessibility of all public and private services to deaf people;
- B. serve as advocate for the needs and rights of deaf people;
- C. collect information concerning deafness and provide for the dissemination of this information;
- D. develop and implement a statewide program to ensure continuity of services to deaf people;
- E. inform deaf citizens, parents, and families of the availability of programs and services for deaf adults and children at all level of state and local government;
- F. promote the training of interpreters and assist in the establishment of interpreter training programs;
- G. maintain a registry of available interpreters;
- H. provide all services of the commission to deaf people with visual impairments.
- I. provide interpreter services to the deaf in accordance with rules and regulations adopted by the commission.

In order to fulfill these objectives of the commission, a full-time staff is necessary. Accordingly, the commission will provide goals, priorities, and guidelines to the staff to assist them in meeting the goals and objectives.

Section 2. As its first objective after the establishment of a full-time staff, the commission shall work for the development of statewide interpreting services to be provided by the commission in order to facilitate accessibility of existing programs and services provided by public and private service agencies to deaf people as they are presently available to the general public in Louisiana. This will involve working with various agencies to provide them with orientation, inservice training and information relative to deafness and interpreting services.

Section 3. In addition, the commission shall serve as a mechanism for providing input to the secretary of the Department of Health and Human Resources through the assistant secretary, Office of Human Development, to the state Legislature, and the governor on the needs of hearing impaired individuals. This will include the preparation of the annual report which will review the status of services available to the hearing impaired people in Louisiana, and to recommend priorities for appropriate programs and services to this population.

ARTICLE IV — MEMBERSHIP

Section 1. Composition of the Commission. Membership in the commission is specified by law. The commission shall consist of 15 members to be appointed by the governor. Nine of the committee members are designated by law with six members being appointed by the governor. Each appointment by the governor shall be submitted to the Senate for confirmation. Beginning in 1984, every appointment confirmed by the Senate shall again be submitted by the governor to the Senate for confirmation every two years after the initial confirmation. These members shall include:

- a. The nine designated members shall include:
 1. the coordinator of Vocational Rehabilitation Services to the Deaf;
 2. the president of the Louisiana Association of the Deaf;
 3. the president of the Louisiana Registry of Interpreters for the Deaf;

4. the superintendent of the Louisiana School for the Deaf;
5. the secretary of the Department of Health and Human Resources, or her designee;
6. the superintendent of education, or his designee;
7. the secretary of the Department of Labor, or his designee;
8. the speaker of the House of Representatives, or his designee;
9. the president of the Senate, or his designee.

Designated members serve because of the position they hold.

- B. The six appointed members shall include:
 1. two lay members who shall be deaf persons;
 2. two lay members who shall be parents of deaf individuals;
 3. two lay members who shall be professionals who work with deaf individuals.

Section 2. Term of Office

A. The designated commission members shall serve on the commission so long as each member maintains the position for which each was originally appointed.

B. All appointed members shall serve for four years. In the event a vacancy occurs, the appointment shall be made only for the length of the unexpired term. Vacancies occurring other than by expiration of term in the membership shall be filled by the governor.

Section 3. Resignations

A. Upon the resignation or termination of office of a designee, the designated member will notify the commission and the governor. The designated member shall then appoint a new designee.

B. Appointed members of the commission may, upon submitting written notice, resign from the commission, provided this resignation is accepted by a majority of the membership of the commission. The commission may recommend a list of possible names for the governor's consideration to replace the resigning appointed member. These names would be submitted upon a majority vote of the membership.

Section 4. Termination of Membership

A. The missing of three consecutive meetings by a designee shall constitute grounds for the commission to recommend, by a two-thirds vote, termination of such designee to the designated members and to request a newly appointed designee.

B. Appointed members of the commission may be subject to removal from the commission for missing three consecutive meetings, for cause, by a two-thirds vote of the membership of the commission, with a letter of recommendation transmitted to the governor stating such cause.

ARTICLE V — OFFICERS OF THE COMMISSION

Section 1. Only members of the commission shall be officers of the commission.

Section 2. Election of Officers. The elected officers of the commission shall be the commission chairperson, vice-chairperson, and secretary. These officers shall be elected biennially at a time agreed upon by a majority of the vote of the membership with a quorum present. The newly elected officers shall assume responsibilities at such time and shall be limited to two consecutive terms of office.

Section 3. Executive Director. The executive director shall be appointed by the secretary of the Department of Health and Human Resources upon the recommendation by the commission of the three top candidates after review and interview of the applicants by the commission. The executive director shall be a trained professional, having experience as such with the deaf

individuals, and skilled in the use of sign language. The executive director may be either a deaf person or a person with normal hearing, but preference shall be given to a deaf person. The executive director may recommend to the assistant secretary of the Department of Health and Human Resources the appointment of such other employees as necessary to carry out the objectives of the commission. The commission executive director shall report in person to the commission at its meetings and in other ways the commission deems appropriate.

Section 4. Executive Committee. The executive committee shall be composed of the elected officers (commission chairperson, vice-chairperson, and secretary) and two commission members-at-large elected by the commission and shall meet as needed. The executive director may participate in the deliberations of the executive committee as a nonvoting member.

Section 5. Duties and Responsibilities

A. The chairperson shall:

1. set the time and place of the regular meetings of the commission;
2. call special meetings of the commission;
3. call meetings of the commission executive committee;
4. oversee the work of the executive director;
5. preside at all meetings of the commission and of the commission executive committee;
6. appoint committees of the commission and committee chairpersons;
7. call meetings to handle urgent needs, emergencies, and review budget requests at the discretion of the commission;
8. be responsible for the preparation of an agenda which must be approved at each meeting;
9. sign or authorize all letters, reports, and other communications of the commission;
10. perform such other duties as assigned by the commission.

b. The vice-chairperson shall:

1. preside at meetings of the commission or commission executive committee when the commission chairperson is absent.
2. perform such other duties as are assigned by the commission or delegated by the commission chairperson.

C. The secretary shall:

1. be responsible for keeping accurate records of all meetings;
2. keep minutes on all regular and special meetings to be made available to the public on request;
3. perform duties as assigned by the chairperson.

D. The executive director, as a full-time employee of the commission shall:

1. implement the goals and objectives, guidelines, and policies of the commission;
2. manage and supervise the work and activities of the commission staff;
3. provide staff support to and assist in coordinating the work of commission committees and task forces;
4. arrange and provide for interpreters and necessary/special services in all commission meetings and activities;
5. arrange for public notice and publicity of commission meetings and events;
6. assume responsibility as treasurer to the commission as a full-time employee of the commission. He shall be primary manager for any commission funds and for the expenditure of funds for the purposes designated by law or by the commission;
7. submit an annual proposed budget for the commission's review and approval before submitting the same to the

assistant secretary, Office of Human Development, and to the secretary of the Department of Health and Human Resources;

8. participate in the deliberations of the commission and the executive committee as a non-voting member.

9. perform other duties as assigned by the commission and/or the commission chairperson.

Section 6. Resignations. The commission officers may resign from office provided the resignation is accepted by a majority of the membership of the commission.

Section 7. Termination of Office. The commission officers may be removed from office, for cause, by a two-thirds vote of the membership of the commission. The commission may recommend to the secretary of the Department of Health and Human Resources the removal of the executive director from his/her position, for cause, by a two-thirds vote of the membership of the commission. Such office, once vacated, shall be filled as soon as possible.

ARTICLE VI — MEETINGS OF THE COMMISSION

Section 1. Regular Meetings. The commission shall meet at least once in each quarter of the fiscal year and may meet more often as shall be deemed necessary by the chairperson, not to exceed 12 meetings per year depending on budget allocations.

Section 2. Special Meetings. Special meetings may be called by the commission chairperson or at the request of any five commission members.

Section 3. Notice

A. Regular Meetings: A minimum of two weeks notice must be provided members of the commission for regularly scheduled meetings.

B. Special Meetings: Notice and purpose of special meetings should be provided the commission members at least three days prior to the meeting. In no case shall a commission meeting be called with less than 24 hours notice.

Section 4. Quorum. No business may be conducted at commission meetings attended by fewer than eight commission members, provided such meetings are called and notice provided in accordance with the provisions specified in Sections 1, 2, and 3 of Article VI, above. However, recommendations made at commission meetings attended by fewer than eight commission members shall remain recommendations and are not binding until action taken by an appropriate vote of the membership of the commission, as specified in these rules of operation.

Section 5. Place of Meetings. The commission shall hold its regular meetings at a location most convenient and barrier-free to the membership of the commission.

Section 6. Agenda. An agenda for regular meetings shall be provided to commission members at least 24 hours in advance of regular meetings. Items may be added or deleted from the agenda at the beginning of any regular meeting by a majority vote of commission members present.

Section 7. Special Services. Interpreters and other necessary or special services must be provided at commission meetings for members or participants.

Section 8. Minutes

A. Regular Meetings: Minutes shall be taken at each commission meeting by the secretary or his designee and copies of these minutes shall be provided at least two weeks prior to the next regular meeting to all commission members. These minutes shall be made available to the public on request.

B. Special Meetings: Minutes for special meetings shall be taken and copies of the minutes shall be distributed no later than two weeks following the meeting.

Section 9. Attendance. In case of emergency, illness,

conflict, etc. a commission member may appoint another person to represent him at a meeting of the commission, provided written notice of this intent is provided to the chairperson of the commission as a letter of introduction to such a meeting. Such appointed representatives shall enjoy the privileges of membership during the meeting if specifically expressed in the letter of introduction.

ARTICLE VII — PROCEDURES

Section 1. Privileges of membership to be exercised at commission meetings shall include making motions, debate, calling for vote on motions before the commission, voting, and such other privileges as are usual and customary.

A. Interested persons may observe meetings of the commission and may, at the invitation of the commission chairperson, address and be addressed by the commission.

B. The commission may adopt, at any meeting, such rules of procedure and order as the commission deems necessary or convenient, provided these rules do not conflict with the rules of operation.

C. All meetings of the commission shall be open, except when the commission, by a majority vote of the members present, deems it necessary to go into Executive Session.

Section 2. If the commission chairperson and the commission vice-chairperson are absent from a commission meeting, the commission members present shall elect, by a majority vote, a commission member to preside at the meeting.

Section 3. Commission members shall not be held personally liable, either individually or as a body, for actions of the commission or of employees of the commission.

Section 4. Members of the commission shall receive no salary for their services, but shall be reimbursed for actual travel and other approved expenses incurred in performance of their duties.

ARTICLE VIII — COMMITTEES OF THE COMMISSION

Section 1. The commission or the executive committee may create standing and ad hoc committees to carry out the objectives of the commission or may establish task forces including non-commission members to address issues of significance to deaf individuals in Louisiana. The duties of such task forces shall be to identify and/or research the needs of deaf persons and to make recommendations/suggestions to the commission about ways these needs can be met. The commission will reimburse committee and/or task force members for travel, per diem, and honoraria according to state regulations and commission policy.

A. Standing Committees may be comprised of commission and/or non-commission members. Composition of the committees should reflect the state-wide nature of the commission. Maximum membership on any standing committee shall be nine. Term of membership shall be for two years with re-appointment permitted. Standing committees shall meet on a regular basis (a minimum of once quarterly), maintain accurate minutes of all meetings and necessary paperwork, to meet the objective(s) or charge(s) of the committee, and to report at each regular meeting of the commission.

B. Ad Hoc Committees are committees that are not standing committees and are comprised of commission and/or non-commission members. Such committees are to have a specified purpose and a specific period of existence. Maximum membership shall be nine. Responsibilities will be to meet the objective(s) or charge(s) of the committee, meet on a regular basis, maintain accurate minutes of each meeting, and to report on the progress of the committee at regular meetings of the commission.

C. Task forces may include non-commission members

and shall consist of a maximum number of nine members. The duration and focus of each task force shall be specified. Responsibilities will be to meet the objective(s) or charge(s) of the task force, meet on a regular basis, perform the specified task, and report at regular meetings of the commission.

Section 2. State Certification Administrative Committee

A. Purpose of this standing committee is to administer the examination and certification of interpreters in the state of Louisiana. The operating costs of the State Certification process shall be covered by the commission.

Responsibilities of the committee shall include, but not necessarily be limited to the following:

1. development and maintenance of guidelines/standards for State Certification of Interpreters for the Deaf,
2. revision of the State Certification process,
3. identification, appointment, and training of examiners,
4. supervision of the State Certification examination,
5. determination of skill level of examinees,
6. maintenance of examination materials and records,
7. development and/or revision of examination materials,

8. issuing, on behalf of the Louisiana Commission for the Deaf, of appropriate certification to qualified examinees.

Members of this committee shall be trained as examiners in the State Certification process.

B. Membership of this standing committee shall consist of a chairman, one designated member, and five appointed members. All appointed members shall meet following criteria:

1. possess an appropriate State Certificate and/or its national equivalent of Comprehensive Skills Certificate/Reverse Skills Certificate,
2. fluency in American Sign Language,
3. active membership in the Louisiana Association of the Deaf and/or the Louisiana Registry of Interpreters for the Deaf, and
4. active in the provision/utilization of interpreter services.

The procedure for structuring the committee membership shall be:

1. The Louisiana Commission for the Deaf shall appoint the chairman and one member of the committee. In addition, the designated member of the committee shall be the executive director of the Louisiana Commission for the Deaf. The designated member serves because of his/her position and staff responsibilities.

2. The president of the Louisiana Association of the Deaf shall appoint two members of the committee.

3. The president of the Louisiana Registry of Interpreters for the Deaf shall appoint two members of the committee.

C. Attendance

The missing of 50 percent or more of regularly scheduled meetings, annually, consecutively, by any appointed member of the committee without prior notification other than illness, death in the family, or other matters of serious nature may constitute grounds for termination of membership on the committee.

ARTICLE IX — AMENDMENTS

These rules of operation may be amended by a two-thirds vote of the membership of the commission provided written notice of the proposed changes are provided commission members at least 10 days in advance of a regular or special commission meeting at which they are to be proposed.

ARTICLE X — PARLIAMENTARY PROCEDURES

Robert's Rules of Order, Newly Revised, shall govern meetings of the commission and of committees and task forces

of the commission, provided they are not in conflict with the rules of operation of the commission.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

RULE

Department of Health and Human Resources Office of Management and Finance Division of Policy, Planning and Evaluation

The Department of Health and Human Resources, Office of Management and Finance, Division of Policy, Planning and Evaluation has adopted the following changes to the Policies and Guidelines for Section 1122 capital expenditure reviews effective February 20, 1987. The proposed changes were made to the rule published in Volume 12, Number 8 of the *Louisiana Register*, August 20, 1986. These proposed changes affect the following portion of the *Louisiana Administrative Code*: Section 12503.

The revised pages of the Section 1122 Policies and Guidelines read as follows (amendments are indicated by ** at the beginning and end of new section):

Page 17

3. The need of the service area population for the proposed facility/services.

NOTE: In reviewing the need for beds, all proposed beds shall be considered available as of one projected opening date for the project. Division of Policy, Planning and Evaluation does not recognize the concept of "phasing in" beds, whereby an applicant provides two or more opening dates.

a. Delineation of the service area for the proposal (the definition of "service area" will be governed by the State Health Plan's definition for each particular type of service or facility).

b. Current and projected availability of beds/services/facility. Division of Policy, Planning and Evaluation will count as available:

- all health care facility beds as defined in the applicable State Health Plan section;
- all health care facilities, as defined for Section 1122 Review purposes;
- all services and equipment in health care facilities.

** NOTE: For all reviews where a bed to population ratio is a factor, the facility bed inventory which will be used in the determination of need is that which is current on the date that the application is determined to be complete. This inventory will change during the review period only when bed increases or decreases are approved for the area by Section 1122 Review decisions, fair hearing decisions or judicial decisions which are ** effective prior to the decision on the application.

(Data sources to be used include information compiled by the Bureau of Research and Development, Division of Policy, Planning and Evaluation, as published, and the middle population projections recognized by the State Planning Office as official projections.)

- 1) number and distribution of similar facilities, services, or beds within the service area;
- 2) bed to population ratio in the service area;
- 3) comparison of bed to population ratio in the service area to that of other service areas in the state.

c. Physical accessibility of the target population to existing and proposed facilities/services.

Page 17a

d. Current and projected measures of utilization of existing facilities/services (i.e. occupancy or other appropriate utilization data).

** NOTE: For all reviews where utilization is a factor, the occupancy report which will be used in the determination of need is that which is current on the date that the application is determined to be complete. The only exception to this rule will occur when determining the need for long term care beds under the overbedded exception. In such a case, the adjusted occupancy rate will be recalculated to reflect any increase or decrease in beds in the area which resulted from Section 1122 review decision, fair hearing decisions or judicial ** decisions effective prior to the decision on the application.

e. Demographics of the service area for the proposal.

4. The availability or potential availability of less costly or more effective alternatives to the proposal.

5. The immediate and long-term financial feasibility of the proposal, and the availability of funds. (DPPE will consider but not be limited to the following: (1) for proposed expenditures exceeding \$6,000,000, documentation of net assets exceeding 25 percent of the proposed expenditure; and (2) a commitment for financing from a reputable lending institution, including effective date and duration of commitment, amount and terms of loan, approximate beginning and ending dates of loan, and amount and type of collateral pledged; or (3) documentation of available internal funds equivalent to the proposed expenditure; (4) documentation of the financial feasibility through the use of tax-exempt bonds.)

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

RULE

Department of Health and Human Resources Office of Management and Finance Division of Policy, Planning and Evaluation

The Department of Health and Human Resources, Office of Management and Finance, Division of Policy, Planning and Evaluation has adopted the following changes to the Louisiana State Health Plan effective February 20, 1987. The proposed changes will be made to the rule published in Volume 11, Number 4 of the *Louisiana Register*, April 20, 1985. These proposed changes will affect the following portions of the *Louisiana Administrative Code*: Chapter 109; and Sections 10309, 11307, 11509, 11511, 11513, 11515 and 11533.

The proposed changes may be summarized as follows:

A. Chapter 1, the "Executive Summary" of the plan has been amended to summarize the plan as it will be constituted on February 20, 1987.

B. In Chapter 3, "Overview of the State," the current section on Health Status has been replaced with an updated section which includes the most recent health status information for Louisiana.

C. The current Chapter 6, "Implementation Strategies", has been replaced by an updated chapter which lists the priority health goals for Louisiana and one-year objectives of DHHR Offices which move toward meeting these goals.

D. In Chapter 8, "State Health Policy Analysis", the list of Louisiana health-related statutes has been revised to incorporate relevant changes occurring since 1982, when the current list was

compiled.

E. Major changes in Chapter 9 "Health Resource Requirements" include:

1. The General Acute Care Hospital Bed and Long Term Care sections have been revised to specify that licensed hospital beds which are Medicare certified as a Skilled Nursing Facility will be counted as Long Term Care Beds (not hospital beds) for the purpose of determining Long Term Care Bed need.

2. Chemical Dependency Services - the body of this section has been revised to incorporate new material. The new resource goals may be summarized as follows:

a. Proposals for chemical dependency services which would result in an increase in general acute care hospital beds or psychiatric hospital beds must meet the resource goals for the relevant facility type and the occupancy standard for chemical dependency services.

b. Occupancy Rate — all free-standing CDU facilities or CDU units in general hospitals in the service area must maintain a 60 percent occupancy for the four most recent quarters prior to the application being deemed complete.

Beds to be included in calculating the occupancy rate are specified in the applicable section.

3. Open Heart Surgery - resource goals in this section have been revised to read as follows:

a. A minimum of 200 open heart procedures should be performed annually, within three years after initiation, in any institution in which open heart surgery is performed for adults.

b. A minimum of 100 pediatric heart operations should be performed annually, within three years after initiation, in any institution in which pediatric open heart surgery is performed. At least 75 of these operations should be open heart surgery.

c. No institution should have a surgeon and/or surgical team that performs fewer than 100 open heart procedures over a two-year period.

d. Open heart surgical services should be available to the population in need of such services within 80 road miles one way.

4. Cardiac Catheterization - the resource goals have been revised to read as follows:

a. Within 3 years after initiation of a cardiac catheterization unit, there should be at least 300 adult or 150 pediatric procedures performed annually.

b. No unit should be operated in a facility not performing open heart surgery.

c. Adult cardiac catheterization services should be available to the population in need of such services within 80 road miles one way.

5. Radiation Therapy-the resource goals have been revised to read as follows:

a. There should be at least one therapeutic radiology unit for each 150,000 to 250,000 persons.

b. Within three years after initiation, a radiation therapy unit should treat at least 300 cancer cases annually.

c. Radiation therapy services should be accessible to service area residents within 60 road miles one way.

6. Magnetic Resonance Imaging (MRI) - resource goals have been developed as follows:

a. The applicant shall document a projection of an annual utilization of at least 2,000 MRI procedures by the method described in the attachment to the application form.

b. Demographics, patient referral patterns, patient accessibility and relationships with existing providers and facilities within the proposed service area are important determinants for MRI site selection.

i. A written plan specifically addressing MRI referrals must be presented with the application, in which it is established that the applicant is committed to accept appropriate referrals from other local providers and to provide feedback of patient information to the referring physician and facility.

ii. The above documentation must establish that patients will be prioritized according to standards of need and appropriateness rather than source of referral.

c. Proposed MRI units must be located in facilities which have, either in-house or through formal referral arrangements, the resources necessary to treat most of the conditions diagnosed or confirmed by MRI. The following medical specialties must be available during normal working hours on-site, or by formal referral arrangements: neurology, neuro-surgery, oncology and cardiology.

d. Applicants must demonstrate proposed staffing patterns appropriate to the nature of the unit. All units must be staffed by: a diagnostic radiologist familiar with a range of imaging techniques, who must have a background in MRI; a physicist knowledgeable in the operational parameters of MRI systems; technicians trained in MRI procedures; and a medical statistician or data base manager. Units to be used for experimental research must also be staffed by specialists in the particular field of experimentation.

e. Applicants must demonstrate adequate safety precautions and these must include: documentation that the proposed model has been approved by the Food and Drug Administration as a class I, class II or class III device under 21 USC 360c-K; itemized safety precautions including screening of at-risk patients, metal detection, and emergency procedures; assurance that all safety recommendations of the manufacturer of the MRI unit will be complied with; a safety manual; and a plan for inservice training. Utilization must be subject to adequate peer review.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

RULE

Department of Health and Human Resources Office of Preventive and Public Health Services

In accordance with the laws of the state of Louisiana, R.S. 40:4, 40:5, and the provisions of Chapter XIII of the State Sanitary Code, the state health officer has determined that the following amendment to the listing entitled "Mechanical Wastewater Treatment Plants for Individual Homes—Acceptable Units" is adopted:

Amend the listing, as appropriate, to reflect current addresses and etc. for all previously listed manufacturers, as follows:

MANUFACTURER	PLANT DESIGNATION	RATED CAPACITY
Aquarobic Limited [*] 171 Robert St. E. Box 704 Penetanguishene Ontario LOK IPO [*] (formerly Eastern Environmental Controls, Inc.)	Mini-Plant (Including filter) Models F54291-5-S F54291-6-S F54291-7-S F54291-7.5-S F54291-8-S F54291-9-S F54291-10-S F54291-11-S F54291-12-S F54291-13-S F54291-14-S F54291-15-S	500 GPD thru 1500 GPD

MANUFACTURER	PLANT DESIGNATION	RATED CAPACITY
NOTE: without prefix "F": concrete tank When used in conjunction with Filter Kit Model 3000, the following Mini-Plant Models 54291-4 thru 54291-15 are approved:		
	Models 54291-4	400 GPD
	54291-5	thru
	54291-6	1500 GPD
	54291-7	
	54291-8	
	54291-9	
	54291-10	
	54291-11	
	54291-12	
	54291-13	
	54291-14	
	54291-15	

NOTE: with suffix "F": fiberglass tank; without suffix "F": concrete tank		
Clearstream Wastewater Systems, Inc. Box 705 Silsbee, Texas 77656	Models 500 H 1000 H 1500 H	500 GPD 1000 GPD 1500 GPD
Delta Process Equipment, Inc. Box 1011 Denham Springs, LA 70726	Models HU-0.5 HU-1.0 HU-1.5	500 GPD 1000 GPD 1500 GPD
Jet, Inc. 750 Alpha Drive Cleveland, Ohio 44143	Model J-150 (Including filter)	500 GPD
Mo-Dad-1, Inc. Box 96 Denham Springs, LA 70726	Mo-Dad-1-500 Mo-Dad-1-1000 Mo-Dad-1-1500	500 GPD 1000 GPD 1500 GPD
Multi-Flo, Inc. 2324 East River Road Dayton, Ohio 45439	Models FTB-0.5 FTB-1.0 FTB-1.5	500 GPD 1000 GPD 1500 GPD
Norwalk Wastewater Equipment Company 220 Republic Street Norwalk, Ohio 44857	SINGULAIR Model 820 (Including filter, backwash chamber, backwash pump, and appurtenant piping)	500 GPD
Robert R. Oldham, Inc. Box 197 Sidney, Ohio 45365	Model WQM-50 (Including filter) Model WQM-100 (Including filter)	500 GPD 1000 GPD
Owens Manufacturing and Specialty Company Box 2443 Lafayette, LA 70502	Kleen Tank Model 650 (Including filter)	500 GPD

The specified changes are in compliance with the requirements set forth in Section 6.6 of Appendix A of Chapter XIII of the State Sanitary Code.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

RULE

Department of Public Safety and Corrections Office of Motor Vehicles

Title 55 Public Safety

Part III. Motor Vehicles

Chapter 8. Vehicle Inspection

In accordance with the Administrative Procedure Act (R.S.49:950 et seq.) and Chapter 7 of R.S. Title 32, the Office

of Motor Vehicles has amended and re-adopted rules and regulations for the licensing and regulation of Official Louisiana Motor Vehicle Inspection Stations. The Official Louisiana Motor Vehicle Inspection Rules Manual can be obtained from the Office of Motor Vehicles, Box 64886, Baton Rouge, LA 70896.

John J. Politz
Assistant Secretary

RULE

Department of Public Safety and Corrections Office of State Police Division of Charitable Gaming

The Department announces the adoption of permanent rules to implement the Charitable Raffles, Bingo and Keno Law, R.S. 33:4861.1 et seq. and R.S. 40:1485.1 et seq., and Act 752 of 1986.

The Regular Session of the 1986 Louisiana Legislature enacted Act Number 752 which created a Division of Charitable Gaming Control within the Office of State Police. This Act requires the Division of Charitable Gaming Control to license manufacturers and distributors of charitable gaming supplies and eligible organizations who conduct charitable gaming. This Act became effective upon signature of the governor, July 8, 1986.

Implementation of Act 752 requires the Department of Public Safety and Corrections, Office of State Police, to adopt rules and regulations governing licensing of manufacturers, distributors and charitable organizations.

Official notice of intent to adopt these rules was published in the Louisiana Register on December 20, 1986 as required by law.

Title 55. Public Safety Part I. State Police

Chapter 17. Charitable Bingo, Keno and Raffle Subchapter A. General Requirements

§1701. Statement of Department Policy

The public's health, safety, and welfare are the primary considerations in promulgating these rules and shall continue to be the primary considerations in their application and enforcement.

§1703. Definitions

A. As used throughout this Chapter, the following definitions apply:

1. *Act* means the Charitable Bingo, Keno and Raffle Law enacted as R.S. 33:4861.1 et seq. and R.S. 40:1485.1 et seq. including all amendments thereto that may hereafter be enacted.

2. *Applicant* means any person who has applied or is about to apply for a license to conduct charitable gaming, or as a manufacturer or distributor of charitable gaming equipment or supplies.

3. *Certain related offenses* as referred to in this Act means any offense directly or indirectly related to the gambling or gaming laws of this state or the federal government.

4. *Charitable gaming* is the conducting or assisting in the conducting of any game of chance authorized by R.S. 33:4861.1 et seq.

5. *Charitable gaming supplies* means any supplies, gaming equipment, device, goods or wares intended for the use in the conducting of any charitable gaming provided by law. It includes, but is not limited to, the receptacle and numbered objects

to be drawn from it, the master board upon which objects are placed is drawn, the cards or sheets bearing numbers or other designations to be covered and the objects used to cover them, the boards or signs, however operated used to announce or display the number or designation, as they are drawn, and all other articles essential to the operation, conducting and playing of bingo, keno or pull tabs; and any computer system, software or cash register designed for the primary purpose of accounting for and reporting the transactions involved in selling a share or shares to participate in charitable gaming. It shall not include electronic video bingo machines as defined by law which are regulated by the Office of Attorney General.

6. *Department* means the Louisiana Department of Public Safety and Corrections and shall include the Division of Charitable Gaming Control of the Louisiana Department of Public Safety and Corrections, Office of State Police.

7. *Division* means the Division of Charitable Gaming Control, Office of State Police, Department of Public Safety and Corrections.

8. *Ideal net proceeds* means the projected gross value to be collected upon sale of each pull tab in a set or deal minus the actual cost of the pull tabs to the organization, and the total amount of prizes or winnings in the set or deal.

9. *Licensee* means any organization licensed to conduct charitable gaming activity pursuant to R.S. 33:4861.1 et seq. and R.S. 40:1485.1 et seq.

10. *Pull tab* means a single or banded ticket or card each with its face covered to conceal one or more numbers or symbols where one or more cards or tickets in each set has been designated in advance as a winner.

11. *Raffle* means a kind of lottery in which several persons pay, in shares, the value of something put up as stake, and determined by chance which one of them shall become the sole possessor of it.

12. *Reasonable Market Rental Rate* is that rate at which similar facilities or equipment available for similar purposes in the community may be leased or rented.

13. *Session* means the number of bingo games with a time limited to four consecutive hours, within the same calendar day, with a minimum of 12 hours between sessions. Sessions are limited to not more than one session per day per licensed organization, except sessions held in conjunction with a bonafide church fair on church property, where no rent is paid for the session.

§1705. Eligibility for Charitable Gaming License

A. The law requires organizations to be licensed by the department prior to being eligible for a local license.

B. License to conduct charitable gaming shall only be issued to:

1. an organization meeting qualifications as required by Louisiana's Raffles, Bingo, and Keno Licensing Law, R.S. 33:4861.1 et seq. and R.S. 40:1485.1 et seq.; and

2. organizations conducting games within a parish or municipality that has an ordinance authorizing charitable gaming under the provision of R.S. 33:4861.1 et seq.; and

3. organizations actively domiciled in Louisiana for the two consecutive years immediately preceding their application. This domiciliary requirement may be waived by the director for a specific fund raising event for newly formed organizations whose members meet the domiciliary requirement.

§1707. Application For A License To Conduct Charitable Gaming

A. An application to conduct charitable gaming must be submitted to the division upon forms prescribed and provided by

the department.

B. The application shall include the names, dates of birth and current home addresses of original incorporators, current officers, partners or principals of the organization, federal tax identification number, federal tax exemption certificate, latest federal income tax return, local ordinance authorizing charitable gaming, financial reports for previous year, current charitable gaming licenses, and copy of any rental or lease agreements where gaming is to be conducted, where applicable.

C. The application is not complete unless it is dated and signed by the proposed member in charge of charitable gaming and the head of the organization, who shall be the president, chairman of the Board of Directors, or the chief executive officer or other duly elected head of the organization. It is the intent of this Section that the legally responsible official of the applicant organization shall sign in his representative capacity and the application shall contain all information and statements required by the department.

D. A fee in the amount of \$50 must accompany each application to cover the cost of processing. Fee is non refundable should the application be denied.

E. All games conducted must comply with all the requirements of these rules and to the requirements of the Act and such other laws and rules as may be applicable.

§1709. Expiration of License/Reissuance

A. All licenses issued pursuant to these rules expire at midnight June 30 of each year.

B. An application for a new license must be submitted to the division on forms prescribed by the department, the fee paid, and new license issued, before any gaming activity can be conducted.

C. The department shall consider the same criteria for reissuance of a license as considered for the original license. Failure to satisfy license criteria contained in the Act and these rules shall result in denial of a license.

Subchapter B. Gaming Requirements

§1721. Raffles

A. Organizations conducting raffles must first obtain a gaming license as required by R.S. 33:4861.1.

1. Applications for a gaming license to hold a raffle shall include the following information:

- a. date of raffle;
- b. location of drawing or determination of winner;
- c. prize(s) to be given and their value (See §1727);
- d. cost of tickets or chances to participants.

2. The following information pertaining to each raffle held shall be maintained by licensee and retained for a period of three years.

- a. number of tickets or chances sold;
- b. number of tickets or chances printed or available;
- c. name of person drawing winning ticket(s) or determining winner(s);
- d. prizes given and their value (See §1727);
- e. name, address and date of birth of winner(s).

3. No raffles shall be so conducted where the winner must be present during a drawing to win, unless so stated on the ticket.

4. Merchandise for a raffle must be purchased or obtained by donation prior to the sale of any chances. Where the prize to be awarded is cash in excess of \$1,000, the organization shall furnish the division with proof of liquid assets equal to or greater than the value of the prize.

5. The sponsoring organization shall take such steps as are necessary under the circumstances to insure that each ticket

purchaser has a chance to be selected as the prize winner and that the prize winner is selected in an entirely random manner.

B. Exemptions from Raffle Licensing Requirements:

1. A license and payment of a fee to conduct charitable gaming shall not be required of an organization to conduct a raffle if the organization is one which:

- a. would qualify under Louisiana law to conduct charitable gaming;
- b. all net proceeds are dedicated to purposes allowable under the charitable gaming law;
- c. the games are conducted within a parish or municipality which allows charitable gaming under the provisions of R.S. 33:4861.3;
- d. the cost of a ticket which makes the purchaser eligible to win any prizes is not greater than \$1;
- e. the raffle is not conducted at a time and place other games of chance allowed under the Act are being conducted;
- f. the total number of tickets sold or available for sale does not exceed \$3,000;
- i. the total value of all prizes to be awarded does not exceed \$2,000, and the prizes or merchandise have either been donated or purchased prior to the sale of any chances thereon, and that the organization conducts no such raffle or other game of chance more often than twice any calendar year or
- ii. the raffle is a door prize raffle available only to members or bonafide guests present at a regularly scheduled meeting of the organization that is not conducted more than once a month and the value of the prize does not exceed \$100 or one half of the value of the tickets sold at the drawing whichever is lesser.

2. All organizations conducting such raffles exempt from licensing requirements must maintain records for a period of one year from the date of the raffle which accurately show at a minimum, the gross revenue from each activity, details of the expenses of conducting the activity, and details of the uses to which the net proceeds are used. Such records shall be available for inspection by the division upon request.

3. All organizations conducting raffles exempt from licensing requirements, shall give the division written notice at least 15 days prior to any such activity, stating the organization's intention to conduct a raffle, date and location of drawing, prizes to be given, cost of tickets and the number of tickets printed.

§1723. Bingo Licensing Exemptions

A. Organizations conducting charitable gaming activity on property which the federal government claims exclusive jurisdiction on, groups which participate in closed bingo sessions for amusement purposes only within their respective social clubs, elderly groups or retirement communities, etc. where the organization or persons conducting the games do not profit or take a percentage from them, or organizations exempted by the following rules in (B) are not required to be licensed by the division.

B. Organizations are also exempt from bingo licensing requirements when:

- 1. the organization otherwise meets all statutory requirements and applicable rules and regulations of the division;
- 2. bingo activity is limited to no more than five bingo sessions per calendar year;
- 3. The organization uses donated prizes, which total value is less than \$2,000 and gross receipts from all gaming activities together does not exceed \$5,000 in any calendar year;
- 4. the local governing body has passed an ordinance permitting charitable gaming activity;
- 5. only bonafide active members or their spouses of said organization conduct, or assist in the conducting of the games,

(spouses may assist, but cannot act in a managerial capacity as defined in 1725(D);

6. the organization gives written notice, at least 15 days prior to any such activity, to the division stating the organization's intention to conduct the games, the location of the activities and the date and time they will be conducted;

7. the organization maintains records of the gaming activity on forms approved by the division. These records shall be available upon request for inspection by the division;

8. bingo activity is conducted on totally donated premises, or the organization's own premises;

9. all revenue therefrom, after deducting the cost of prizes and other reasonable and necessary expenses of the gaming activity, is devoted solely to religious, charitable, patriotic, public spirited, or educational purposes;

10. exempt organizations purchase gaming supplies only from licensed distributors.

C. Organizations may exceed the limits of bingo sessions set forth in (A) or (B) only if they first obtain a license from the division as required by R.S. 33:4861.1 et seq. and R.S. 40:1485.1, et seq.

§1725. Miscellaneous

A. No license shall be issued to any organization determined by the division to be renting or leasing facilities or equipment for more than the reasonable market rental rate.

B. Licensed organizations shall provide all bingo and keno cards or paper sheets for use during sessions. Participants shall not be allowed to play on their own bingo or keno cards. Nothing shall prohibit the organization from allowing persons legally blind from using their own cards.

C. Licensed organizations shall register all workers of a bingo or keno game prior to the beginning of a session.

1. The register shall include the following on all workers for the organization:

- a. name;
- b. current residential address;
- c. date of birth;
- d. job description;
- e. name of organization (if a nonmember of the licensed organization conducting games).

2. This register shall be available for inspection upon request by the division or any authorized law enforcement officer.

D. Active members of one licensee shall be allowed to assist in the conduct of another licensee's gaming activity but may not act in a managerial capacity.

1. Workers performing the following activity are considered to be in a managerial capacity, and must be bonafide active members of the organization licensed to conduct the gaming activity:

- a. workers who appear to be in charge of the game;
- b. workers responsible for filling out forms or paperwork;
- c. workers responsible for the money or money counts;
- d. workers acting as caller during a bingo game.

2. Workers assisting in registration, the sales of pull tabs, paper sheets, or tickets are not considered to be in a managerial position. Organizations using other workers to assist in its games must have these workers listed on the register required in (C) above along with the name of the licensed organization of which they are a member. Spouses are allowed to assist in the gaming activity, but cannot act in a managerial capacity.

E. No person or entity shall lease, rent, or otherwise furnish any premises to an organization not licensed by the division for the purpose of conducting charitable gaming.

F. Organizations shall only conduct the games authorized

on their license. Straightline bingo, horserace bingo, and other variations, are not considered the same as the game commonly known as "bingo" authorized by R.S. 33:4861.4, unless prior written approval is granted by the division specifying the manner in which the game is to be played.

§1727. Value of Prizes

A. When merchandise is awarded as a prize in a game, its value shall be determined by its cost to the licensee or if donated, the fair market value. The fair market value of donated merchandise prizes may not be reported as an expenditure in any financial statement.

§1729. Transfer of Surplus Supplies

A. Notwithstanding the provisions of the Act, a licensee may transfer surplus supplies or equipment to another licensee upon written application to and written permission of the division.

§1731. Record Retention Requirements

A. A licensee must maintain and make available for inspection by the division all necessary books of accounts, records, documents and such other information as the division may require to insure that licensees are in compliance with the law. These records must be retained for three years.

B. These records include but are not limited to bank statements; cancelled checks; deposit slips; sales invoices and receipts; purchase invoices and receipts; shipping documents; lease agreements; inventory records; and records of daily gaming activity as may be prescribed by the division.

C. All organizations using pull tabs shall retain unsold or defective pull tabs along with the winning tickets of any series not completely sold. Winning tickets shall be defaced by the licensee when redeemed for prize payout. Organizations should record names and identities of all jackpot winners and pull tab high tier winners.

§1733. Separate Gaming Account

A. A licensee must maintain a separate checking account for all receipts and disbursements related to charitable gaming. All checks on this account must have preprinted consecutive numbers and have the words, "Charitable Gaming Account", along with licensee's state charitable gaming license number, printed on the face of the check.

B. All disbursements related to charitable gaming (including disbursements for prizes, supplies, equipment, operating expenses, contributions, etc.) shall be made only by a check drawn on the special gaming bank account, with the sole exception of prize payouts of under \$600 per prize. All checks shall be made payable to a specific person or corporation, and at no time shall a check be made payable to cash.

C. All receipts from charitable gaming, except for the amount of cash used to make prize payouts of under \$600 per prize, shall be deposited in the special gaming bank account no later than the next banking day following the date of the charitable gaming session. All deposit slips shall be sufficiently completed as to be able to readily identify the date and source of the receipts being deposited.

§1735. License Not Transferable

A. A license for charitable gaming is only valid for the applicant, the premises, and the date and times indicated on the license.

B. The license is further restricted to the particular game or games approved by the department and identified on the license.

C. Any license issued pursuant to the Act and these rules is a privilege and not personal property, and must be surrendered to the division upon request.

Subchapter C. Suppliers

§1745. Licensing of Manufacturers and Distributors

A. Any person or business entity desiring to manufacture or distribute charitable gaming supplies for use in this state must:

1. be issued and maintain all required federal, state, parish and municipal licenses;
2. apply to the department on forms prescribed by the department for licensing;
3. meet the suitability and business relationship criteria of these rules.

B. No person shall be licensed as a manufacturer or distributor who holds a permit to sell liquor of either high or low alcoholic content in this state or who is directly or indirectly involved with the conduct of charitable gaming, in leasing or renting any premises for charitable gaming or in the providing of any other incidental goods or services in connection with charitable gaming.

1. No person shall ship into or sell charitable gaming supplies in this state until his application for license is granted by the department.

2. No person shall ship into or sell pull tabs in this state unless the pull tabs meet the standards for construction, assembly and packaging as required by these rules.

C. A license may be suspended or revoked by the department upon the department's determination, after notice and opportunity for hearing, that the licensee has not complied with the conditions of the license.

D. No manufacturer shall sell or ship charitable gaming supplies to anyone in this state other than a licensed distributor.

E. No distributor shall purchase or secure any charitable gaming supplies except from a licensed manufacturer.

F. No manufacturer or distributor of gaming supplies or equipment shall directly or indirectly give gifts, trips, prizes, premiums, or other such gratuities to any charitable gaming organization, its employees, or commercial lessors other than nominal promotional items for which the retail value is less than \$5 and contains prominently printed advertising which includes the name and address of the manufacturer(s) or distributor(s) providing the item.

§1747. Application for Manufacturer's License

A. An application for a license to manufacture charitable gaming supplies and equipment must be submitted to the Division of Charitable Gaming Control upon forms prescribed by the department.

B. The application shall include the names, date of birth, and current home addresses of original incorporators, current officers, Louisiana agents for service of process; partners or principals of the organization, federal tax identification number, or current licenses where applicable.

C. A fee in the amount of \$200 to cover the cost of the processing of the application must accompany each application. The fee is not refundable if the application is denied.

§1749. Application for Distributor's License

A. An application for a license to distribute or sell charitable gaming supplies and equipment must be submitted to the Division of Charitable Gaming Control upon forms prescribed by the department.

B. The application shall include the names, dates of birth and current home addresses of original incorporators, current officers, Louisiana agents for service of process, partners or principals of the organization, federal tax identification number, or current licenses where applicable.

C. A fee in the amount of \$100 to cover the cost of the processing of the application must accompany each application.

The fee is not refundable if the application is denied.

§1751. Applicant Suitability and Business Relationships

A. The department may deny an application or revoke, suspend, restrict, or limit a license when it finds that the applicant or a business relationship between an applicant and another person or business entity is unsuitable or endangers the health, safety, or welfare of the citizens of this state. In determining the suitability of an applicant or other persons or business entities in a business relationship, the department may consider the person or business entity's:

1. general character, including honesty and integrity;
2. financial security and stability, competency, and business experience in the capacity of the relationship;
3. record, if any, of violations which may affect the legal and proper operation of charitable gaming including a violation affecting another licensee or applicant and any violation of the laws of this state, other states, and countries without limitations as to the nature of the violation;
4. refusal to provide records, information, equipment, or access to premises to any member of the division or any peace officers when such access is reasonably necessary to ensure or protect public health, safety or welfare;
5. association or relationship to a licensed manufacturer, distributor, charitable organization or commercial lessor.

§1753. Manufacturers' and Distributors' Background Investigation

A. Manufacturers and distributors shall reimburse the division for all reasonable costs incurred for background investigations. Reasonable costs shall include but are not limited to travel cost at the prevailing state per diem rate.

§1755. Distributor's State Identification Stamp

A. Each distributor shall purchase from the division a state identification stamp for a fee of \$100. Each separate package of all charitable gaming supplies and equipment shall be permanently and conspicuously marked with this stamp at the point of sale to a licensed organization at which time the distributor will collect the following fees:

1. three percent of the ideal net proceeds on all pull tab or break-open tickets;
2. five percent of the actual value of all other charitable gaming supplies;
3. distributors shall remit these fees with their monthly reports of sales to the division.

B. These fees and the sales report required in §1761 are due no later than midnight of the fifteenth of each following month. In addition to any other civil or criminal penalties, distributors who are late in submitting these fees and/or reports, shall be assessed late penalties of \$250 or 10 percent of amount due whichever is greater for fees not submitted after notice and opportunity for a hearing held in accordance with the Administrative Procedure Act. Interest shall be imposed on the late payment of user fees at the rate of 10 percent per annum. The daily rate is calculated at .00027 times the amount of unpaid fees for each day the payment is late. This interest is in addition to any penalties that may be imposed.

§1757. Timely Payment of Supplies; Penalty for Violation

A. No distributor shall sell, offer to sell, or deliver any charitable gaming product to any licensed organization in this state, and no organization shall buy or accept delivery of any licensed charitable gaming supplies except on terms of immediate payment or on terms requiring payment not later than the fifteenth day following that on which actual delivery is made. If any payment is not made when due, the distributor shall immediately

notify the charitable gaming division thereof and the division shall notify all manufacturers and distributors licensed in the state of the default and thereafter no person shall sell any charitable gaming product to the organization in default on any other terms than immediate payment until otherwise authorized by the division. Under penalty of suspension of its license, the organization which is in default shall pay its obligation in full within 30 days from the date it became due.

B. No distributor shall accept payment from any licensed organization for any gaming supplies unless that payment is in the form of a check bearing the organization's state license number and drawn on the organization's separate charitable gaming account.

C. Any licensee who violates this Section may have its license suspended for not more than 30 days for the first offense and not more than 60 days for a subsequent offense. Each failure of an organization to make payment for any default before the expiration of the period of suspension constitutes a subsequent offense. In addition, the organization may be required to make payment in cash for all gaming products subsequently purchased.

Subchapter E. Reporting Requirements

§1761. Reporting Requirements for License Holders

A. Each licensee and manufacturer shall file with the department a quarterly report signed by the member in charge or head of the organization as described in §1707 on forms prescribed and supplied by the department. The report must be postmarked, or if hand delivered, received in the division's office, no later than the last business day of the first month following the end of the quarter. Business days are defined as Monday through Friday, not including state holidays. Quarters are on a calendar year basis and begin and end as follows: The first quarter begins January 1 and ends March 31; the second quarter begins April 1 and ends June 30; the third quarter begins July 1 and ends September 30; the fourth quarter begins October 1 and ends December 31.

B. Each distributor shall file with the division a monthly report signed by the head of the organization as described in §1707. These reports along with the user fees are due no later than midnight of the fifteenth of each following month.

C. In addition to any other civil or criminal penalties, organizations which are late in filing these reports may be assessed a \$100 late penalty for each quarterly or monthly report or reports not submitted timely after notice and opportunity for a hearing held in accordance with the Administrative Procedure Act. Repeated violations shall be cause for denial, suspension, or revocation of said license.

D. Manufacturer's quarterly reports and distributor's monthly reports shall include, but are not limited to, the following information regarding the sale of gaming supplies:

1. licensed organization sold to;
2. number of item (form number);
3. item description (form design);
4. cost per item;
5. quantity sold to organization;

6. manufacturers and distributors shall record and be able to track each pull tab series or deal by serial number. The serial numbers must be included or attached to invoices.

Subchapter E. Pull Tabs

§1771. Standards for Construction of Pull Tabs

A. Pull tabs shall be constructed so that it is impossible to determine the covered or concealed number, symbol, or set of symbols, on the pull tab until it has been dispensed to and opened by the player, by any method or device, including but

not limited to, the use of a marking, variance in size, variance in paper fiber, or light.

B. All pull tabs, except banded and latex covered pull tabs, will be constructed using a two or three ply paper stock construction.

C. The manufacturer shall conspicuously print on the face or cover sheet the name of the manufacturer or trademark identifying the manufacturer. The series number shall be printed on the game information side of the ticket. On banded pull tabs, the series number and the name of the manufacturer or trademark identifying the manufacturer shall be printed so both are readily visible prior to opening the pull tab. Each deal or set shall have a separate serial number.

D. The cover sheet or "open here" side shall be color coded when individual series numbers are repeated and may show the consumer how to open the pull tab to determine the symbols or numbers. The cover sheet will contain perforated and/or clean-cut openings centered over the symbols or numbers on the back of the face sheet in such a manner as to allow easy opening by the consumer after purchase of the pull tabs, while at the same time, not permitting pull tabs to be opened prematurely in normal handling. Perforation should exist on both horizontal lines of the opening with either a perforated or clean-cut edge on the vertical or elliptical line where the tab must be grasped for opening after bending the edge of the ticket down. On latex covered pull tabs, either the face or back of the pull tab shall be color coded when individual series numbers are repeated and may show the consumer how to remove the latex to determine the symbols or numbers. On banded pull tabs, the bands shall be color coded when individual series numbers are repeated.

E. Pull tabs will be glued or sealed so that it is impossible to determine the covered or concealed numbers, symbol or set of symbols on the pull tab until it has been dispensed to and opened by the player.

F. All pull tabs shall be of a uniform thickness within a series. Vendable pull tabs are defined as pull tabs that are sold out of mechanical pull tab dispensing devices approved for such use in this state. The single opening and double sided tabs shall have an overall bulk thickness of .045 inch per pull tab, plus or minus .003 inch. The multiple opening tabs shall have an overall bulk thickness of .026 inches per pull tab plus or minus .002 inches.

G. Nonvendable pull tabs are defined as those that cannot be sold out of mechanical pull tab dispensing devices approved for use in this state. Nonvendable pull tabs may be dispensed from fishbowls, receptacles, or spindles; however, in no case shall they be dispensed from the packing box. Manufacturers of nonvendable pull tabs may use any thickness that complies with all other rules. In no instance will any type of pull tabs be approved where the winning tabs are distinguishable by visible variation in dimension.

H. All pull tabs within a single pull tab series shall also be uniform in length and width and may not vary by more than $\frac{3}{64}$ inch between series. Vendable pull tabs which are single opening or double sided tabs shall be $1\frac{7}{8}$ inches \times 1 inch, plus or minus $\frac{1}{8}$ inch. Multiple opening vendable pull tabs shall be $3\frac{1}{2}$ inches \times $1\frac{7}{8}$ inches, plus or minus 1 inch. Nonvendable pull tabs may be manufactured in any size so long as they comply with all other rules.

I. Winner protection — A unique symbol or printed device shall be placed in the high tier winner window so as to insure that the high tier winner is made unique.

J. Color or printing variations — It should not be possible

to detect or pick out winning from losing tickets through variations in printing, graphics or colors, especially those involving different printing plates.

§1773. Assembly and Packaging of Pull Tabs

A. Manufacturers of pull tabs shall manufacture, assemble, and package each pull tab series in such a manner that none of the winning pull tabs, nor the location or approximate location of any of the winning pull tabs can be determined, in advance of opening the pull tabs in any manner or by any device; including, but not limited to, any pattern in manufacture, assembly, packaging, markings, or by the use of a light.

B. Winning pull tabs shall be randomly distributed and mixed among all other pull tabs in the series. The series shall be assembled and packaged with special care so as to eliminate any pattern as between series, or portion of series, from which the location or approximate location of any of the winning tabs may be determined.

C. When the series is packaged in more than one package, box or other container, the entire series of individual pull tabs shall be mixed in such a manner that no person can determine the position or approximate location of any of the winning pull tabs or determine whether any one package or portion of a series contains a larger or smaller percentage of winning pull tabs than the balance of the series. The packages, boxes or other containers shall not be numbered or marked in any way so as to distinguish one from the other. When a series is packaged in more than one package, the entire series or deal shall be put into play at the same time. Each series of pull tabs shall contain a packing slip placed inside the package containing the name of manufacturer, series number, date the series was packaged, and the name or identification of the person who packaged the series. This information may be printed on the back of the flare or the outside of the packages, boxes or containers in which the pull tabs are packed.

D. No distributor or manufacturer of pull tabs, shall sell or otherwise provide to any person in this state, or for use in this state, any pull tab series that does not contain the following:

1. maximum 4,000 tickets per deal;
2. \$250 maximum prize for an individual ticket;
3. minimum payback percentage:

<u>Ticket Price</u>	<u>Minimum Payback %</u>
.25	65%
.50	65%
\$1.00	70%

4. ticket price shall not exceed \$1.

Subchapter F. Investigations

§1781. Investigation of License Holders

A. The department may, upon its own motion, investigate the actions of any licensee, licensed manufacturer or distributor. The investigation shall be undertaken for the purpose of gathering evidence and determining whether a violation of the Act, rules or other statutes of the state of Louisiana has occurred. All licensees, including licensed manufacturers and distributors shall fully cooperate with the division in any such investigation. Cooperation shall include but not be limited to making available for inspection all premises, equipment, books of accounts, records, documents and such information the division may require to insure compliance.

§1783. Suspension and Revocation of License Holders

A. The department may suspend any license held by an alleged violator after opportunity for hearing when:

1. the department receives:

a. a certified copy (or other credible evidence) of any judgment or conviction of any licensee or his agent, servant or employee for any violation of any criminal law or ordinance of the United States, the state of Louisiana or any Louisiana parish, city or town relating to charitable gaming or gambling; or,

b. a certified copy of the record (or other credible evidence) of the forfeiture by any permittee or his agent or employee of bond to appear to answer charges of violating any law or ordinance relating to charitable gaming or gambling; or

2. the department, after investigation, has reasonable cause to believe that any license holder, his agent or employee has violated the provisions of the Act or these rules.

B. The department may suspend a license prior to the opportunity for hearing, when the department, after investigation, has reasonable cause to believe continued operation of the licensee endangers public health, safety or welfare. During the period of suspension, the licensee shall not conduct charitable gaming.

C. A license may be revoked, subsequent to opportunity for a hearing, as penalty for violation of the Act or these rules.

§1785. Right to Fair Hearing - Judicial Review

A. When the department revokes, suspends, restricts or denies an application for license or renewal, the applicant may request a hearing. The request for a hearing shall be made in writing to the department within 45 days of the revocation, suspension, restriction or denial by the department. Upon the department's receipt of written request, a hearing shall be conducted in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

B. Hearings conducted by the department are subject to judicial review according to the provisions of the Administrative Procedure Act.

§1787. General Penalty Provision

A. Any violation of any provision of this Act or any rule of the department for which a penalty is not specified may be cause for denial, suspension, or revocation of a license and/or a fine of not more than \$5,000.

B. These rules are enacted pursuant to Act 752 of the 1986 Legislative Session.

Colonel Wiley D. McCormick
Deputy Secretary

RULE

Department of Revenue and Taxation Excise Taxes Section

Regulations for the administration and enforcement of the Hazardous Waste Disposal Tax (Part V of Chapter 7-A of Title 47 of the Louisiana Revised Statutes of 1950).

Article 821.1 Definitions

A. The terms used in this Chapter shall be defined as provided in R.S. 30:1054 and R.S. 30:1133, with R.S. 30:1133 governing in any case of conflict between them, unless another definition is specifically provided or a definition is specifically modified.

B. The words defined in R.S. 47:821B have the meaning ascribed to them in that section unless the context clearly indicates otherwise.

1. *Disposal* means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any hazardous waste as defined in this Section, into or on any land or water in a hazard-

ous waste disposal facility within Louisiana in such a manner that the hazardous waste so disposed becomes part of the surrounding or underlying land. Storage in excess of 90 days shall be presumed to constitute disposal for purposes of collection of the tax but shall not subject those wastes stored in excess of 90 days to additional taxation when ultimately disposed.

a. *Hazardous waste disposal facility* means any facility or location where any processing or deposition of hazardous waste occurs or is contained. This includes any location where waste is disposed in violation of law or the regulations of the Louisiana Department of Environmental Quality.

b. *Hazardous waste treatment facility* means any facility or location where any method, technique, or process, including neutralization or incineration, designed to change the physical or chemical character or composition of any hazardous waste so as to neutralize such waste or so as to render such waste nonhazardous, safer for transport, amenable for recovery, amenable for storage, or reduced in volume. Such term includes any activity or processing designed to change the physical form or chemical composition of hazardous waste so as to render it nonhazardous; however, a "treatment facility" shall be treated in the same manner as a "disposal facility" if it receives hazardous waste from outside companies or stores the hazardous waste in excess of 90 days before the waste is treated to render it nonhazardous.

c. *Storage* means the containment of hazardous waste on a temporary basis in such a manner as not to constitute disposal of such hazardous waste. In order to comply with this definition, the waste in storage cannot become part of the surrounding or underlying land or water.

2. *Dry-weight ton* means a ton of hazardous waste excluding the weight of the water, and for underground injection shall include no more than one percent of the inorganic solids contained in the hazardous waste. Calculation of the taxable dry-weight tons of a waste is accomplished through the use of a dry-weight conversion factor which is determined with reference to a chemical analysis, or, when appropriate, by reference to the standard dry-weight conversion factors established by Article 821.2. The chemical analysis shall determine the percentage of water content of the waste and, when the waste is to be disposed by underground injection and the one-percent inorganic solids limitation applies, the percentage of inorganic solids content.

a. When the one-percent inorganic solids limitation does not apply, the dry-weight conversion factor shall be 100 percent less the percentage of water content. For example, if the chemical analysis determines that the waste is 30 percent water, the dry-weight conversion factor is $100\% - 30\% = 70\%$ and the taxable dry weight of the waste is 70 percent of the total weight of the waste.

b. When the waste is to be disposed of by underground injection and the one-percent inorganic solids limitation applies, the dry-weight conversion factor shall be 100 percent less the percentage of water content and less the percentage of inorganic solids in excess of one percent. For example, if the chemical analysis determines that the waste is 30 percent water and 5 percent inorganic solids, the dry-weight conversion factor is 100 percent less the 30 percent water content and less the 4 percent by which the percentage of inorganic solids exceeds 1 percent, or $(100\% - 30\%) - 4\% = 66\%$. In this example the taxable dry weight would be 66% of the total weight of the waste.

c. Any method which has received prior approval from the Department of Environmental Quality may be used to determine the dry-weight of the hazardous waste.

3. *Hazardous waste* means a substance identified or listed as a hazardous waste in the Louisiana Hazardous Waste Regula-

tions of the Department of Environmental Quality in effect on July 1, 1984, except that the term "hazardous waste" shall not include special waste as defined in R.S. 47:821.

The regulations of the Department of Environmental Quality in effect on July 1, 1984, provide that to be a "hazardous waste," a substance must first be a "waste" and define waste to be "any material for which no use or reuse is intended and which is to be discarded." Any substance for which the generator has further use is not considered a waste or hazardous waste. Examples of further use include use as a feed stream to processes from which usable substances are extracted, use as a fuel-producing energy, and sale of the substance.

Article 821.2 Standard dry-weight conversion factors

A. In order to minimize instances in which the cost to the taxpayer of testing waste to determine the actual dry weight exceeds the tax liability, and to minimize instances in which the cost to the state of administering and enforcing the tax exceeds the tax revenue, the secretary herein establishes standard dry-weight conversion factors and guidelines for the use of these factors. The standard conversion factors can be used only in instances which meet all conditions established by the guidelines.

B. The guidelines for use of the standard conversion factors are:

1. Any generator may use the standard conversion factors in computing the taxable dry weight of a hazardous waste when the wet weight is 40 tons or less for the taxable quarter.

2. When a taxpayer files a consolidated return covering several generation sites, the 40-ton limit is to be applied on a per-site basis.

3. The 40-ton limit applies to each waste. The total tons of all wastes which are substantially the same must be combined in determining if the 40-ton limit is exceeded. A taxpayer may qualify to use the standard factors in computing the dry weight of some wastes on a return while being required to use the actual conversion factor for other wastes on the same return.

4. Taxpayers are not required to use the standard conversion factors. The actual conversion factor or the wet weight may be used; however, if the standard conversion factors are used as a deliberate means to avoid paying a higher amount of tax, then the use of the standard conversion factors will be disallowed and the actual dry-weight determination will be used.

C. When the use of the standard conversion factors is allowed, and the taxpayer elects to use them, the allowable factor is based upon the method of disposal. Listed below are the disposal methods for which standard conversion factors have been established, and their associated factors.

Landfill	.75, i.e., total weight \times .75 = dry weight
Landfarm	.25, i.e., total weight \times .25 = dry weight
Impoundments	.05, i.e., total weight \times .05 = dry weight
Injection wells	.02, i.e., total weight \times .02 = dry weight

Article 822.1 Imposition of tax

A. The tax is imposed upon the disposal, as defined by R.S. 47:821, of any hazardous waste and on hazardous waste stored for more than 90 days for the purpose of eventual incineration at sea. R.S. 47:821 defines disposal to include storage in excess of 90 days; therefore, the tax is imposed on any storage in excess of 90 days, not only on storage for the purpose of eventual incineration at sea.

B. A disposer or generator who voluntarily removes hazardous waste from an inactive or abandoned site shall not be subjected to imposition of this tax when the hazardous waste is disposed of again. Disposers receiving such waste are required to charge the tax on waste received by them and disposers or gen-

erators voluntarily removing waste from an inactive or abandoned site are required to pay the tax to the disposer; however, the disposer or generator voluntarily removing the waste may exclude the exempt amounts from the calculation of the tax on his return while taking credit on his return for the tax paid to the disposer. Whenever a generator or disposer excludes waste from the tax calculation under this provision, he shall attach to his return a signed statement declaring that he is entitled to the exemption and a schedule detailing by manifest number the total gross tons excluded, the type of waste, and the disposer who received the waste, or other appropriate records acceptable to the secretary. Credit claimed under this provision shall be disallowed if it is determined that the removal or redisposal of the waste was in violation of the laws, rules, or regulations administered by the Department of Environmental Quality or that the waste was not voluntarily removed from an inactive or abandoned site.

C. A generator who has been classified as a small-quantity generator by the Department of Environmental Quality and has received written permission from the Department of Environmental Quality to store hazardous waste in excess of 90 days may elect to report the taxable storage in excess of 90 days in the quarter in which the waste is removed from storage, rather than the quarter in which the storage period actually exceeded 90 days. This method of reporting may be used only for those wastes authorized by the Department of Environmental Quality to be stored in excess of 90 days. If this method of reporting is elected, the tax shall be due at the rate established for taxable disposal at a site other than the site at which the waste is generated, regardless of how or where the waste is ultimately disposed of.

Article 823.1 Rate of tax

The tax is levied at the rate of \$5 per dry-weight ton of hazardous waste disposed or stored in excess of 90 days for eventual disposal on or at the site upon which the generator's act or process produced the hazardous waste, and at the rate of \$10 per dry-weight ton of hazardous waste disposed or stored in excess of 90 days for eventual disposal on or at a site other than the site upon which the generator's act or process produced the hazardous waste.

Article 824.1

BLANK

Article 825.1 Direct payment by generator

The tax imposed by R.S. 47:822 shall be collectible from and shall be paid by the generator of the hazardous waste directly to the secretary if the generator disposes of his own waste on or at his own disposal site. In addition, R.S. 47:826A provides that the secretary shall have the authority to collect the tax from the generator if the disposer fails to collect the tax; and in support of this, the generator is required to pay directly to the secretary any tax due not collected by a disposer.

Article 826.1 Collection by disposer; liability of disposer

R.S. 47:826A provides that when the generator does not dispose of his own hazardous waste on or at his own disposal site, the disposer shall collect the tax from the generator at the time the disposer receives the hazardous waste and shall remit the tax so collected to the secretary.

The disposer is required by R.S. 47:826B to state and collect the tax separately from any other fee, charge, or other price charged to the generator, and is required to provide the generator with documentation of the amount of tax collected. The disposer shall not advertise or hold out to the generator that he will relieve the generator from the payment of all or any part of the tax and the generator shall not be deemed to have paid

the tax unless he receives a document from the disposer separately stating the amount of the tax that has been paid. The tax charged by the disposer shall be a debt from the generator to the disposer, until paid, and shall be recoverable at law in the same manner as other debts.

If the disposer neglects, fails, or refuses to collect or remit the tax, he shall be liable and shall pay the tax himself. However, the secretary shall have the authority to collect the tax from the generator if the disposer fails to collect the tax.

Article 826.2 Exempt disposal by disposer

R.S. 47:826C provides in part that if hazardous waste is received by a disposer and it is stored for 90 days or less and then not disposed of in a taxable manner, then the generator shall be entitled to a refund from the secretary for the amount of any taxes collected from the generator for that hazardous waste.

Whenever waste is received by a disposer from a generator and stored for 90 days or less and then disposed of in a tax-free manner, the disposer must certify this to the generator. The certification must identify the waste, the amount of waste, the invoice on which the tax was charged, and the amount of tax collected. The generator may take credit on his return for the amount of tax paid on the certification exempt disposals, provided copies of certifications are attached to the return.

When hazardous waste is to be disposed of in a tax-free manner, the secretary of the Department of Revenue and Taxation may allow the disposer to post a surety bond, or other such financial assurances acceptable to the secretary, in lieu of payment of the tax. The minimum amount of the surety bond or other financial assurances shall not be less than the amount of the average quarterly tax liability that would have been due had no bond or financial assurance been pledged. If this alternate method is allowed, then both the generator and the disposer of the hazardous waste must attach a schedule to their quarterly tax reports, detailing all shipments and/or disposals of hazardous waste on which no tax was paid.

Additionally, the disposer of the hazardous waste must enter into an agreement with the Department of Revenue and Taxation guaranteeing payment of the hazardous-waste tax in the event that the hazardous waste was not disposed of (a) within 90 days, or (b) in a tax-free manner.

Any disposer wishing to use this alternate method must submit a proposal to this department, in writing, for approval. Any disposer employing this method without proper approval or any disposer found not charging the tax may be assessed the fine outlined in R.S. 47:827.

Article 827.1 Returns and payment

The tax due for each quarter shall be remitted to the secretary, by the person responsible for remitting the tax, on or before the twentieth day of the subsequent quarter. All generators and disposers doing business in Louisiana are required to file a tax return quarterly, unless otherwise provided, on forms prescribed by the secretary. Forms are available from the secretary; and although forms are usually mailed to each taxpayer, failure to receive a form will not relieve the taxpayer of the necessity of filing and remitting the tax currently due.

Corporations that violate the provisions of R.S. 47:827 shall be fined an amount not to exceed \$100,000. Individuals who violate the provisions of R.S. 47:827 shall be fined an amount not to exceed \$10,000, or imprisoned for not more than one year, or both.

When any taxpayer fails to pay any tax, penalty, and interest assessed, as provided in this Chapter, the secretary of the Department of Revenue and Taxation may proceed to enforce the collection thereof by distraint and sale under the provisions of

R.S. 47:1570 through 1573.

Article 829.1 Refunds

BLANK

Article 830.1 Suspension of prescription

BLANK

Article 831.1 Records

Every person required to pay, collect, or remit the tax imposed under this Chapter shall keep a permanent record of all production, handling, storage, disposal, shipment, and receipt of hazardous waste by him in sufficient detail to be of value in determining the correct tax liability under this Chapter. These records must be kept whether or not the person believes the tax imposed by this Chapter is applicable.

Whenever the dry weight of a waste is used as the basis for computing the tax on a return, full documentation of the facts and methodology used in calculating the dry weight must be maintained. This documentation includes, but is not limited to, testing procedures followed, test results obtained, assumptions made, and the basis for assumptions made.

Where required records are voluminous, they must be kept in chronological order or in some other systematic order compatible with the taxpayer's regular bookkeeping system which will enable the secretary to verify the accuracy of information contained in tax returns.

Records kept on punched cards, magnetic tape, or other mechanical or electronic record-keeping devices are permissible provided the taxpayer makes available all necessary codes and equipment to enable the secretary to audit such records, or provides the secretary with written transcripts of those parts of the records which the secretary wishes to examine.

The books and records must contain complete information pertaining to both taxable and non-taxable items which are the subject of taxes imposed herein, and must be retained until the tax period to which they relate has prescribed. Records required by this Section must be available at all times during the regular business hours of the day for inspection by the secretary or duly authorized agents of the secretary.

For the purpose of computing, collecting, or auditing the tax imposed by this Chapter, the secretary shall have access to all manifests and records which are required by the Department of Environmental Quality.

Article 832.1 Disposition of collection

BLANK

Shirley McNamara
Secretary

RULE

Department of Revenue and Taxation Sales Tax Section

The following numbered regulations are hereby re promulgated as the regulations pertaining to Chapter 2, Subtitle II, Title 47 of the Louisiana Revised Statutes, commonly referred to as the "Louisiana general sales tax law." All regulations which have heretofore appeared under the following Article numbers are hereby rescinded. The revised, re promulgated Articles follow:

Article No.	Subject Matter
301	Definitions
302	Imposition of Tax
302.1	Exemption of certain helicopter lease, rental transaction

Article	
No.	Subject Matter
303	Collection
304	Treatment of tax by dealer
305	Exclusions and Exemptions from the tax
305.1	Ships and ships' supplies
305.3	Seeds used in planting of crops
305.5	Construction of Toledo Bend Dam Project
305.6	Little Theatre Tickets
305.7	Tickets to certain musical performances
305.8	Pesticides used for agriculture
305.9	Motion picture film rental
305.11	Contracts within ninety days of tax levy
305.12	Equipment purchased by certain volunteer fire departments
305.13	Admissions to entertainment by certain non-profit corporations
305.16	Cable Television installation and repair
305.22	Certain self-propelled vehicles removed from inventory
305.40	Mardi Gras specialty items
306	Returns, payment of tax, penalty for absorption
306.1	Interstate and foreign transportation dealers
307	Secretary's authority to determine tax
308	Termination or transfer of business
309	Requirement to keep records - dealers
310	Requirement to keep records - wholesalers and jobbers
311	Examination of transportation company records
312	Attachment of imported goods for failure to pay tax
314	Rule to cease business for failure to pay tax
315	Sales returned to dealer
315.1	Sales tax refund on property destroyed in natural disaster
321	Imposition of additional tax
322	Collection of additional tax

Copies of the entire texts of the above may be obtained from the Department of Revenue and Taxation, 330 North Ardenwood Drive, Baton Rouge, LA 70821, (504) 925-7335.

Shirley McNamara
Secretary

RULE

Department of Revenue and Taxation Sales Tax Section

The accompanying text of the regulation numbered §305.10, entitled "Exclusions and exemptions; property purchased for first use outside the state" is hereby repromulgated and adopted. The regulation which heretofore appeared under Article number 305.10 and bore the aforementioned title is hereby rescinded.

§305.10. Exclusions and exemptions; property purchased for first use outside the state

Louisiana Revised Statute 47:305.10 provides an exemption from the taxes levied under this Chapter by the state or any political subdivision of the state, or any school board, for the purchase or importation of tangible personal property in Louisiana for first use beyond the territorial taxing jurisdiction of this state. This Section provides an exemption for purchases and importations in two categories of first use:

- (1) first use in another state; and
- (2) first use in the offshore area beyond the borders of Louisiana or any other state.

Purchases or importations of tangible personal property for first use in another state for which an exemption is claimed under the provisions of this section may be accomplished by the use of an exemption certificate LGST 9-D, entitled "Foreign Purchasers." The transaction must meet the following requirements before the exemption will be allowed:

(1) the purchaser is properly registered for sales and use tax in the state of use and regularly reports and remits the taxes due in such state; and

(2) the state in which first use occurs grants on a reciprocal basis a similar exemption on purchases within that state for first use in Louisiana; and

(3) either (a) or (b), below, must be met in addition to requirements (1) and (2):

(a) the purchaser obtains a written authorization from the secretary of the Department of Revenue and Taxation to make the tax-exempt purchase; or

(b) the property being purchased is a craft which would ordinarily be subject to registration by the state of Louisiana as a motor boat, but is not in fact registered for use in Louisiana. Foreign nations and the territorial waters of foreign nations are not considered to be another state for purposes of this Section.

Tangible personal property imported for use outside the state of Louisiana may still be imported tax-free under R.S. 47:305(5) if the requirements specified in §305 are met. Under that provision, specific pieces of property which have been clearly labeled for trans-shipment outside the state of Louisiana at the time of their importation into the state are exempt without the necessity for meeting the above guidelines.

Purchases or importations of tangible personal property for use in the offshore area of Louisiana or that of any other state, for which an exemption is claimed under the provisions of this Section, may be accomplished by use of either one of two exemption certificates, LGST 9-D or LGST 9-O/S, depending on the following conditions.

If the exact location (area name, block number, lease number) of first use of the property is known at the time of purchase, the purchaser must claim exemption to the vendor by properly completing an exemption certificate LGST 9-D.

If the exact location of first use of the property is not known at the time of purchase, and the purchaser has been assigned an "offshore registration number" by the secretary of Revenue and Taxation, then the purchaser may claim the exemption by completing an exemption certificate LGST 9-O/S and presenting it to the vendor. All accounting records of importations and purchases made through the use of this certificate will be maintained in such a manner so as to accurately account for tax-free and tax-paid inventories until they are withdrawn for use. Physical segregation of tax-free inventory is not required. In the case of fungible goods, such as diesel fuel, where usage occurs continuously in travel in and out of the offshore area, exemption certificate LGST 9 O/S may be used to make tax-free purchases of such goods in their entirety. At the end of each reporting period, the purchaser will determine that portion of the fungible goods which was actually consumed within any taxing jurisdiction and make the necessary accrual entries to record the proper tax due.

The LGST 9-O/S certificate may only be used by purchasers who have been granted the "offshore registration number," and unauthorized use of the certificate is forbidden. An "offshore registration number" will be evidenced by the word "OFFSHORE" appearing above the account number on the purchaser's registration certificate, and the purchaser will be required to enter this complete registration number on the LGST 9-O/S when making tax-free purchases for first use offshore. Vendors should exercise tenable judgment in accepting the LGST 9-O/S exemption certificate in lieu of the sales tax. Vendors should also ensure that all required information appears on the face of the certificate.

An offshore registration number will be issued only to

dealers who have demonstrated to the secretary of Revenue and Taxation that the nature of their business is such that consumption of tangible personal property occurs in the offshore area beyond the territorial limits of Louisiana, or that of other states or foreign nations. It must also be shown to the satisfaction of the secretary that the records maintained by the purchaser are adequate to facilitate an examination and that they document the location of first use of all tangible personal property purchased tax-free under the provisions of this section. In the case of fungible goods, such as diesel fuel, which are purchased tax-free, the purchaser must retain, and make available for examination, all purchase invoices, vessel logs, fuel usage records, fuel transfer records, and all other pertinent information which will determine the portion which has been consumed in and/or delivered to, offshore locations, and the portion which has been consumed in, and/or delivered to, locations within the taxing jurisdiction of any state or foreign nation. Timely returns must be filed, along with the proper remittance, to report the taxes due on all withdrawals from non-taxpaid inventory for taxable uses. The following shall be taxable uses:

(1) Withdrawal from non-taxpaid inventory for first use within the territorial limits of Louisiana or that of any other state. The use tax cost basis shall be original acquisition cost.

(2) Withdrawal from non-taxpaid inventory for first use in a foreign nation or its territorial waters. The use tax cost basis shall be the original acquisition cost.

(3) Withdrawal from non-taxpaid inventory for sale, exchange, trade, or barter under any circumstances. The sale will be regarded as a "casual sale" under the provisions of R.S. 47:301(10), and a use tax will be due at the time of such withdrawal on one of the following bases:

(a) In the case of property never previously used, the use tax basis will be original acquisition cost.

(b) In the case of property which has previously been used in the offshore area and subsequently returned to storage in the offshore inventory, the use tax basis will be the lesser of original acquisition cost or reasonable market value at the time of the withdrawal.

(4) The subsequent return of property, following its first use in the offshore area, to a location within the territorial limits of Louisiana for a taxable use at that location. Such a use would subject the property to a use tax based on the lesser of acquisition cost or reasonable market value at the time of its return to the location of use within Louisiana. The return of property into the state for the purpose of repairing, modifying, further fabrication, or for return to the offshore inventory will not be regarded as taxable uses. Property returning from offshore locations for repairs retains its exempt status for use tax purposes, but the repair charges are taxable in accordance with R.S. 47:301(14)(g).

(5) The use of that portion of fungible goods that is determined to have been consumed within the territorial limits of Louisiana or that of any other state or any foreign nation.

Louisiana Revised Statute 47:305.10 makes it clear that the aforementioned records shall be maintained by the purchaser or importer, and shall be made available for examination by agents of the secretary. It also provides that the offshore registration number issued under the provisions of this Section may be revoked by the secretary at any time, if the purchaser misuses the exemption to make tax-exempt purchases of property for first use in the state, or if he fails to maintain adequate records, or fails to report and remit any tax which becomes due under this Section. In case of such a revocation, all tangible personal property which is stored in an offshore inventory site will immediately

become taxable, unless the purchaser is able to identify the exact location (area name, block number, lease number) of first use of the property. Thereafter, and until the offshore registration status is reinstated, tax-free purchases may be made only in instances when the exact location of first use is known at the time of purchase, and a certificate form LGST 9-D is presented to the vendor. The offshore registration number may be reinstated at the discretion of the secretary of Revenue and Taxation, upon being provided with sufficient proof that the conditions and requirements of this Section will be adhered to by the purchaser. The burden for supplying proof of eligibility shall rest with the purchaser/importer at all times, whether the request is for initial registration or for reinstatement of a revoked registration.

This Section provides an exemption from the sales and use tax on tangible personal property purchased in or imported into Louisiana under the circumstances described. All other purchases and importations of property shall be subject to the taxes levied by the state and its political subdivisions in accordance with R.S. 47:302(A), 47:321(A), and 47:331(A), at the time of such purchase or importation, unless otherwise exempted.

Shirley McNamara
Secretary

RULE

Department of Revenue and Taxation Severance Tax Section

Article 47:11 related to the First Use Tax is repealed. Copies of these repealed regulations may be obtained from the Department of Revenue and Taxation.

Shirley McNamara
Secretary

RULE

Department of Revenue and Taxation Severance Tax Section

Articles 47:647-1 through 647-4 related to the First Use Tax are repealed. Copies of these repealed regulations may be obtained from the Department of Revenue and Taxation, 330 North Ardenwood Drive, Baton Rouge, LA 70821.

Shirley McNamara
Secretary

RULE

Department of Revenue and Taxation Severance Tax Section

Articles 47:1302 through 1305 related to the First Use Tax are repealed. Copies of these repealed regulations may be obtained from the Department of Revenue and Taxation, 330 North Ardenwood Drive, Baton Rouge, LA 70821.

Shirley McNamara
Secretary

RULE

Department of Revenue and Taxation Severance Tax Section

Article 7. Severance Tax: Generally

A. Definitions

1. *Manufacturing establishment* means a plant or establishment owned by a municipality which engages in the business of working raw materials into wares suitable for use or which gives new shapes, new qualities or new combinations to matter which has already gone through some artificial process; provided, however, it shall not include a gasoline or recycling plant nor a plant for the manufacture of carbon black.

2. *Gas use or consumed* shall include all natural or casinghead gas used in the operation of the manufacturing establishment for whatever purposes, but shall not include the following:

a. The first 25,000 MCF of gas used or consumed during the 12-month credit period.

b. Gas which, after being severed from the earth, is subsequently injected into a formation in the state of Louisiana for the purpose of storing, recycling, repressuring or pressure maintenance or any other purpose which increases the ultimate recovery of oil or other hydrocarbons or gas consumed as fuel in the production of natural resources in the state of Louisiana.

c. Gas vented or flared directly into the atmosphere.

d. Gas used for fuel in connection with the operation and development for or production of oil or gas.

e. Gas, any part of which is resold by the manufacturing establishment, except as to that part and quantity of the gas which is actually used by the establishment and not resold.

f. "Tail gas" such as gas recovered in oil refinery processes, and liquefied petroleum gases.

g. Gas used in the production of natural resources.

3. *MCF of gas* means 1,000 cubic feet of gas measured at a base pressure of 15.025 pounds per square inch absolute and at the temperature base of 60 degrees Fahrenheit.

Whenever the conditions of pressure and temperature differ from the above bases, conversion of the volume from these conditions to the above bases shall be made in accordance with the ideal gas laws with correction for deviation from Boyle's Law, which correction must be made unless the pressure at the point of measurement is 200 pounds per square inch gauge or less. The above standards are to be in accordance with methods and tables generally recognized by and commonly used in the natural gas industry. For all purposes of computing standard cubic feet of gas, the barometric pressure should be assumed to be 14.7 pounds per square inch absolute at the place of measurement.

4. *Person* means the authorized representative of any municipality incorporated under the laws of this state or the authorized representative of a manufacturing establishment or an electric generating plant owned by a municipality.

B. Determination of Tax Credit to Municipalities

1. Every municipality that operates a manufacturing establishment, as defined above, in the state of Louisiana, shall be allowed a direct credit against any tax or combination of taxes owed by such municipality to the state of Louisiana, or any parish, other municipality, other political subdivision or any other taxing authority of the state, the amount of which credit shall be proportioned to the amount of gas, as defined above, used or consumed in Louisiana by such municipality in the operation of a manufacturing establishment at the rate of \$.02 per 1,000 cubic feet of gas, used or consumed during the 12 months preceding January 1, 1975, and each subsequent year.

2. Every municipality that operates an electric generating plant in the state of Louisiana shall be allowed a direct credit against any tax or combination of taxes owed by such municipality to the state of Louisiana, or any parish, other municipality, other political subdivision or any other taxing authority of the state, the amount of which shall be proportioned to the amount of gas, as defined above, used or consumed in Louisiana by such municipality in the operation of an electric generating plant at the rate of \$.03 per 1,000 cubic feet of gas used or consumed during the 12 months preceding January 1, 1975, and each subsequent year.

3. With respect to municipalities operating a manufacturing establishment and municipalities operating an electric generating plant in the state of Louisiana, on or before February 15 of each calendar year thereafter, every municipality applying for tax credit shall submit to the secretary of the Department of Revenue and Taxation proof, as directed by the secretary, of the amount of credit to which such municipality claims to be entitled with respect to gas used or consumed during the 12 months prior to January 1 of that year. Not later than April 15 of the same year, the secretary shall issue to each municipality applying, a certificate of eligibility for tax credit, indicating the amount of credit, if any, to which such municipality has satisfactorily proved eligibility. This certificate shall bear an effective date which shall be as nearly as practicable the date on which the certificate is delivered to the municipality entitled to the credit. Simultaneously therewith, or thereafter on request of the municipality entitled to the credit, the secretary shall deliver to each such municipality tax credit warrants in number and denomination as requested by such municipality, the total of which shall not exceed the amount of eligibility under the certificate of eligibility. Each warrant shall bear an effective date which shall be the date of the certificate of eligibility under which it is issued.

4. The secretary shall have the right to audit the proof submitted with any application for a certificate of eligibility at any time prior to issuance of the certificate or within three years of the last day of the calendar year in which the certificate of eligibility was issued, and upon determination that the certificate of eligibility issued for any amount in excess of that to which the municipality to whom it was issued was entitled, the secretary shall thereupon collect from the municipality to whom the certificate was issued any excess amount paid out on tax credit warrants issued under that certificate. The provisions of Chapter 18 of Title 47, relative to assessment and collection of taxes, shall apply thereto and all amounts collected shall be returned to the state treasury.

5. Each municipality to whom tax credit warrants have been issued may surrender the warrants to the officer or agency to which is payable any tax against which the credit provided herein is applicable, in satisfaction, up to the face value of the warrants, of any such tax owed by the municipality presenting the warrants and payable within one year after the effective date of the certificate of eligibility under which the warrants have been issued. The office or agency to whom such warrants are presented shall present them for payment to the state treasury, in the manner hereinafter directed, or may deposit them in the bank or banks in which tax collections are usually deposited by him or it, and the bank may present the warrants for payment to the state treasury in the manner hereinafter directed.

6. No tax credit warrant shall be submitted in an amount greater than the amount of the specific tax for which it is surrendered. Neither the secretary nor any other collecting officer or agency shall make any cash refund in connection with the overpayment of tax by means of tax credit warrants. If it is deter-

mined that a tax credit warrant was submitted for an amount greater than the tax actually due, the secretary shall add the amount of the overpayment to the certificate of eligibility of the municipality that made the overpayment for the following calendar year.

C. Records

Every municipality claiming credit for gas used in a manufacturing operation in this state shall maintain sufficient records and supporting documents to substantiate the volumes of gas reported, the tax credit claimed, and any other pertinent data. Measuring or metering of gas used in manufacturing must be made at a point within sufficiently close proximity to the entrance point to the manufacturing establishment to eliminate non-manufacturing uses of gas. The amount used must be correlated to total purchases or production for the plant use and the point at which purchases or production are metered. Gas taken into a manufacturing establishment which is not used or consumed but is subsequently wasted, stored or delivered to another shall be measured and deducted from the total metered into the plant.

D. Tax Credit Applications

Tax credit applications must be filed on or before the applicable date prescribed above. No extension of time beyond this can be granted. The data requested on the application form must be provided in full in its proper space on the form. A separate itemization must be made on the application for each manufacturing establishment. In addition to the application form, the following data concerning the tax credit period must be furnished to the secretary before any warrants or certificates are issued:

1. a copy of each monthly gas purchase voucher or invoice showing contract pressure base and volume at 60 degrees Fahrenheit temperature; and,

2. a statement from the gas supplier showing contract pressure base and volume and total volume converted to a pressure base of 15.025 pounds per square inch absolute at 60 degrees Fahrenheit.

E. Application for Certificate of Eligibility and Warrants

Not later than the date prescribed above the secretary will then issue a certificate of eligibility in the name of the applicant showing the total tax credit to which he is entitled. The certificate of eligibility and the tax credit warrants issued thereunder are personal in nature and may be used only for credit against taxes owed by the municipality named therein. They may not be bought, sold or transferred in any way for use by a municipality other than that designated. The applicant at the time of the original application or thereafter during the effective period of the certificate of eligibility may request that warrants be issued for the payment of particular taxes in such amounts as the applicant may specify.

When warrants are issued for only a portion of the total credit to which the applicant is entitled, a subsequent request for additional warrants under the certificate of eligibility may be made to the secretary by endorsing the certificate of eligibility and showing thereon the additional warrants requested in the appropriate space provided. If a balance remains, a new certificate will be issued showing the balance to which the applicant is entitled. R.S. 47:7 provides that tax credit warrants may be used to allow "a direct credit against any tax or combination of taxes owed by such municipality to the state of Louisiana, or any parish, other municipality, other political subdivision or any other taxing authority of the state."

The certificate of eligibility will bear an effective date which will be the date of issuance by the secretary. The certificate of eligibility and warrants issued under the certificate will expire one year from the date of the certificate and may not thereafter

be used to obtain a tax credit. No accumulation of unused credit balances from year to year is allowed.

Request for warrants under a certificate of eligibility must specify the type of tax to be paid, the agency to whom payable, the taxable period, and the amount for which a credit is claimed. The applicant may then use the warrant for the payment of the tax shown on the face thereof up to the face amount of the warrant but not in excess of the amount of the particular tax against which the tax credit warrant is to be applied. No cash refunds will be made for any overpayment of a tax by means of a tax credit warrant.

Shirley McNamara
Secretary

RULE

Department of Revenue and Taxation Severance Tax Section

Article 631. Severance Tax on Timber, Pulpwood and Minerals Other Than Gas and Oil

A. In General

The "severance tax" imposed by R.S. 47:631 is an excise tax upon the privilege of severing any natural resources from the soil or water. All resources found in a natural state which are of any commercial value whatsoever are natural resources and are subject to the severance tax.

"Severance" means the separation of the natural resource from the soil or water, or its removal from its natural position. For example, the dredging of sand from a river, the cutting of timber, the mining or removal of a mineral from its natural location. Severance does not refer to the refinement of a natural resource after its removal.

"Severer" means any person engaged in the operation of severing natural resources from the soil or water, whether it be the owner of the soil or water, or other person severing from the soil or water of another, or the owner of a natural resource severing from the soil or water of another.

The tax is due by the severer, whether the natural resource is used by him or sold to another. If it is used by the severer, the tax is due by the severer. If it is sold, the tax is due by the severer, or by the purchaser, if for any reason it is not paid by the severer. If the natural resource is sold to the state or to the federal government the tax is still due, because the liability for the tax falls primarily on the severer and not on the purchaser. The tax is due on all natural resources removed from the state after severance, and must be paid to the state of Louisiana. There is no provision of the law to exempt the parish, municipality, nor any board or agency of the state of Louisiana from the payment of this tax. A town, parish, or other political subdivision of the state which engages in severing gravel, sand, or other natural resource with its own, or leased or otherwise acquired, equipment must pay the severance tax. Among the resources included are all forms of timber, pulpwood, and minerals such as sulphur, salt, coal, lignite and ores; also marble, stone, gravel, sand, shells, and other natural deposits; and the salt content in brine.

B. Reports and Payment of Tax

1. By Severers

Every person severing any natural resource from the soil or water of the state must file a report, on forms obtained from the Department of Revenue and Taxation, on or before the last day of the month following the month during which the natural

resource is severed. It is necessary that the report be filed in duplicate. The tax due shall become delinquent after the last day of the month in which the tax is due and payable. For example, the tax due for products severed in October will become delinquent on the first day of December if not paid on or before November 13. Delinquent reports and tax shall be subject to penalties, interest and other additional costs. The report, together with payment for the tax due thereon, is required to be delivered (by mail or in person) to the cashier's division of the Department of Revenue and Taxation showing the following information in the spaces provided therefor:

- a. Parish in which resource is severed and the month during which severed.
- b. The name and address of the person or corporation making the report.
- c. The product severed, the quantity and amount of tax.
- d. All the information in the schedules on the reverse side of the report form where applicable.

In cases where there were no operations during the month, a report should be filed indicating therein "no operations". Each report must be signed by the reporting taxpayer or officer of the corporation under declaration that it is made under the penalties imposed for perjury.

2. By Purchasers

On or before the last day of the month following the month to which the tax is applicable, purchasers and other persons dealing in any natural product severed from the soil or water in Louisiana shall deliver to the cashier's division of the Department of Revenue and Taxation a monthly report on forms procured from the department. The report must be signed under the declaration that it is made under the penalties imposed for perjury and must show on the reverse side the names and addresses of all persons from whom they have purchased any natural product during the month, together with the total quantity of each natural product. At the time of making the report the purchaser or other dealer shall pay to the secretary the amount of tax deducted or withheld at the time of the purchase. If, for example, the seller had paid the severance tax, none would be due by the purchaser; but the purchaser must file a monthly report showing the name and address of each person from whom the purchases were made, as well as the quantity and kind of product purchased.

C. Types of Product and Tax Rates

1. Timber

Severance tax must be paid on all trees and timber severed from the soil or water in Louisiana. Timber may be cut in Louisiana and transferred to another state to be made into lumber or other products, but the severance tax must be paid to the state of Louisiana regardless of the use to which the timber is put after severance. In cases where the timber is cut by private interests in national forests the usual practice is to scale and pay for the timber prior to cutting and the purchaser or severer is thus liable for the severance tax. Whether the timber is scaled before or after cutting, the severance tax should be collected from the purchasers on timber cut by them in national forests located in Louisiana. The rate, per 1,000 board feet, is based on the average stumpage market value determined annually by the Louisiana Forestry Commission and the Louisiana Tax Commission. Because of the fluctuating market from year to year it is necessary that the taxpayer use the proper report form applicable to the year for which his monthly report is being made, which form will indicate the then current tax rate. The rate varies on the different types of timber, such as ash, cottonwood, and willow, cypress, all gums, all oaks, pine and the hardwoods, including

hickory, magnolia, poplar, sycamore and other miscellaneous species.

2. Pulpwood

The severance tax must also be paid on all trees and timber classified as pulpwood, both hardwood and pine. The rate per standard cord of 128 cubic feet (or 4 feet x 4 feet x 8 feet) is based on the annual average market value as determined by the Louisiana Forestry Commission and the Louisiana Tax Commission. Like timber, the pulpwood severance tax must be reported on the proper form for the year in which the monthly report is filed because of the possible annual difference in rates.

3. Sand

Sand is a cohesionless granular material consisting of particles finer than 10 mesh, 2.00 mm, but coarser than 200 mesh, 0.074 mm, in size. For taxable purposes, sand is divided in these regulations, into three categories: (1) washed sand; (2) river sand, and (3) other sand. Sand contained in a sand-clay or pit-run gravel mixture is specifically excluded from those three categories and the provisions applicable thereto, but is dealt with below under, the caption of "gravel". In the case of materials which have been blended from two or more sources, the determination as to whether the blended materials constitutes sand, as defined below, must be made separately on the basis of the materials severed from each source. The severance tax rate on sand is \$.06 per ton of 2,000 pounds. However, production records as well as sales records are normally kept on a cubic-yard basis. It is, therefore, necessary to convert cubic yards to tons for the purpose of reporting and paying the severance tax. The official conversion factors are based on 2,700 pounds per cubic yard and the factors for the three categories of sand are shown below:

	Cubic Yards to Tons Conversion Factor
Washed Sand	1.35
River Sand (8% by weight allowance included)	1.24
Other Sand (8% by weight allowance included)	1.24

Computation of tax:

$$\text{Cubic yards} \times \text{conversion factor} = \text{tons} \times \text{rate} = \text{tax.}$$

a. Washed Sand

In the case of washed sand the entire weight will be considered to be taxable without any allowance for foreign substances.

b. River Sand

River sand or fill material removed from the Mississippi River, or bature, or other rivers and bodies of water will be deemed to be taxable in the absence of the submission of written proof that more than 15 percent by weight of such material consists of foreign substances, (silt and other foreign matter). An exclusion from the tax of eight percent of the entire weight severed will be allowed for silt without the necessity of supporting such allowance with representative samples or other proof. However, an exclusion in excess of eight percent by weight will not be allowed without submission of proof that the foreign substances contained in the material severed exceeds eight percent by weight.

c. Other Sand

Other sand will be considered to be subject to tax if it constitutes 85 percent by weight or more of the materials extracted, as defined under "sand" above. An exclusion from the tax of eight percent of the entire weight severed will be allowed for foreign substances without the necessity of supporting such allowance with representative samples or other proof. However, an exclusion in excess of eight percent by weight will not be allowed without submission of proof that the foreign substances contained in the material severed exceeds eight percent by

weight.

It is the responsibility of the severer, purchaser, and user, to establish to the satisfaction of the secretary that soil on which the sand severance tax is not being paid does not constitute sand as defined above. For this purpose the secretary may require the submission of representative samples from each separate source and such other data as he may consider appropriate. It is also the responsibility of the severer, purchaser, and user to maintain adequate records as to the quantity, quality and taxable status of such materials by source.

4. Gravel

Gravel, a natural resource, in its broad sense is considered to be loose, rounded fragments of rock, such as pebbles, durable and of high resistance to abrasion. All types of gravel are taxable under the severance tax law, including the native pit-run gravel (in some cases referred to as pit-run iron ore used on farm to market roads). Sand-clay gravel is generally composed of a mixture of sand, clay and gravel found in a natural state. The washed or screened gravel is composed of hard, durable particles of stone graded from coarse to fine and reasonably free of sticks and other deleterious matter. The severance tax on gravel is \$.06 per ton of 2,000 pounds. Since production and sales records are usually maintained on a cubic-yard basis it is necessary to convert cubic yards to tons for the purpose of reporting and paying the severance tax. The weight determination and conversion factors are shown below.

		Conversion factor
Gravel (washed)	2700 lbs. per cu. yd.	1.35
Gravel (sand-clay or pit-run)	3000 lbs. per cu. yd.	1.20*

(*less than 20% clay content)

Computation of tax:

Cubic yards x conversion factor = tons x rate = tax.

5. Shells

The two principal kinds of shell are clam, and reef or oyster. The shells shall be reasonably free from objectionable matter such as sticks, mud, clay lumps or other foreign materials. Severance tax on shells shall be paid on actual weight including moisture and foreign matter up to but not in excess of 12 percent. The rate of tax is \$.06 per ton of 2,000 pounds. For the purpose of reporting and paying the severance tax, where the production and sales records are kept on a cubic-yard basis, it is necessary to utilize the conversion table shown below.

		Conversion factor
Shells (reef or oyster)	1500 lbs. per cu. yd.	.75
Shells (clam)	1750 lbs. per cu. yd.	.875

Computation of tax:

Cubic yards x conversion factor = tons x rate = tax.

6. Stone

Generally crushed stone is recognized as consisting of clean, tough, sound, durable particles of stone. The severance tax rate on stone is three cents per ton of 2,000 pounds. Where production and sales records are kept on a cubic-yard basis it is necessary to convert to tons for severance tax reporting and paying purposes. The conversion table is shown below.

		Conversion factor
Stone (crushed)	2700 lbs. per cu. yd.	1.35

Computation of tax:

Cubic yards x conversion factor = tons x rate = tax.

7. Marble

Generally, marble is defined as any limestone, granular to compact in texture, capable of taking a polish or of being used for fine architectural work. Marble (proper) differs from common

limestone in being more or less crystallized by metamorphism. The severance tax rate on marble is \$.20 per ton of 2,000 pounds.

8. Minerals

There is a severance tax on the salt content in brine (commonly referred to as salt brine) extracted or produced in solution from the soil or water, when the same is used in the manufacture of other products and is not marketed as salt. The severance tax rates for the minerals in this article, are as follows:

Sulphur	- \$1.03 per long ton of 2,240 pounds.
Salt	- \$.06 per ton of 2,000 pounds
Salt content in brine	- \$.005 per ton of 2,000 pounds.
Coal	- \$.10 per ton of 2,000 pounds.
Ores	- \$.10 per ton of 2,000 pounds.

Shirley McNamara
Secretary

RULE

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

Pursuant to the authority granted by R.S. 42:871(c) and R.S. 42:874 the Board of Trustees of the State Employees Group Benefits Program has amended the Plan Document as follows:

Add the following:

Article 4, Section XVII - CONTRACT AMENDMENTS

The State of Louisiana, Board of Trustees of the State Employees Group Benefits Program has the statutory responsibility of providing health and accident and death benefits for covered persons to the extent that funds are available for such benefits. The board specifically reserves to itself the unilateral right to amend the eligibility and benefit provisions of its contracts from time to time as it may deem necessary to prudently discharge its duties. Any such modifications shall be promulgated subject to the applicable provisions of law, and nothing contained herein shall be construed to guarantee or vest benefits for any participant, whether active or retired.

James D. McElveen
Executive Director

RULE

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

Pursuant to the authority granted by R.S. 42:871(c) and R.S. 42:874 the Board of Trustees of the State Employees Group Benefits Program has amended the Plan Document as follows:

Article 1, Section I(H):

The term Covered Person as used herein shall mean an active or retired employee or his eligible dependent, or any other individual eligible for coverage under the provisions of Article 1, Section III for whom the necessary application forms have been completed and for whom the required contribution is being made.

Article 3, Section I(A)(2):

Family Unit as used herein shall mean a covered employee or retiree or other covered individual eligible for coverage under the provisions of Article 1, Section III, and all of his covered dependents.

James D. McElveen
Executive Director

RULE

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

Pursuant to the authority granted by R.S. 42:871 (c) and R.S. 42:874 the Board of Trustees of the State Employees Group Benefits Program has amended the Plan Document in accordance with rules mandated by the federal Tax Reform Act of 1986 retroactive to July 1, 1986, as follows:

J. Dependents of Non-Continuing Employees

In the event a covered active employee no longer meets the definition of an employee as defined in Article 1, Section I (E) or coverage pursuant to the provisions of Article 1, Section III (A) has expired and the employee has not elected to continue coverage under the provisions of Section III (E), the covered spouse and/or covered dependent children may elect to continue coverage at their own expense. Such coverage shall be subject to the notification and termination provisions of Section III (E). In the event a dependent child, covered under the provisions of the preceding paragraph no longer meets the definition of an eligible covered dependent as defined in Article 1, Section I (1) (2) and (3) or Article 1, Section I (J), such child may elect to continue coverage at his or her own expense. Such coverage will be subject to the notification and termination provisions of Section III (H), but in no event, however, may coverage be extended beyond 36 months from the date coverage would have terminated for the employee in the absence of Section III (E).

James D. McElveen
Executive Director

RULE

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

Pursuant to the authority granted by R.S. 42:871(c) and R.S. 42:874 the Board of Trustees of the State Employees Group Benefits Program has amended the Plan Document in accordance with rules mandated by the federal Tax Reform Act of 1986 retroactive to July 1, 1986, as follows:

Article 1, Section III, E - Active Employees

Coverage under this Section III (E) will continue until the earliest of the following events occurs:

1. failure to pay the applicable premium;
2. coverage under another group health plan;
3. eligibility for Medicare; or
4. eighteen months from the date coverage would have terminated in the absence of this Section III (E).

Article 1, Section III, F - Surviving Dependents

Coverage for the surviving spouse under this Section III (F) will continue until the earliest of the following events occurs:

1. failure to pay the applicable premium;
2. coverage under any group health plan; or
3. death of the surviving spouse.

Coverage for a surviving dependent child under this Section III (F) will continue until the earliest of the following events occurs:

1. failure to pay the applicable premium;
2. coverage under any group health plan; or
3. thirty-six months beyond the date coverage would otherwise have terminated under the provisions of Article 1, Section I (1) (2) and (3), and Article 2, Section II (C).

Article 1, Section III, G - Divorced Spouse

Coverage for the divorced spouse under this Section III (G) will continue until the earliest of the following events occurs:

1. failure to pay the applicable premium;
2. coverage under any group health plan; or
3. eligibility for Medicare; or
4. thirty-six months beyond the date coverage would otherwise have terminated under the provisions of Article 1, Section I (1) (2) and (3), and Article 2, Section II (C).

Article 1, Section III, H - Dependent Children

Coverage for a child under this Section III (H) will continue until the earliest of the following events occurs:

1. failure to pay the applicable premium;
2. coverage under any group health plan; or
3. eligibility for Medicare; or
4. thirty-six months beyond the date coverage would otherwise have terminated under the provisions of Article 1, Section I (1) (2) and (3), and Article 2, Section II (C).

James D. McElveen
Executive Director

RULE

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

Pursuant to the authority granted by R.S. 42:871 (c) and R.S. 42:874 the Board of Trustees of the State Employees Group Benefits Program has amended the Plan Document in accordance with rules mandated by the federal Tax Reform Act of 1986 retroactive to July 1, 1986, as follows:

Article 1, Section III, F - Surviving Dependents

"...It shall be the responsibility of the participant employer or surviving dependent to notify the Program within 60 days of the death of the employee or retiree and the Program shall notify the surviving Dependents of their rights to continue coverage..."

Article 1, Section III, G - Divorced Spouse

"...It shall be the responsibility of the divorced spouse to notify the Program within 60 days from the date of divorce and the Program shall notify the divorced spouse within 14 days of his or her right to continue coverage..."

Article 1, Section III, H - Dependent Children

"...It shall be the responsibility of the employee or retiree to notify the Program within 60 days of the date coverage would have terminated due to the dependent's child's loss of eligibility and the Program shall notify the employee or retiree within 14

days of his or her right to continue coverage with respect to that child..."

James D. McElveen
Executive Director

RULE

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

Pursuant to the authority granted by R.S. 42:871(c) and R.S. 42:874 the Board of Trustees of the State Employees Group Benefits Program has amended the Plan Document in accordance with rules mandated by the federal Tax Reform Act of 1986 retroactive to July 1, 1986, as follows:

I. Surviving Dependents of Continuing Employees

In the event a covered active employee has elected to continue coverage pursuant to the provisions of Section III (E) and if, during the period of such continuation the covered spouse or a covered dependent child becomes ineligible for coverage due to:

1. death of the employee;
2. divorce from the employee; or
3. for a dependent child, no longer meeting the definition of an eligible covered dependent as defined in Article 1, Section I (1)(2) and (3) or Article 1, Section I (J)

The spouse and/or dependent child may elect to continue coverage at their own expense pursuant to the provisions, as applicable, of Section III (F), (G) or (H). In no event, however, may coverage be continued beyond 36 months from the date coverage would have terminated for the employee in the absence of Section III (E).

James D. McElveen
Executive Director

RULE

Wildlife and Fisheries Commission Department of Wildlife and Fisheries

The Wildlife and Fisheries Commission at its regular monthly meeting held in Alexandria, LA, Friday, February 6, 1987, amended LAC 76:I.301:X of seismic rules and regulations which concerns the daily rate charged crews working in the state of Louisiana. The rule now reads as follows:

Chapter 3. Special Powers and Duties Subchapter A. Seismic Exploration

§301. Regulations

X. A fee of \$135 per seismic agent per day will be charged to seismic operators. This fee will be reviewed each January. All payments will be made by the seismic operators directly to the department on or before the twentieth of each month. No payments are to be made to the seismic agents.

J. Burton Angelle
Secretary

Notices of Intent

NOTICE OF INTENT

Department of Commerce Racing Commission

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to adopt rule LAC 35:6336 "Elimination of Horses; Too Many Entries" relative to the determination of preference of horses to start when there is an excess.

Title 35 Part V: Racing Procedures

Chapter 63. Entries

§6336. Elimination of Horses; Too Many Entries

Should two horses which are owned separately, but trained by the same trainer, be entered in any race, causing an excess of the number of horses which may, because of track limitation, be permitted to start, the horses to start shall be determined and selected by lot from all of the horses entered. Those entries which are eliminated shall receive a preference as provided in these rules.

The office of the Racing Commission is open from 9 a.m. to 4 p.m. and interested parties may contact Tom Trenchard or Alan J. LeVasseur at (504) 568-5870 or LINC 621-5870, holidays and weekends excluded, for a copy of this rule. All interested persons may submit written comments relative to this rule through Friday, March 6, 1987 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Albert M. Stall
Chairman

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: LAC 35:6336, Elimination of Horses; Too Many Entries

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no implementation costs.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
This amendment will benefit horses, owners and trainers by determining the preference of which horses can start in a given race.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There are no effects on competition or employment.

Albert M. Stall
Chairman

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Commerce
Racing Commission**

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to amend rule LAC 46:XLI.725 "Jockey Fee Schedules" relative to the amounts of jockey mount fees to cover jockey expenses.

Title 46

Part XLI: Horseracing Occupations

Chapter 7. Jockeys and Apprentice Jockeys

§725. Jockey Fee Schedule

Purse	(Change in schedule only)			
	Winning Mount	Second Mount	Third Mount	Losing Mount
\$400 & under	\$ 29	\$ 21	\$ 19	\$ 18
500	32	22	19	18
600	38	24	19	18
700-900	10% *	27	24	22
1,000-1,400	10% *	32	27	24
1,500-1,900	10% *	37	32	30
2,000-3,400	10% *	47	37	35
3,500-4,900	10% *	57	47	37
5,000-9,900	10% *	67	52	42
10,000-14,900	10% *	5% *	5% *	47
15,000-24,900	10% *	5% *	5% *	52
25,000-49,900	10% *	5% *	5% *	62
50,000-99,900	10% *	5% *	5% *	77
100,000 & up	10% *	5% *	5% *	102

*Percentages are of the winning purse.

The office of the Racing Commission is open from 9 a.m. to 4 p.m. and interested parties may contact Tom Trenchard or Alan J. LeVasseur at (504) 568-5870 or LINC 621-5870, holidays and weekends excluded, for a copy of this rule. All interested persons may submit written comments relative to this rule through Friday, March 6, 1987 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Albert M. Stall
Chairman

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: LAC 46:XLI. 725, Jockey Fee Schedule

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no implementation costs.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no effect on revenue collected by the Commission.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
This amendment will benefit jockeys by covering additional expenses incurred by them.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There are no effects on competition or employment.

Albert M. Stall
Chairman

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Commerce
Racing Commission**

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to adopt rule LAC 35:102 "Masculine; feminine; singular; plural" as part of definitions.

Title 35

Part I: General Provisions

Chapter 1. Definitions

§102. Masculine; feminine; singular; plural

As used herein, the masculine shall include the feminine and the singular shall include the plural.

The office of the Racing Commission is open from 9 a.m. to 4 p.m. and interested parties may contact Tom Trenchard or Alan J. LeVasseur at (504) 568-5870 or LINC 621-5870, holidays and weekends excluded, for a copy of this rule. All interested persons may submit written comments relative to this rule through Friday, March 6, 1987 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Albert M. Stall
Chairman

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: LAC 35:102, Masculine; Feminine; Singular; Plural

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no implementation costs.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
This rule is only technical in nature and does not have any direct effect on anyone, except as clarification to readers.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There are no effects on competition or employment.

Albert M. Stall
Chairman

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Board of Elementary and Secondary Education
Amendments to Bulletin 741**

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the following amendments to Bulletin 741 as submitted by the Department of Education, Office of Academic Programs to comply with Act 264 (1986):
Change title and reword standards 1.009.16, 1.009.17, and

1.009.18 to read:

1.009.16 Minimum Session/Instructional Day - Each school system shall adopt a calendar for a minimum session of 180 days, two semesters of 90 days each, of which at least 175 days shall be scheduled to provide the required instructional time. Refer to 17:154.1

1.009.17 If a local educational governing authority does not meet at least 175 school days, the State Board of Elementary and Secondary Education (SBESE) shall require the school system to adjust its calendar to meet the minimum days of required instructional time by such means as Saturday classes, reduced holidays, expanded calendar length, etc., or require the local educational governing authority to reimburse to the state $\frac{1}{180}$ of its minimum foundation funding for each day less than the required 175 days.

School systems shall notify the State Board of Elementary and Secondary Education (SBESE) immediately when the minimum number of days or required instructional time cannot be met in crises such as fire, natural disasters, desegregation, and so forth.

An alternate proposal to the original school calendar shall also be provided by the school system which meets the minimum number of 175 instructional days.

1.009.18 Each instance of a school system's not meeting the minimum number of 175 days of required instructional time shall be examined by the State Department of Education (SDE) and reported by the department/system to the State Board of Elementary and Secondary Education (SBESE).

Delete Standard 1.009.19

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m. April 10, 1987 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Dr. James Meza, Jr.
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: BESE Motion #4**

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

There will be a state savings in minimum foundation funds as school systems reimburse the state if they do not meet at least 175 school days. Presently, the Board of Elementary and Secondary Education may waive the requirement for 175 school days and not require the school system to adjust its school calendar or reimburse $\frac{1}{180}$ of its minimum foundation funding for each day less than the required 175 days. BESE will no longer grant such waivers.

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

Local school systems having to reimburse the state will have less minimum foundation funds.

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

BESE had the discretion of having the school system reimburse the state for not meeting at least 175 days and will no longer have such discretion. School systems in question could have less state funds which could conceivably impact

employee salaries and other costs.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

BESE had the discretion of having the school system reimburse the state for not meeting at least 175 days and will no longer have such discretion. School systems in question could have less state funds which could affect employment.

Joseph F. Kyle
Deputy Superintendent for
Management and Finance

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Board of Elementary and Secondary Education
Amendments to Bulletin 1213**

In accordance with R.S. 49:950, et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the following amendments to Bulletin 1213, Minimum Standards for School Buses, as submitted by the Bureau of School Transportation, State Department of Education in compliance with new national safety standards:

Page 41, Tire Size and Ply, 65/66 passenger - change to 9.00/20/10.

Page 38, Aisles, #6 - change to:

"All aisles leading to the emergency door(s) from wheelchair area shall be of sufficient width (minimum 30 inches) to permit passage of maximum size wheelchair. Thirty-nine seats are acceptable forward of the wheelchair position."

Page 14, Mirrors, paragraphs 1-5, change as follows:

"Adopt National Minimum Standards specs as written on page 23-24."

Page 7, Emergency door and emergency window, 2(a) - change to:

"The emergency door shall be located in the center of the rear of the bus or in the rear half of the left side of the bus if the engine or luggage compartment is so located."

Page 7, Doors - Service door 1. - add:

"j. - there will be no manual locking of any doors."

Page 5, Color - #1 - change to:

"Front grill shall be yellow, black or chrome. Wheels shall be black or grey."

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m. April 10, 1987 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Dr. James Meza, Jr.
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Revisions to Bulletin 1213**

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

\$1,000 for printing 500 copies

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

None

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

None

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

None

Joseph F. Kyle
Deputy Superintendent for
Management and Finance

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Environmental Quality Office of Solid and Hazardous Waste Hazardous Waste Division

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:1051 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Louisiana Hazardous Waste Regulations (LHWR).

The proposed amendments to the LHWR, Chapters 21 and 22 will eliminate the need for Environmental Protection Agency identification numbers for small quantity generators and allow for waste accumulation at a central location for small quantity generators. This proposal will also exempt used batteries returned to the manufacturer from regulation.

The proposed amendments are to become effective on April 20, 1987, or as soon thereafter as practical upon publication in the *Louisiana Register*.

A public hearing will be at 10 a.m. on March 4, 1987, in the Mineral Board Hearing Room, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA. Interested persons are invited to attend and submit oral comments on the proposed amendments.

Such comments should be submitted no later than March 13, 1987 to Glenn A. Miller, Administrator, Hazardous Waste Division, Department of Environmental Quality, Box 44307, Baton Rouge, LA 70804-4307. He may be contacted at the address above, or telephone (504) 342-1227. A copy of the proposed amendments may be obtained from the Hazardous Waste Division at the address provided. In addition, copies of the proposed amendments are also available for inspection at the following locations from 8 a.m. until 4:30 p.m.

State Land and Natural Resources Building, Room 615, 6th Floor, 625 North Fourth Street, Baton Rouge, LA.

State Office Building, 1525 Fairfield Avenue, Shreveport, LA.

Department of Environmental Quality, 1155 Ryan Street, 2nd Floor, Lake Charles, LA.

Department of Environmental Quality, 804 31st Street, Monroe, LA.

Department of Environmental Quality, 3845 North I-10 Service Road, Metairie, LA.

Department of Environmental Quality, 100 Eppler Road, Lafayette, LA.

Martha A. Madden
Secretary

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Small Quantity Generators

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

There will be no cost savings to state or local governmental units. Current staff will handle changes made by the proposed rule changes.

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

No estimated effect on revenue of state or local governmental units because no fee or charge is associated with these rules.

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

No costs to directly affected persons or non-governmental groups; however, a negligible economic benefit will be realized because the paperwork and time associated with completing applications will no longer be required of Small Quantity Generators.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No effect on competition or employment as existing personnel will perform all proposal tasks.

Martha A. Madden
Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Office of the Governor Division of Administration Office of Telecommunications Management

The Division of Administration, Office of Telecommunications hereby gives notice in accordance with R.S. 49:950 et seq., and R.S. 39:140-143 that it intends to amend the administrative rules and regulations of the Office of Telecommunications Management relative to the remittance of unexpended funds to the state treasurer.

Title 4 Administration

Part IX. Telecommunications Chapter 15. Telecommunications Charges §1507. Payment

The agency must return one copy of the invoice summary with payment to the Office of Telecommunications Management to insure proper crediting of its account. No adjustments will be made to accounts improperly credited due to submission of incorrect information by the agency. The entire amount of each bill is due within 30 days of the receipt of the invoice. When an account becomes 60 days past due, a letter will be sent to the subscriber agency advising the agency of the past due balance; if the amount past due is over \$5,000, the agency will also be contacted by telephone. When an account becomes 90 days past due, the agency head will be notified in writing and requested to liquidate the past due amount. When an account becomes 120 days past due, the account will be forwarded to the commissioner of administration for review and collection. If the commissioner of administration approves collec-

tion, then the Appropriations Control Office will be notified in writing and the money will be transferred from the agency involved to the Office of Telecommunications Management. To avoid delay, a designated official in the office of the commissioner of administration will be responsible for sending the documentation to the Appropriations Control Office. Because of time restrictions at the end of a fiscal year, these procedures may be waived (state agencies must remit unexpended funds to the state treasurer 45 days after the end of the fiscal year). In accordance with LAC 4:IX.1505.E, the agency will not alter the amount paid to the Office of Telecommunications Management. If the agency finds that there are billing discrepancies, it must send a letter along with the payment so that the Office of Telecommunications Management can resolve the problem. Nonpayment of charges within 90 days by non-state agencies which are allowed to share a centralized communications system constitutes sufficient reason for the Office of Telecommunications Management to notify applicable common carriers or suppliers to terminate service.

Interested persons may direct written inquiries to Debbie Craig, Telecommunications Informational Manager, Office of Telecommunications Management, Box 94280, Baton Rouge, LA 70804-9280, (504) 925-7827 (LINC 427-7827).

C. Wayne Hernandez
Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Payment**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no implementation costs (savings) to state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Collections will not increase nor decrease; however, remittances should be received earlier than under the current rule.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
There will be no costs and/or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There will be no effect on competition and employment.

Anthony Salvaggio
Assistant Director

Mark C. Drennen
Legislative Fiscal Officer

**NOTICE OF INTENT
Office of the Governor
Office of Women's Services**

The Offices of Women's Services proposes to amend the Minimum Standards for Family Violence Programs as follows:

2. A provider shall allow representatives of the Office of Women's Services in the performance of their mandated duties to inspect all aspects of the program's functioning which impact on clients, and to interview any staff member or any client, if the client so agrees.

15. A provider shall maintain the confidentiality of all clients' case records. Employees of the provider shall not disclose or knowingly permit the disclosure of any information concerning the client or his/her family, directly or indirectly, to any person unauthorized by the client.

18. A provider shall, upon written request from the client, make available information in the case record to the client, the legally responsible person, or legal counsel of the client. If, in the professional judgment of the administration of the provider, it is felt that information contained in the record would be damaging to a client, that information may be withheld from the client except under court order.

28. A provider shall, when allowed by law, have a representative at all judicial or administrative hearings which address the services provided to a client of the provider.

109.4 Clients' permission or refusal to be contacted by the provider by phone and/or mail for follow-up purposes;

110. A provider shall have a clearly written list of rules and regulations governing conduct for clients in residence. These rules and regulations shall be made available to each staff member and each client.

Interested persons may submit written comments on the proposed changes until 4:30 p.m., March 20, 1987 to Judy Dunlap, Director, Office of Women's Services, Box 94095, Baton Rouge, LA 70804-9095.

Judy Dunlap
Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Minimum Standards for Family
Violence Program**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
It is estimated that there will be no implementation costs to the agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
It is estimated that there will be no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
It is estimated that there will be no costs to directly affected persons or non-governmental groups. Victims of family violence will benefit from continued services provided in compliance with these program standards.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
It is estimated there will be no effect on competition and employment.

Judy Dunlap
Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Office of the Governor Office of Women's Services

The Office of Women's Services proposes to adopt the following guidelines for allocation of marriage license surcharge fees from the Programs for Victims of Family Violence Fund.

A. Definition of Programs for Victims of Family Violence Fund

The Programs for Victims of Family Violence Fund was established by Acts 60 and 61 of the first Extraordinary Session, 1983 Louisiana Legislature, for the purpose of providing supplemental funding for family violence programs. Act 1056 of the 1986 Louisiana Legislature provides for the collection of additional marriage license fees by the clerk of court in each parish for deposit into the Programs for Victims of Family Violence Fund effective September, 1986. The amount of the additional fee will be \$12.50 per marriage license. The fees will accumulate in the fund each fiscal year to be appropriated by the legislature for the following fiscal year. After the accumulated fees are appropriated by the legislature, the Office of Women's Services is authorized to make allocations from the fund to local family violence programs. The maximum allowable amount of monies available for distribution during any fiscal year to a program serving any parish or parishes will be the amount of fees collected in that parish or parishes during that fiscal year. Any monies generated by the fees collected in a parish, which have not been allocated for family violence services during that fiscal year, will remain to the credit of the parish and will be available for distribution to local family violence programs serving that parish.

Act 60 defined *family violence* as any assault, battery, or other physical abuse which occurs between family or household members, who reside together or who formerly resided together. *Family or household members* are defined by Act 1056 as spouses, former spouses, or children of either or both such persons. Family violence programs provide services which include lodging, food, transportation, counseling, client advocacy, educational programs, and information and referral to victims.

B. Eligible Organizations

In order to be eligible to apply for funds under the Programs for Victims of Family Violence Fund, the applicant organization must, at a minimum, meet the following criteria:

1. must have the primary purpose of providing assistance to victims of family violence or operate a program whose primary purpose is providing assistance to family violence victims;

2. must be locally administered by a public or private nonprofit organization;

3. must provide services that include, but are not limited to, the following:

- a. counseling for victims or their spouses;

- b. around-the clock shelter which provides safe refuge and temporary lodging for victims of family violence and their minor, unmarried children, or referral to such a shelter;

- c. support programs that assist victims of family violence in obtaining needed medical, legal or other services and information;

- d. educational programs relating to family violence in order to increase community awareness.

4. must meet minimum health, safety and program standards adopted by the Office of Women's Services. (Copies of standards available through Office of Women's Services, Box 94095, Baton Rouge, LA 70804-9095);

5. must demonstrate that it has received or can expect to receive funding equal to 20 percent of its anticipated cost of operation from the area served by the program. In-kind contributions may be evaluated and included as part of the required local funding.

C. Allowable Costs

The costs incurred for the provision of services to victims of family violence would include the following categories:

1. the payment of salaries and fringe for personnel working in the program;

2. the payment of travel expenses for personnel to conduct program business;

3. the payment of rent, utilities, food, supplies, and other general operating expenses of the program;

4. the purchase of equipment and essential furniture for the program;

5. the payment of indirect costs for administration of the family violence grant and for professional consultation services.

Line item changes may be made only with prior approval from the Office of Women's Services.

The clerk of court may retain five percent of the fees collected in the parish for administrative costs prior to deposit into the fund. The Office of Women's Services will retain five percent of the amount appropriated from the fund for administrative costs. State funds may not be used to urge any elector to vote for or against any candidate or proposition on an election ballot, or to lobby for or against any proposition or matter having the effect of law being considered by the legislature or any local governing authority.

D. Application Process

1. Notification of the availability of funds for family violence programs for fiscal year 1987-88 will be given through the Office of Women's Services.

2. Application packets will be sent to all existing family violence program providers, and all persons/organizations who have made past inquiries regarding funding.

Interested/potential applicants may request application packets from the Office of Women's Services, Box 94095, Baton Rouge, LA 70804-9095.

3. The application packet will be mailed within five working days of receipt of request.

4. The applications must be received by the Office of Women's Services by May 25, 1987.

5. All applications will be evaluated and prioritized according to the stated criteria for evaluation. During the evaluation process, applicants may be contacted by the Office of Women's Services to review and negotiate the application and proposed budget.

6. Applicants will be notified by the Office of Women's Services as to the final decision within sixty days of receipt of the application.

7. The contracts will be signed, and distribution of funds will begin within 45 days of final approval of the contract.

E. Criteria for Evaluating Applications

The Office of Women's Services will be responsible for the evaluation and prioritization of applications/proposals. The following criteria will be utilized in evaluating applications:

1. the experience of the applicant with similar programs and populations;

2. the need for the program for the clientele/geographic area;

3. the adequacy of programmatic components and services to be offered;

4. the degree of coordination between the proposed pro-

gram and the necessary support services;

5. the soundness, justifiability, and practicability of the applicant's budget request;

6. review of proposed program site by the Office of Women's Services;

7. review of proposed shelter program site by the Office of Licensing and Regulation to assure that it is or can be brought into compliance with licensing and certification standards.

F. The Annual Statement

The Office of Women's Services will report annually to the House Committee on Health and Welfare and Senate Committee on Health and Welfare on the administration of the fund.

Interested persons may submit written comments on the proposed rule until 4:30 p.m., March 20, 1987 to Judy Dunlap, Director, Office of Women's Services, Box 94095, Baton Rouge, LA 70804-9095.

Judy Dunlap
Director

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Programs for Victims of Family Violence

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

The fees collected during a fiscal year will accumulate in the Programs for Victims of Family Violence Fund for allocation during the following fiscal year. Collection of the fees began September, 1986. There will be no implementation costs for 1986-87. Ninety-five percent of the monies in the fund collected in 1986-87 may be allocated in 1987-88. Ninety-five percent of the monies in the fund collected in 1987-88 may be allocated in 1988-89. The remaining five percent each year will be retained by the Office of Women's Services for administration of funds as allowed by Act 1056.

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

It is estimated that \$236,260 will be collected by local clerks of court from additional marriage license fees during 1986-87. Five percent, \$11,813, may be retained by the clerks of court for administration. The balance of \$224,447 will be deposited into the Programs for Victims of Family Violence Fund for allocation during fiscal year 1987-88.

It is also estimated that \$283,512 will be collected during 1987-88 and 1988-89. Five percent, \$14,176, will be retained by the clerks of court. the balance of \$269,336 will be available for allocation.

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

Family violence programs will benefit from the supplemental funding provided by the additional marriage license fees which will provide for program expansion. Persons applying for a marriage license will be required to pay an additional \$12.50 to obtain the license.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Job availability at the local level may increase if new family violence programs are established.

Judy Dunlap
Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Health and Human Resources
AIDS Trust Fund Board**

The Louisiana AIDS Trust Fund Board proposes to adopt the following rule to establish the bylaws which the board will function:

BYLAWS

The Louisiana AIDS Trust Fund Board is established in accordance with Act 874 of the 1986 Legislature.

The purpose of the Louisiana AIDS Trust Fund Board is to determine the eligibility of programs to receive funding to be used solely for conducting research and educating the public regarding Acquired Immune Deficiency Syndrome. The fund consists of monies appropriated or otherwise made available by the legislature for that purpose, funds received from donations of income tax refunds pursuant to R.S. 46:2531 and funds received from any other source.

POWERS AND DUTIES

The board, with review and approval of the Joint Legislative Health and Welfare Subcommittee on Oversight, shall:

- establish rules and regulations for its own procedures;
- promulgate guidelines and deadlines for the submission of grant applications;
- appoint review panels for the purpose of evaluating grant applications and making recommendations to the board specifying priorities for funding programs;
- recommend to the Joint Legislative Committee on the Budget, for its review and approval, the programs which the board has determined to be eligible and appropriate to receive funding.

MEMBERSHIPS

Section 1. The board shall be composed of nine members as follows:

- three members who have experience in the area of public health representing the general public, appointed by the governor.
- one member appointed from a list of three persons, all of whom have experience in dealing with the problem of AIDS, nominated by the Louisiana State AIDS Foundation.
- one member appointed from a list of three persons, all of whom have experience in dealing with the problem of AIDS, nominated by the Louisiana State Medical Society, appointed by the governor.
- one member who shall be a member of the House of Representatives, appointed by the speaker of the House.
- one member who shall be a member of the Senate to be appointed by the president of the Senate.
- the secretary of the Department of Health and Human Resources, or his or her designee, shall serve ex-officio as full voting member.
- the state health officer or his or her designee shall serve as ex-officio as a full voting member.

Each appointment by the governor shall be submitted to the Senate for confirmation beginning August, 1988 and again every two years after the initial confirmation.

Section 2. Members shall serve without compensation but shall be reimbursed for travel expenses incurred in attendance at meetings of the board and other expenses incurred in the performance of their duties as members of the board. Expenses shall be reimbursed at rates established for state employees and defined in the travel regulations.

Section 3. A majority of the members shall constitute a quorum for the transaction of all business.

OFFICERS

The board shall elect from among its members a chairman, vice-chairman, and secretary/treasurer.

Section 1. Chairman's duties shall include:

- preside at all regular and special meetings of the board;
- establish agenda for meetings.

Vice-Chairman's duties shall include:

- all duties of the chairman in the event of the absence or inability of the chairman to serve;

- other duties as the chairman may assign him.

Secretary/Treasurer's duties shall include:

- keep complete and accurate records of all meetings and actions taken by the board;

- keep full and accurate financial records and make periodic reports to the board;

- submit a complete annual report in writing to the board and Joint Legislative Committee on the Budget.

Section 2. Membership on the board is the single qualification to hold office.

Section 3. The tenure of all members shall be two years with the provision that any officer may succeed himself in office.

Interested persons may submit comments to the following address: Louisiana AIDS Trust Fund Board, c/o Eudell Vine, Executive Assistant, Box 60630, New Orleans, LA 70160.

Dr. Louise McFarland
Chairman

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Board ByLaws

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

There is no estimated cost to adopt this rule.

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

There is no estimated effect on revenue collections of state or local governmental units.

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

There may be some economic benefits to those persons to whom grants are awarded, however, it is unknown at this time the dollar amount involved in the grants.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on competition and employment.

Dr. Louise McFarland
Chairman

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Board of Examiners for Nursing Home Administrators

The Louisiana State Board of Examiners for Nursing Home Administrators intends to adopt changes in Chapter 9, §903 of Title 46 as follows to clarify an existing requirement:

§903. Approval of Programs of Study

A. Continuing Education Programs of Study

Programs of study are designed to meet the requirements and qualifications for registration of a licensee as a nursing home administrator under and pursuant to the state licensing statute and these rules and regulations shall:

1. be registered as required under §901 of these rules and regulations; and

2. include subject areas selected from the list of subjects as referred to in §509 of which no less than 50 percent shall be applicable to long term care facilities; and

3. be submitted for board approval before training is undertaken.

B. Each licensee must complete 30 hours of approved continuing education, or the portion thereof designated by the board, during the two-year period preceding the date of re-registration of licenses.

C. 1. Upon completion of an approved program of study, the sponsor or sponsors for the program shall issue certificates of attendance or other evidence of attendance satisfactory to the board.

2. Certificates of attendance must be confirmed by sponsor or sponsors before final acceptance. Transcripts from accredited institutions of higher learning will be considered as having met this provision. Any sponsor or sponsors found certifying to an untruth will no longer be considered as providing acceptable programs of study.

D. Nothing contained in this Section shall preclude the board from providing for any program of study which excludes subjects which shall be in derogation of, or in conflict with, the teachings and practice of any recognized religious faith, provided, however, any applicant seeking to be admitted to such program of study hereunder shall submit evidence satisfactory to the board that he is in fact an adherent of such recognized religious faith.

Interested persons may submit written comments on the proposed changes until 3:30 p.m., April 6, 1987, at the following address, Winborn E. Davis, Executive Director, Louisiana State Board of Examiners for Nursing Home Administrators, Suite 205, 4550 North Boulevard, Baton Rouge, LA 70806.

Winborn E. Davis
Executive Director

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Programs of Study

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

There will be no additional costs, or any savings, to state or local government.

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

There will be no effect on revenue collections.

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

There will be no additional costs or economic benefits to licensees who are the only persons affected.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT

MENT (Summary)

There will be no effect on competition and employment.

Winborn E. Davis
Executive Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Health and Human Resources
Board of Nursing**

The Louisiana State Board of Nursing hereby gives notice that the board at its March 19-20, 1987 meeting proposes to amend LAC 46: XLVII.3349.A.6. Licensure by Examination by repealing LAC 46: XLVII.3349.A.6. The standard reads as follows:

A. 6. The NCLEX-RN shall be successfully written within a 25-month period from the first writing, or, prior to reapplication for taking the NCLEX-RN, specific study requirements shall be met, with the board's approval of the educational program. Following restudy, the maximum number of rewrites shall be one.

Interested persons may comment on the proposed amendment, in writing until 4:30 p.m. March 2, 1987 at the following address: Louisiana State Board of Nursing, 907 Pere Marquette Building, 150 Baronne Street, New Orleans, LA 70112.

Merlyn M. Maillian, R.N.
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Repeal LAC 46:XLVII.3349

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

By deletion of this requirement there will be no implementation cost incurred. If not deleted costs would be incurred for establishing criteria and for monitoring courses for candidates who failed the licensing examinations after a 25 month period.

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

There will be no effect on revenue collection. The fee charged for taking the licensing examination only covers the cost of administration of the examination.

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

There will be no cost and/or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition or employment.

Merlyn M. Maillian, R.N.
Executive Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Health and Human Resources
Office of Family Security**

The Department of Health and Human Resources, Office of Family Security, proposes to adopt the following rule in the Aid to Families with Dependent Children and Refugee Cash Assistance programs.

Summary

The Aid to Families with Dependent Children (AFDC) and Refugee Cash Assistance (RCA) program's funding has been restored to its previous level. An emergency rule restoring funding was published in the January, 1987, issue of the *Louisiana Register*. Therefore, the emergency rule reducing the AFDC and RCA programs' payment standard which was published in the December, 1986, issue of the *Louisiana Register* is being revoked.

PROPOSED RULE

Effective December 28, 1986, the Aid to Families with Dependent Children and Refugee Cash Assistance programs' payment standard was restored to its previous level. The emergency rule published in the December, 1986, issue of the *Louisiana Register* reducing the AFDC and RCA payment standard by 11.2 percent is hereby rescinded effective immediately.

Interested persons may submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Box 94065, Baton Rouge, LA 70804. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of the proposed rule and its fiscal and economic impact statement is available for review in each local Office of Family Security.

A public hearing on this proposed rule will be held on March 4, 1987, in the Louisiana State Library Auditorium, 760 North Riverside, Baton Rouge, LA, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: AFDC Increase**

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

The state cost is \$3,845,989 in FY 86/87; \$6,677,177 in FY 87/88; and \$6,879,156 in FY 88/89.

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

The state will retain in matching federal funding \$7,389,736 in FY 86/87; \$13,955,142 in FY 87/88; and \$14,782,505 in FY 88/89.

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

AFDC and RCA recipients payments will be restored to the amount that it was before the 11.2 percent reduction.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on competition and employment.

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, proposes to adopt the following rule in the Medical Assistance Program.

SUMMARY

Currently, long term care staff use criteria which became effective October 1, 1985, in order to determine medical eligibility for Title XIX skilled nursing facility (SNF) services. These criteria differ from those used by Title XVIII (Medicare) to determine the need for SNF care. Agency experience with applying the criteria during the past year has resulted in a determination that the wording of the current criteria makes application difficult.

This proposed rule will revise the criteria to approximate the criteria used by Medicare and clarify the intent of the eligibility criteria.

PROPOSED RULE

An individual shall be determined to meet the requirements for maximum level of care [skilled nursing facility (SNF) care] in a long term care facility when the following criteria, based on current needs, are met. The criteria are meant to be objective, self-explanatory and universally applicable.

1. The individual requires nursing, psychosocial or rehabilitation services, i.e., services that must be performed by or under the supervision of professional personnel; e.g., registered nurse, physical therapist, occupational therapist, speech pathologist or audiologist, or a combination thereof.

2. The individual requires such services on a regular basis.

3. The skilled services need to be provided on an inpatient basis in a skilled nursing facility.

The following services are those which are considered to require the supervision of professional personnel (there may be limited exceptions to these general criteria):

1. Medicinal gases used on a regular or continuous basis *in the presence of* unstable conditions.

2. Treatment of Stage III - IV decubitus ulcers, deep skin lesions, or infected skin lesions. For recipients medically certified for ICF level of care, treatment of a State II through IV decubitus ulcer may continue for one month at that level of care. If there has been no evidence of improvement in the condition of the ulcer after one month of treatment, the recipient will be medically certified for SNF level of care. A waiver of SNF level of care will not be allowed for a recipient with a stage II through IV decubitus ulcer which has shown no evidence of improvement in one month.

3. Restorative nursing such as a regular program of gait training under the supervision of a physical therapist or any other rehabilitative program for recipients determined by their physicians and by long term care staff to have the potential to improve. Long term care staff will reevaluate a recipient who is medically certified for SNF level of care to receive this service after three months to determine if the recipient continues to meet this criteria. Continued certification for SNF level of care is allowed if the recipient has shown substantial progress in meeting restorative potential (treatment goals).

EXCEPTION: For recipients medically certified for ICF level of care who require short term physical therapy, a SNF waiver is allowed. A SNF waiver to receive this service will be limited to six weeks.

4. IV fluids and medication. Long term care staff will reevaluate the need for this service every 30 days.

5. Observation, assessment, and judgment of a registered nurse of an unstable or complex medical condition. Long term care staff will reevaluate the continued need for this service every three months.

6. Frequent or regular aspiration for maintenance of clear airway.

7. Tracheostomy, gastrostomy, nasogastric or colostomy care during the early postoperative and training period for the recipient or facility staff. Long term care staff will reevaluate the continued need for this service every two months.

8. Even though the individual services provided a recipient are not SNF services, a combination of problems and services may result in a determination of SNF level of care; e.g., maximum assistance with activities of daily living and urethral catheter care as an adjunct to active treatment of urinary tract disease. The time frame within which long term care staff will reevaluate the recipient's continued need for SNF level of care is dependent on the nature of the services being provided.

9. In addition to physical problems, recipients may need skilled observation and assessment by professional personnel to assure the safety of the recipient, or of other residents of a facility, in cases of active suicidal or assaultive behaviors. Long term care staff will reevaluate the continued need for SNF level of care because of this every three months. For recipients who are medically certified for ICF level of care, a SNF waiver will not be allowed if such behaviors develop. The recipient would be involuntarily transferred to a more restrictive level of care.

Interested persons may submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Box 94065, Baton Rouge, LA 70804-4065. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of this proposed rule and its fiscal and economic impact statement is available for review in each local Office of Family Security.

A public hearing on this proposed rule will be held on March 4, 1987, in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

Implementation of this rule is dependent on the approval of the Health Care Financing Administration (HCFA). Disapproval of the change by HCFA will automatically cancel the provisions of this rule and current policy will remain in effect.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: SNF Eligibility Criteria

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no fiscal impact associated with this rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no projected impact on revenue collections resulting from this rule.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

Implementation of this proposed rule will clarify existing policy for uniform application of eligibility criteria.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition and employment.

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, proposes to adopt the following rule in the Medical Assistance Program.

SUMMARY

Currently, nursing home rates are reviewed for adjustment each year based on various cost components and indices. The wage cost component is defined as "the average annual wage for production or non-supervisory service workers in SIC code 80, health service, as published in the *Supplement to Employment and Earnings* by the Bureau of Labor Statistics, United States Department of Labor." This rule will clarify the definition of the wage index and how the wage information obtained by the agency is utilized. This rule is proposed for purposes of clarifying current agency policy and will not affect operation of the rate calculation formula used to determine rates for intermediate care and skilled nursing facilities each year.

PROPOSED RULE

Under the agency's definition of indices utilized to determine per diem rates for providers of long term care services, the term wage shall be defined as follows:

The average annual hourly wage for production or non-supervisory service workers in SIC code 80 as furnished by the Dallas Regional Office of the Bureau of Labor Statistics of the U. S. Department of Labor. This figure will be obtained by telephone in May and will be the average annual hourly wage as of December of the prior year. It will be multiplied times 40 hours, times 52 weeks to determine the average annual wage. The adjustment factor derived from the figure will be calculated by dividing the value of the corresponding average annual hourly wage, for December of the year preceding the rate year, by the value of the index one year earlier (December of the second preceding year).

Interested persons may submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Box 94065, Baton Rouge, LA 70804-4065. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of this proposed rule and its fiscal and economic impact statement is available for review in each local Office of Family Security.

A public hearing on this proposed rule will be held on March 4, 1987 in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, LA, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

Implementation of this rule is dependent on the approval of the Health Care Financing Administration (HCFA). Disap-

proval of the change by HCFA will automatically cancel the provisions of this rule and current policy will remain in effect.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: LTC Reimbursement Methodology- Wage Clarification

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

There are no projected savings associated with this rule.

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

There is no projected impact on revenue collections resulting from this rule.

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

There are no costs or benefits to recipients associated with this rule. However, providers will have a better understanding of how wage information is obtained and used by the agency to set per diem rates for long term care services under Title XIX.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition and employment.

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, proposes to adopt the following rule in the Medical Assistance Program.

SUMMARY

Currently, physician, osteopath, optometrist and nurse midwife services are reimbursed by the Medical Assistance Program as a mandatory service under Title XIX. These services are provided throughout the state. The agency published a notice of intent in the *Louisiana Register*, Vol. 12, No. 9, Page 621, dated September 20, 1986, announcing the revision of the reimbursement methodology for providers of such services. Under the revised reimbursement methodology, the state maximum pricing file was updated to reflect current market pricing on a statewide basis for each procedure payable under Medicaid. The final rule, adopting the revised payment methodology, was sent to the *Louisiana Register* for publication in Vol. 13, No. 1, dated January 20, 1987. An emergency rule was declared in accordance with the provisions of R.S. 49:953B to reduce reimbursement for physician, osteopath, optometrist and nurse midwife services by five percent effective February 1, 1987. However, following extended review of reimbursement for these services, the agency has determined that a six percent reduction in the revised state maximum pricing file will provide reimbursement

which meets the costs which must be incurred by efficiently and economically operated providers to provide services in conformity with applicable state and federal laws, regulations and quality and safety standards. This change is in accordance with 42 CFR 440.50 and 440.230.

An emergency rule was declared effective January 23, 1987, and published in the *Louisiana Register*, Vol. 13, No. 2, dated February 20, 1987, to reduce reimbursement for physician, osteopath, optometrist and nurse midwife services by an additional one percent. This rule amends the final rule published in the *Louisiana Register*, Vol. 13, No. 1, dated January 20, 1987.

PROPOSED RULE

Reimbursement for physician, osteopath, optometrist and nurse midwife services shall be reduced by six percent.

Interested persons may submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Box 94065, Baton Rouge, LA 70804-4065. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of this proposed rule and its fiscal and economic impact statement is available for review in each local Office of Family Security.

A public hearing on this proposed rule will be held on March 4, 1987, in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

Implementation of this rule is dependent on the approval of the Health Care Financing Administration (HCFA). Disapproval of the change by HCFA will automatically cancel the provisions of this rule and current policy will remain in effect.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Physician et al Payment Reduction

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

Implementation of this proposed rule will result in a savings to the state of: \$119,930 in FY 86-87; \$266,779 in FY 87-88; and \$279,051 in FY 88-89.

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

Implementation of this proposed rule will reduce federal matching funds by: \$230,435 in FY 86-87; \$557,377 in FY 87-88; and \$583,016 in FY 88-89.

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

Implementation of this proposed rule will result in reduced benefits to recipients of: \$350,365 in FY 86-87; \$824,156 in FY 87-88; and \$862,067 in FY 88-89.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition and employment.

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, proposes to adopt the following rule in the Medical Assistance Program.

SUMMARY

Currently, program policy provides a personal care needs allowance greater than \$25 a month (\$28 for grandfathered and converted recipients) as an option under federal regulations for Medicaid recipients in skilled and ICF facilities.

Circumstances necessitate that the personal care needs allowance be reduced from \$35 a month to \$33. This change in policy is necessary to allow the agency to continue providing those services which are mandated by federal regulation throughout the remainder of this fiscal year. Those services which are mandated by federal regulation must be provided by the agency in order to receive federal funding.

PROPOSED RULE

The personal care needs allowance for Medicaid recipients in skilled and intermediate care facilities will be \$33 for individuals and \$66 for couples.

Interested persons may submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Box 94065, Baton Rouge, LA 70804-4065. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of this proposed rule and its fiscal and economic impact statement is available for review in each local Office of Family Security.

A public hearing on this proposed rule will be held on March 4, 1987, in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

Implementation of this rule is dependent on the approval of the Health Care Financing Administration (HCFA). Disapproval of the change by HCFA will automatically cancel the provisions of this rule and current policy will remain in effect.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Reduction of Optional State Supplementation

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

Implementation of this proposed rule will result in a savings to the state of: \$46,513 in FY 86-87; \$355,675 in FY 87-88; and \$359,229 in FY 88-89.

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

Implementation of this proposed rule will reduce federal matching funds by: \$26,255 in FY 86-87; \$327,221 in FY 87-88; and \$330,483 in FY 88-89.

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

Implementation of this proposed rule will result in reduced benefits to recipients of: \$72,768 in FY 86-87;

\$682,896 in FY 87-88; and \$689,712 in FY 88-89.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition and employment.

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

REGION	BASE RATE	MILEAGE RATE
1	\$67.50	\$1.80
2	\$67.50	\$1.80
3	\$67.50	\$1.35
4	\$67.50	\$1.35
5	\$67.50	\$1.35
6	\$67.50	\$1.35
7	\$67.50	\$1.35
8	\$45.00	\$1.12

NOTICE OF INTENT

**Department of Health and Human Resources
Office of Family Security**

The Department of Health and Human Resources, Office of Family Security, proposes to adopt the following rule in the Medical Assistance Program.

SUMMARY

Currently, non-emergency medical transportation services are provided by the Medical Assistance Program as a covered service under Title XIX. Circumstances have necessitated the review of all Medicaid services. The agency's review of transportation services found that the following changes in reimbursement of non-emergency medical transportation could be made and maintain these services at reasonable and adequate reimbursement rates which meet the costs that must be incurred by efficiently and economically operated providers to provide services in conformity with applicable state and federal laws, regulations and quality and safety standards.

1. Reduction of the mileage rate for non-ambulance providers to \$.45 per mile;
2. reduction of pick-up fees for non-ambulance providers to \$15.30; and
3. reduction of the base rate and mileage rate for ambulance providers to:

REGION	BASE RATE	MILEAGE RATE
1	\$67.50	\$1.80
2	\$67.50	\$1.80
3	\$67.50	\$1.35
4	\$67.50	\$1.35
5	\$67.50	\$1.35
6	\$67.50	\$1.35
7	\$67.50	\$1.35
8	\$45.00	\$1.12

Therefore, the agency is proposing to amend non-emergency transportation reimbursement to adopt these measures effective for payments made on or after May 1, 1987. These changes are in accordance with 42 CFR 440.170 and 440.230.

PROPOSED RULE

In addition to other applicable limits on non-emergency medical transportation reimbursement, the following rates shall apply to payments made on or after May 1, 1987:

1. the mileage rate for non-ambulance providers shall be \$.45 per mile;
2. pick-up fees for non-ambulance providers shall be \$15.30; and
3. the base rate and mileage rate for ambulance providers shall be:

Interested persons may submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Box 94065, Baton Rouge, LA 70804-4065. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of this proposed rule and its fiscal and economic impact statement is available for review in each local Office of Family Security.

A public hearing on this proposed rule will be held on March 4, 1987, in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

Implementation of this rule is dependent on the approval of the Health Care Financing Administration (HCFA). Disapproval of the change by HCFA will automatically cancel the provisions of this rule and current policy will remain in effect.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Reduction in Non-Emergency Medical
Transportation Rates**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Adoption of this measure will result in a savings to the state of \$66,994 in FY 86-87; and \$380,123 in subsequent fiscal years.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
State revenue from federal financial participation in Title XIX will decrease by \$128,725 in FY 86-87; and \$794,185 in subsequent fiscal years.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Provider reimbursement for non-emergency medical transportation will decrease by: \$195,718; and \$1,174,308 in subsequent fiscal years.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no known effect on competition and employment.

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Health and Human Resources
Office of Preventive and Public Health Services**

The Department of Health and Human Resources, Office of Preventive and Public Health Services proposes to amend Chapter XIV (Plumbing) of the Sanitary Code, State of Louisiana. This proposed rule change will add two definitions to Section 14:003 (Definition of Terms), amend Table 14:098 (Minimum Facilities Required - "Places of Public Assembly...") by adding churches, and add three new types of establishments and their specifications to Table 14:098. The "Notes" section following Table 14:098 will also be amended to include notes referring to the newly referenced establishments.

These amendments are necessary to define terms (Available for Public Use, Designated for Public Use) and add establishments (churches, shopping malls, service stations, restaurants and lounges) and the specifications for these establishments to Table 14:098.

Addressing these terms and establishments not previously included in Chapter XIV will enhance the agency's ability to regulate plumbing as mandated by the Sanitary Code, State of Louisiana.

Chapter XIV shall be amended as follows:

Add the following definitions to Section 14:003 under the term, PUBLIC OR PUBLIC USE:

Available for public use applies to plumbing fixtures installed in such a manner or location that the general public would be required to obtain permission and/or directions to utilize the toilet facilities.

Designated for public use applies to plumbing fixtures installed in such a manner or location and with appropriate signs, etc. that the general public would not be required to obtain permission and/or directions to utilize the toilet facilities.

Add the following to Table 14:098, last existing page, under the heading, "Places of Public Assembly...":

Add "Churches" to the listing of places.

Add the following establishments and their specifications to Table 14:098 after the section dealing with "Places of Public Assembly...":

TABLE 14:098 - Minimum Facilities Required (continued)

Type of Building or Occupancy	Water Closets		Urinals ⁸	Lavatories ³		Bath Tubs or Showers		Fountains ⁴
	No. of Pump Islands	No. of Fixtures Male	No. of Fixtures Female	No. of Fixtures Male	No. of Fixtures Female			
Service Stations, Full-Service ¹¹ (On Federal and State highways, or in incorporated areas with 500 population, or when property is within 1000 yards of an Interstate Highway exit/entrance ramp)	1 - 2	1	1	0	1	1	None	1
	3	1	2	1	1	1	Required	1
	4	2	3	1	1	2		2
	each additional pump island	1	1	+13	1	1		1

Service Stations, Full-Service¹² (Not meeting above criteria), Self-Serve Service Stations, Convenience Stores, Markets:

Floor Space, Building (square feet)

	Male	Female	Male	Female
less than 50,000	1	1	1	1
50,000 - 75,000	1	1	1	1
greater than 75,000 (for each 50,000 or fraction thereof)	1	1	1	1

TABLE 14:098 - Minimum Facilities Required (continued)

Type of Building or Occupancy	Water Closets		Urinals ⁸	Lavatories ³		Showers		Fountains ^{4,16}
	No. of Fixtures Male	No. of Fixtures Female		No. of Fixtures Male	No. of Fixtures Female			
Lounges and Restaurants (with 11,14 joint public and employee restroom facilities):								
Number of Seats: ¹⁵								
1-50	1	1	0	1	1			1
51-100	1	2	1	1	2			1
101-200	2	2	1	2	2			2
201-500	2	3	2	2	2			3
each additional 100 seats	1	1	+13	1	1			1

Lounges and Restaurants (with 11,14 separate public and employee restrooms):

Employees: Per requirements of Office or Public Buildings, Table 14:098

Public: Per above requirements for combined facilities

TABLE 14:098 - Minimum Facilities Required (continued)

Type of Building or Occupancy	Water Closets		Urinals ⁸	Lavatories ³		Bath Tubs or Showers		Fountains ⁴
	No. of Fixtures Male	No. of Fixtures Female		No. of Fixtures Male	No. of Fixtures Female			
Malls or Shopping Centers ¹¹ (each floor or level):								
Floor Space (including stores and common areas):								
Per 50,000 square feet (or fraction thereof):	1	1	+13					
Per 75,000 square feet (or fraction thereof):				1	1			1

No public male and/or female restrooms shall be located in excess of 750 feet from the nearest public entrance to any store within the shopping center or mall (each floor or level).

Requirements for public restrooms for eating and drinking establishments other than restaurants may be waived provided that the entrance of the public male and female restrooms shall be within 300 feet of the public entrance to said establishment.

Add the following notes to the Section entitled "Notes" that follows Table 14:098:

11 Must be provided with designated rest room facilities.

12 Must be provided with rest room facilities available for use by the general public.

13 Urinals may be substituted for required water closets provided that the number of urinals do not exceed one-half the total number of male fixtures required.

14 Rest rooms provided for both the public and employee use must be located convenient to the food preparation, cooking, and storage area; but located such that the public will not have access to or through these areas under any circumstances.

15 In establishments with counters provided for the consumption of food on the premises, every two linear feet of counter shall equal one seat.

16 Drinking fountain requirement may be waived if drinking water is dispensed in an approved, sanitary manner per the requirements of Chapter XXIII.

Interested persons may submit comments at the following address: Daneta Daniel Bardsley, Ed.D., Assistant Secretary, Office of Preventive and Public Health Services, Department of Health and Human Resources, Box 60630, New Orleans, LA 70160.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Chapter XIV
Sanitary Code State of Louisiana**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Implementation of this rule can be accomplished with present staff. There are no estimated implementation costs associated with adoption of the Rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The proposed rule will not affect revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
This action should reduce the number of plans and specifications that had to be re-drawn by architects and engineers because requirements for certain establishment did not appear in Chapter XIV.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There should be no effect on competition and employment.

Daneta Daniel Bardsley
Secretary and State Health Officer

Mark C. Drennen
Legislative Fiscal Officer

cough)	(fleaborne)
Plague	Yellow fever
Poliomyelitis	
Psittacosis	
Rabies (animals and man)	

The state health officer may, at his/her discretion from time to time by public notice, add to or delete from the list of contagious diseases. Hospitals are required by Act 885 to identify corpses that are infected with a contagious disease, when there is actual knowledge of such infection, and report such to embalmers and funeral directors.

In order for hospitals to fulfill this reporting requirement all corpses with known contagious disease(s) shall not leave the hospital without a toe tag or accompanying written statement that clearly indicates the name of the contagious disease or causative agent infecting or infesting said corpse.

Interested persons may submit written comments on the proposed rule to Daneta Daniel Bardsley, Ed.D., Office of Preventive and Public Health Services, Box 60630, New Orleans, LA 70160, phone (504) 568-5052.

Daneta Daniel Bardsley, Ed.D.
Assistant Secretary

NOTICE OF INTENT

Department of Health and Human Resources Office of Preventive and Public Health Services

The Department of Health and Human Resources, Office of Preventive and Public Health Services in compliance with Act 885 of the 1986 Regular Session of the Louisiana Legislature proposes the following procedures regarding the disposition of corpses from hospitals that have contagious diseases.

All deceased patients who died while actively infected or infested with agents of diseases such as pathogenic bacteria, viruses, fungi, parasites, protozoa and rickettsia are potentially contagious. Examples include, but are not limited to the following contagious diseases which the state health officer has declared reportable in the Sanitary Code, state of Louisiana (2:002):

Amebiasis	Diphtheria
Anthrax	Encephalitis
Aseptic meningitis	(specify primary
Acquired Immune	or post-infectious)
Deficiency	Gonorrhea
Syndrome (AIDS)	Granuloma Inguinale
Brucellosis	Hepatitis, Viral
Chancroid	(specify type)
Cholera	Herpes, neonatal
Legionellosis	Rocky Mountain
Leprosy	Spotted Fever
Leptospirosis	Rubella (German
Lymphogranuloma	measles)
Venereum	Rubella (congenital
Malaria	syndrome)
Measles (rubeola)	Salmonellosis
Meningitis,	Shigellosis
Haemophilus	Syphilis
Meningococcal infection	Trichinosis
(including meningitis)	Tuberculosis
Mumps	Tularemia
Mycobacteriosis, atypical	Typhoid fever
Pertussis(whooping)	Typhus fever, murine

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Epidemiology Program disposition of corpses

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no implementation costs to be considered.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
This rule will not affect revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
There are no estimated costs and/or economic benefits to directly affected persons or nongovernmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no estimated impact on competition and employment.

Daneta Daniel Bardsley
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Office of Preventive and Public Health Services

The Department of Health and Human Resources, Office of Preventive and Public Health Services, Supplemental Food Program for Women, Infants and Children (WIC) proposes to adopt a rule which would prohibit the collection of state and/or local sales tax on all WIC food packages. This rule is necessitated by a change in the federal regulations governing the program, which stipulates that beginning October 1, 1987, a state will be ineligible to participate in the WIC program if state and/or local sales taxes are charged and collected on food purchased by the participants of the WIC program. This change in the federal reg-

ulations was contained in Section 4302 of HR7 (S.2638-260) and states the following:

Section 17(c) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(c) is amended by adding at the end thereof the following new paragraph:

"(4) A state shall be ineligible to participate in programs authorized under this Section if the secretary determines that state or local sales taxes are collected within the state on purchases of food made to carry out this Section."

The WIC program (Section 17 of Public Law 95:627) provides supplemental food, health services and nutrition education for women, infants and young children. It is federally funded through the U. S. Department of Agriculture. Failure to implement this change will mean the loss of approximately \$51 million in federal aid annually.

Substantial numbers of pregnant, postpartum and breastfeeding women, infants and children from families with inadequate income are at special risk with respect to their physical and mental health by reason of inadequate nutrition or health care, or both. The WIC program serves as an adjunct to good health care, during critical times of growth and development to prevent the occurrence of health problems and improve the health status of these persons.

Currently, 93,000 high risk pregnant and breastfeeding women, infants and children are receiving supplemental foods in Louisiana through this grant with an impact of improved birth outcomes, fewer pregnancy complications and improved nutrition and health status.

The proposed rule change disallowing sales tax collections on WIC purchases will also bring the program into compliance with existing state law. "Act 612" which amended R.S. 47:305:29 by adding R.S. 33.2739, became effective as of September 10, 1982, and exempts all purchases by state agencies from the payment of sales taxes. The proposed rule will be consistent with U. S. Department of Agriculture policy regarding disallowing sales collections on food stamp purchases and the proposed rule will be implemented in a similar manner, with local vendors prohibited from charging sales taxes on the purchase of WIC food packages.

Interested persons may submit comments on the proposed changes at the following address: Daneta Daniel Bardsley, Ed.D., Assistant Secretary, Office of Preventive and Public Health Services, Department of Health and Human Resources, Box 60630, New Orleans, LA 70160.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Prohibit State/local tax charge on
WIC food purchases**

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

There will be no costs or savings to state or local governmental units.

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

Based on estimated three percent average local sales taxes collected on WIC food packages, the localities would see a reduction of \$937,500 in sales tax revenue for state FY 87-88 (new rule would affect only nine months of fiscal year). Starting with state FY 88-89 sales tax collections on

the local level would fall approximately \$1.25 million per year. The state of Louisiana is currently collecting a one percent sales tax on food. The one percent sales tax on food is scheduled to end June 30, 1988. For FY 87-88, state sales tax collections would be reduced by approximately \$311,250 with the adoption of this rule.

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

The proposed rule, by reducing the cost of the food package would increase the WIC food budget by about \$1.25 million during FY 87-88 and the program would gain about \$1.67 million in subsequent years. This extra money would then be used to provide nutritional services to an additional 2,600 persons at nutritional risk per month during FY 87-88 and 3,468 additional persons per month thereafter. Implementation of the proposed rule would help insure the continued funding of the \$51 million WIC program. Vendors will no longer receive compensation for collecting the sales tax resulting in a loss of approximately \$24,000 to vendors during FY 1987-88. The loss will be offset by the additional WIC amounts that can be used to purchase food.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

None

Daneta Daniel Bardsley
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Labor
Office of Worker's Compensation**

The Office of Worker's Compensation hereby expresses its intent to amend its agency rules to conform with recent legislation and current office policies.

Interested persons may obtain copies of the proposed rules and/or submit written comments to the following address: Jim Holt, Chief Counsel, Office of Worker's Compensation, 910 N. Bon Marche Drive, Suite D, Baton Rouge, LA 70806.

Robert E. Hill
Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Compliance Rules**

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

There will be no implementation cost to state or local government units. This agency will assume any publication cost necessary for distribution.

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

There will be no effect on revenue collections of state and local government units because no fee assessment is related to the proposed rule changes.

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

There will be no estimated costs and/or economic benefits because these amendments are only to clarify existing practice in the Office of Worker's Compensation.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Robert E. Hill
Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Public Safety and Corrections
Public Safety Services**

Constables and Justices of the Peace Supplemental Pay

The Department of Public Safety and Corrections announces its intention to amend and implement rules for Constables and Justices of the Peace Supplemental Pay. The proposed rules for administration consist of the following: (1) warrants; (2) new employees; (3) changes in status; (4) payroll information and (5) appendices.

All persons may view the proposed rules or make comments by contacting the Department of Public Safety and Corrections at 265 South Foster Drive, Baton Rouge, LA 70896. Telephone (504)925-6103 or 925-6042.

Wiley D. McCormick
Deputy Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules**

**Rule Title: Constables and Justices of the Peace
Supplemental Pay**

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

There will be no implementation costs (savings) to state or local governmental units.

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

Revenue collections of state or local governmental units will not be affected by this proposed action.

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

There will be no costs and/or economic benefits directly affecting persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

James L. Thibodeaux
Finance Manager

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Public Safety and Corrections
Public Safety Services**

Firemen Supplemental Pay

The Department of Public Safety and Corrections announces its intention to amend and implement rules for Firemen Supplemental Pay. The proposed firemen policies and rules for administration consist of the following: (1) warrants; (2) new employees; (3) payroll information and (4) appendices.

All persons interested in commenting or seeking review of the proposed rules may do so by contacting the Department of Public Safety and Corrections by phone or in person. Callers may reach the department by calling (504) 925-6103 or 925-6042. Our offices are located at 265 South Foster Drive, Baton Rouge, LA 70896.

Wiley D. McCormick
Deputy Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Firemen's Supplemental Pay

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

There will be no implementation costs (savings) to state or local government units.

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

Revenue collections of state or local governmental units will not be affected by this action.

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

There will be no costs and/or economic benefits directly affecting persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

James L. Thibodeaux
Finance Manager

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Public Safety and Corrections
Public Safety Services**

Municipal Police Officers' Supplemental Pay

The Department of Public Safety and Corrections announces its intention to amend and implement rules for Municipal Police Officers' Supplemental Pay. The proposed rules for administration consist briefly of the following: (1) guidelines to warrants and filing of warrants with local employers; (2) applications procedure for officers who seek supplemental pay; (3) information on changes in status for officers presently in the system; (4) procedural process for reinstatement of officers whom for some reason are no longer in the system; and (5) a chronological listing for payroll procedure. Two changes occur in these amended rules. One such change, V-A-2, is whereby the

new rules require all officers be "Post" certified and be paid minimum wages. The effects of this change require the officer to be trained and certified under a certain (Post) regulation, in order to qualify to be a member of the system. Previously, officers' training was generally acceptable if certified by any recognizable training regulatory agency. The last modification requires all municipalities to pay officers at least minimum wages.

All persons interested in commenting or seeking review of the proposed rules may do so by contacting the Department of Public Safety and Corrections by phone or in person. Callers may reach the department by calling (504) 925-6103 or 925-6042. Our offices are located at 265 South Foster Drive, Baton Rouge, LA 70896.

Wiley D. McCormick
Deputy Secretary

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Police Officer's Supplemental Pay

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

The proposed rules provide that in order for future recipients of Municipal Police Supplemental Pay to be eligible for the program, the municipality's participation in the individual's salary must be at least at the minimum wage salary schedule. The potential increase in local expenditures and potential loss in revenues from the state through the Supplemental Pay Program will depend upon the willingness of municipalities to upgrade the salary schedules of the individuals who would be retained for employment in future years at a rate less than the minimum wage. A sampling of salary schedules of individuals participating in the program indicates that approximately 22 municipalities pay a portion of their employees below the minimum wage schedule.

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

The proposed rules provide that in order for future recipients of Municipal Police Supplemental Pay to be eligible for the program, the municipality's participation in the individual's salary must be at least the minimum wage schedule. The potential increase in local expenditures and potential loss in revenues from the state through the Supplemental Pay Program will depend upon the willingness of municipalities to upgrade the salary schedules of the individuals who would be retained for employment in future years at a rate less than the minimum wage. A sampling of salary schedules of individuals participating in the program indicates that approximately 22 municipalities pay a portion of their employees below the minimum wage schedule.

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

There will be no effect to directly affected persons or non-governmental agencies at this time.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no change in competition and employment.

James L. Thibodeaux
Finance Manager

Mark C. Drennen
Legislative Fiscal Officer

Mark H. Bonner, Jr.
Member

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Revenue and Taxation Tax Commission

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950, et seq.), notice is hereby given that the Louisiana Tax Commission intends to consider amendments to the Oil and Gas Properties Section, Leased Equipment Section, Use Value Section and Financial Institutions Section of the Louisiana Tax Commission Real/Personal Property rules and regulations. Only these sections will be considered.

Pursuant to R.S. 49:953(2)(A), the Louisiana Tax Commission will hold a public hearing on Thursday, March 5, 1987, at 10 a.m., in the Mineral Board Hearing Room, Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA. This hearing is to afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing, to the proposals.

The proposed amendments are available in the office of the Louisiana Tax Commission, 923 Executive Park Avenue, Baton Rouge, LA, between the hours of 8 a.m. and 4 p.m. Ed Leffel is the person responsible for responding to inquiries concerning the intended action.

Jamar W. Adcock
Chairman

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Rules and Regulations

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

Implementation costs to the agency are the costs of reproduction and distribution of updated regulations. These costs are estimated at \$880 for the year 1986-87 fiscal year.

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

These revisions increase the value of existing timber land assessed at Use Value approximately \$15,700,000 and leased equipment, assuming the average age statewide remains unchanged, assessed values will increase by approximately \$2,000,000. At existing average millages (85.9 Mills) this will increase taxes by an estimated \$1,500,000. Additional changes are proposed for valuation of financial institution stock and oil and gas reporting procedures but will have no impact on collections.

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

The initial burden of these additional tax collections would fall on property owners affected by the revised assessment guidelines. The ultimate impact of the additional collections has not been determined.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Effects on competition and employment have not been identified or estimated.

NOTICE OF INTENT

**Department of Transportation and Development
Office of Highways**

In accordance with the applicable provisions of the Administrative Procedure Act, R. S. 49:950, et seq., notice is hereby given that the Louisiana Department of Transportation and Development intends to adopt the attached fee schedule that will apply to driveway permits, project permits, geophysical permits and traffic control device permits, issued by the department's Right of Way Permit Section, all in accordance with the provisions of R.S. 48:344 and 48:381.

See following proposed fee schedule, estimated revenue, and estimated program cost. (Effective date - April 20, 1987)

This notice shall supersede the notice of intent published in the April 20, 1986, issue of the *Louisiana Register* on Page 263, and the emergency rule published in the November 20, 1986, issue of the *Louisiana Register* on Page 759.

RIGHT OF WAY PERMIT INSPECTION FEE
Effective April 20, 1987

This fee schedule will apply to commercial driveway permits, project permits, geophysical permits and traffic control device permits issued by the Department of Transportation and Development's Headquarters Utility and Permit Section.

DEFINITIONS

Driveway Permit - form granting permission to construct entrance or exit on highway right of way from adjacent property. A single permit is limited to a single parcel of property.

Project Permit - form granting permission to work or install facilities within highway right of way. A single permit is limited to within a parish of (a) one continuous facility installation or work within the right of way; (b) battery of crossings within a 150 foot spacing.

Geophysical Permit - form granting permission to conduct geophysical surveys on highway right of way. A single permit is limited to the survey of single highway within a parish.

Traffic Control Device Permit - form granting permission to install a traffic control device on a highway. A single permit is limited to one location.

Permit - written form that grants permission to applicant (Facility owner) to perform work or install facilities within highway right of way.

Residential - property used for a single family dwelling.

Agricultural - property used for farming, livestock, or timber.

Single service crossing - a utility facility crossing the highway with the capacity to serve only one customer.

Single service tap - a service connection from a utility located on highway right of way with the capacity to serve only one customer located on the same side of the highway as the utility facility.

FEE SCHEDULE
RIGHT OF WAY PERMIT FEE

DRIVEWAY PERMITS

Residential, including Churches	*None
Agricultural	*None
Local and State Governmental Agencies	*None
Commercial	\$130 per Permit

PROJECT PERMITS

Local and State Governmental Agencies	*None
Single service crossing and/or service taps	*None
All others	\$130 per Permit

GEOPHYSICAL PERMITS

All	\$130 per Permit
---------------	------------------

TRAFFIC CONTROL DEVICE PERMITS

Local and State Governmental Agencies	*None
All Others	\$130 per Permit

* A permit will be required, however no fee will be assessed.

ESTIMATED INSPECTION PROGRAM COST

Engineering Specialist III - 9	\$252,936
Payroll Additive 58%	146,702
Total Salaries	\$399,638
Automobile Expense	\$18,000
TOTAL ESTIMATE COST	\$417,638
Estimated Inspection Cost 70%	\$292,346

This cost reflects only the expense of the inspection portion of the Right of Way Permit Program.

ESTIMATED REVENUE

	ACTUAL NO. ISSUED	ESTIMATED NO. ISSUED REQ'ING FEE	RATE FEE	REVENUE
Driveway	2126	703	\$130	\$ 91,390
Project	2277	1448	\$130	188,240
Geophysical	62	62	\$130	8,060
Traffic Control Device	10	2	\$130	260
TOTAL	4475	2215		\$287,950

All interested persons so desiring shall submit oral or written data, views, comments or arguments no later than 30 days from the date of publication of this notice of intent to: Eugene P. Waguespack, Chief Maintenance and Operations Engineer, Department of Transportation and Development, Box 94245, Baton Rouge, LA 70804-9245.

Robert G. Graves
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Fee Schedule**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
None.

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

The proposed permit fee schedule will generate an estimated \$287,950 per year. The funds will be used to administer the inspection portion of the right of way permit program. Two months of collections in 1986-87 are estimated to generate \$55,000 in permit fees in this fiscal year.

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

The proposed permit fee will cost the utility companies \$188,240 per year, commercial construction \$91,390 per year and geophysical surveys \$8,060 per year for permits issued on state highways. The cost per permit is \$130 with an estimated 2215 permits issued at this cost.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

None.

Robert G. Graves
Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Wildlife and Fisheries
Wildlife and Fisheries Commission**

Chapter 5. Oysters

§507. Public Oyster Seed Ground

It is the intent of the Wildlife and Fisheries Commission to establish a public oyster seed ground in portions of Vermilion, East and West Cote Blanche and Atchafalaya Bays, pursuant to the authority given to the commission in R.S. 56:434. A map of the exact boundaries can be seen in the offices of the Department of Wildlife and Fisheries, Damell Road, New Iberia; Texas Gulf Road, Bourg and 400 Royal Street, New Orleans.

Interested persons may submit written comments relative to the proposed action until 4:30 p.m. on April 29, 1987 at the following address: Department of Wildlife and Fisheries, Box 15570, Baton Rouge, LA 70895, attention J. Burton Angelle. Additionally, the Wildlife and Fisheries Commission will take up the setting aside of oyster seed ground at its regular meeting on April 30 and May 1, 1987.

J. Burton Angelle
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Establish New Public Oyster Seed Ground

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
None
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
None
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
None
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

By establishing an oyster seed ground in the central portion of the state with different hydrological characteristics from existing public oyster seed grounds, the probability of having adequate supplies of seed oysters from year to year will be increased.

Mary Mitchell
Chief Fiscal Officer

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Wildlife and Fisheries
Wildlife and Fisheries Commission**

Chapter 1. Freshwater Sport and Commercial Fishing

§123. Old River Lakes

The Louisiana Wildlife and Fisheries Commission hereby advertises its intent to prohibit fish seining on the Louisiana sides of Old River Lake, Vidalia, and Old River Lake, Deer Park, Concordia Parish, Louisiana; except, that fish seining will be legal under a special permit as described below:

(Date)

SPECIAL COMMERCIAL FISH SEINING PERMIT NUMBER:

NAME: _____

ADDRESS: _____

FOR PERIOD: January 1, _____ to December 31, _____

This permit entitles the holder, who must have a valid fish seine license, to conduct legal fish seining operations on the Louisiana sides of Old River Lake, Vidalia, and Old River Lake, Deer Park, Concordia Parish, Louisiana. In addition to existing Louisiana fish seining rules the following special permit regulations shall apply:

- 1. Seining shall be permitted only on Monday through Friday, during daylight hours from sunrise to sunset.
- 2. Permittee shall notify enforcement personnel, Louisiana Department of Wildlife and Fisheries, located at the Region IV office headquarters, Ferriday, Louisiana, at least 24 hours prior to conducting each seining operation.
- 3. Permittee shall make every effort to conduct seining operations as per R.S. Title 56, Section 328 which states: "Nets shall not be hauled out upon the shore in such a way that any illegal fish which may happen to be taken therein cannot be returned to the water without injury."
- 4. Permittee shall leave no fish captured during a seining operation, on or in the vicinity of the shoreline.
- 5. Permittee must have this permit on his person while using or transporting commercial fish seines in the above described waters.
- 6. Failure to comply with the terms of this permit or any Louisiana commercial fishing regulations, or any Mississippi State commercial fishing regulations on the Mississippi side of the above Lakes shall result in immediate cancellation of the permit, and the option to deny the issuance of another seine permit in the future.
- 7. This permit is issued on a calendar year basis and shall be renewed each year.

Secretary
Dept. of Wildlife and Fisheries

I have read and understand the terms of this permit and agree to comply.

SIGNATURE: _____

FISH SEINE LICENSE NO.: _____

Interested persons may submit written comments on the proposed rule until 4:30 p.m., March 16, 1987, to the following

address: J. Burton Angelle, Secretary, Department of Wildlife and Fisheries, Box 15570, Baton Rouge, LA 70895.

J. Burton Angelle
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Fish Seine Permit-Old River Lakes,
Concordia Parish**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
None
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
None
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Not applicable
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
Not applicable - no change from present situation

Mary Mitchell
Chief Fiscal Officer

Mark C. Drennen
Legislative Fiscal Officer

Committee Reports

COMMITTEE REPORT

House of Representatives House Natural Resources Committee Oversight Review

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Subcommittee on Oversight met on January 20, 1987 and reviewed certain changes in state regulations proposed by the Louisiana Department of Environmental Quality for which notice of intent was published in the December 20 *Louisiana Register* with the following results:

1) Proposal by the Office of Solid and Hazardous Waste to amend the Louisiana Underground Storage Tank Regulations, including provisions to allow for the registration and regulation of all commercial underground storage tanks containing regulated substances regardless of capacity, and for the exemption of certain underground storage tanks of 1,100 gallons or less capacity from registration and regulation.

Approved by a vote of 5-0.

Clyde W. Kimball
Chairman

COMMITTEE REPORT

House of Representatives Committee on Appropriations Oversight Review

On January 22, 1987, the Subcommittee on Oversight of the House Committee on Appropriations met to review rules proposed by the Department of Health and Human Resources. The subcommittee voted unanimously to reject three of the proposed rules.

The proposed rules that were rejected are as follows and were listed in the *Louisiana Register* on December 20, 1986.

1. Eliminates the Medically Needy Program
2. Eliminates the Hemodialysis Program
3. Eliminates Hospital Days Extensions

The rules were proposed for the purpose of implementing budget reductions mandated by Executive Order EWE 86-31, however, during the First Extraordinary Session of 1986 the funding for these programs was restored. Therefore, the Subcommittee on Oversight of the House Committee on Appropriations recommends that these proposed rules be rejected.

Elias Ackal, Jr.
Chairman

COMMITTEE REPORT

House of Representatives House Natural Resources Committee Oversight Review

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Subcommittee on Oversight met on June 20, 1987 and reviewed certain changes in state regulations proposed by the Louisiana Department of Wildlife and Fisheries for which notice of intent was published in the December 20 *Louisiana Register* with the following results:

1) Proposal by the Louisiana Wildlife and Fisheries Commission to adopt terms and language which designate menhaden and herring-like species that may be legally taken with purse seines in Louisiana waters.

Approved by a vote of 7-0.

Clyde W. Kimball
Chairman

COMMITTEE REPORT

House of Representatives House Natural Resources Committee Oversight Review

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Subcommittee on Oversight met on June 20, 1987 and reviewed certain changes in state regulations proposed by the Louisiana Department of Wildlife and Fisheries for which notice of intent was published in the December 20 *Louisiana Register* with the following results:

1) Proposal by the Louisiana Wildlife and Fisheries Commission to comply with the directives of Act 919 by defining "excessive killing of fish," defining methods to assign a fair mar-

ket value to fish, and to implement these provisions.
Approved by a vote of 7-0.

Clyde W. Kimball
Chairman

Potpourri

POTPOURRI

Department of Agriculture Horticulture Commission

The next retail floristry examinations will be given at 10 a.m. daily at Delta-Ouachita Vocational Technical Institute in West Monroe, Louisiana on April 21-24, 1987. The deadline for getting in application and fee is April 6, 1987. All applications must be in the Horticulture Commission office no later than 5 p.m. on that date.

Further information concerning examinations may be obtained from Craig M. Roussel, Director, Horticulture Commission, Box 44517, Capitol Station, Baton Rouge, LA 70804, phone (504) 925-7772.

Bob Odom
Commissioner

POTPOURRI

Department of Agriculture Horticulture Commission

The next Uniform National Exam for licensure in Landscape Architecture will be given at Louisiana State University, Baton Rouge, Louisiana on June 15, 16, and 17, 1987. The deadline for getting in application and fee is April 1, 1987. All applications and fees must be in the Horticulture Commission office no later than 4:30 p.m. on the deadline date.

Further information concerning examinations may be obtained from Craig M. Roussel, Director, Horticulture Commission, Box 44517, Capitol Station, Baton Rouge, LA 70804, phone (504) 925-7772.

Bob Odom
Commissioner

POTPOURRI

Department of Health and Human Resources Board of Embalmers and Funeral Directors

The Louisiana State Board of Embalmers and Funeral Directors will give The National Board Funeral Director and Embalmer/Funeral Director exams on Friday, March 13, 1987 at Delgado Community College, 615 City Park Avenue, New Orleans.

Interested persons may obtain further information from the Louisiana State Board of Embalmers and Funeral Directors, Box 8757, Metairie, LA 70011, (504) 483-4684.

Dawn Scardino
Administrative Assistant

POTPOURRI

Department of Health and Human Resources Office of Human Development

The Office of Human Development will hold a public hearing on the proposed Income Exemption Policy for Rehabilitation Services published in the Notice of Intent on page 877 of the December 20, 1986 issue of the *Louisiana Register*. Interested persons may present their views and comments, orally or in writing at this public hearing which is scheduled for: 10 a.m., Thursday, March 5, 1987, Louisiana State Library Auditorium, 760 Riverside North, First Floor, Baton Rouge, LA.

Wayne C. Heap
Assistant Secretary

POTPOURRI

Department of Natural Resources Fishermen's Gear Compensation Fund

In accordance with the provisions of the Fishermen's Gear Compensation Fund, R.S. 56:700.1 through 56:700.5, and regulations adopted for the fund as published in the *Louisiana Register* on August 20, 1980, notice is given that 49 claims amounting to \$69,154.79 were received during the month of January, 1987. During the same month 57 claims, amounting to \$87,944.48 were paid.

The following claims are the subjects of public hearings to be held at the locations indicated:

Friday, March 6, 1987, at 10:30 a. m., in the Louisiana State University Cooperative Extension Service Office, 511 Roussel Street, Houma, LA.:

CLAIM NO. 86-3459

Daniel Quick, of Route 2, Box 631, Chauvin, LA 70344, while trawling on the vessel, "LA 6970 BD," in the Gulf Coast, next to 19 Canal, Terrebonne Parish, encountered an unidentified submerged obstruction on June 11, 1986, causing damage and/or loss. Amount of Claim: \$2,500.

CLAIM NO. 86-3584

Percy Boudwin, Jr., of #1 Kingsridge Court, Houma, LA 70363, while trawling on the vessel "POKEY & CHERYL," in the Gulf of Mexico, Shell Keys, at approximate LORAN-C readings of 27,525.3 and 46,929.4, St. Mary Parish, encountered submerged piling and well light on July 18, 1986, causing damage and/or loss. Amount of Claim: \$911.60

CLAIM NO. 86-3645

Laddie Portier, of Highway 61, Box 697-C, Dulac, LA 70353, while trawling on the vessel, "MR. MICHAEL," in the Gulf of Mexico, South of Shell Keys, at approximate LORAN-C readings of 27,414.7 and 46,910.3, Terrebonne Parish, encountered a sunken boat on August 7, 1986, causing damage and/or loss. Amount of Claim: \$4,287.08

CLAIM NO. 86-3679

Henry Luke, of 330 South Van #3, Houma, LA 70363, while trawling on the vessel, "LIL CHAD," in Lake Pelto, next to Bird Island, Terrebonne Parish, encountered a submerged pipe on August 29, 1986, causing damage and/or loss. Amount of Claim: \$865.15

CLAIM NO. 86-3690

Larry Nettleton, of Box 414, Montegut, LA, 70377,

while trawling on the vessel, "HUSTLER," in Bayou Terrebonne, Terrebonne Parish, encountered a submerged cement slab on August 31, 1986, causing damage and/or loss. Amount of Claim: \$838.52

CLAIM NO. 86-3735

Wayne Boudwin, of 4354 Highway 56, Houma, LA 70363, while trawling on the vessel, "CAPT. WAYNE," in the Gulf of Mexico, Rabbit Island, St. Mary Parish, encountered a submerged pipe on August 23, 1986, causing damage and/or loss. Amount of Claim: \$540.75

CLAIM NO. 86-3762

Floyd J. Trosclair, of 546 Country Drive, Bourg, LA 70343, while trawling on the vessel, "MISTRESS MARY," in West Cote Blanch, at approximate LORAN-C readings of 27,573.0 and 46,971.2, St. Mary Parish, encountered an unidentified submerged obstruction on September 20, 1986, causing damage and/or loss. Amount of Claim: \$341.43

CLAIM NO. 86-3764

John J. Mialjevich, of 505 N. Railroad, Delcambre, LA 70528, while trawling on the vessel, "TEE JOHN," in the Gulf of Mexico, at approximate LORAN-C readings of 27,112.5 and 46,945.8, Vermilion Parish, encountered an unidentified submerged obstruction on September 5, 1986, causing damage and/or loss. Amount of Claim: \$3,606.89

CLAIM NO. 86-3777

Florena A. Billiot, of Box 721, Galliano, LA 70354, while trawling on the vessel, "CAPTAIN ED," in LeBay de Lezelet, Jefferson Parish, encountered an unidentified submerged obstruction on September 11, 1986, causing damage and/or loss. Amount of Claim: \$1,936.16

CLAIM NO. 86-3785

Raymond S. Brunet, Sr., of 722 Charles Brien Road, Houma, LA 70363, while running crab pots, in Bayou du Large, Terrebonne Parish, encountered an unidentified submerged obstruction on September 9, 1986, causing damage and/or loss. Amount of Claim: \$1,500.

CLAIM NO. 86-3797

Donald J. Normand, of Box 160, Montegut, LA 70377, while trawling on the vessel, "MELANIE ANN," in Vermilion Bay, at approximate LORAN-C readings of 27,496.7 and 46,958.0, Vermilion Parish, encountered an unidentified submerged obstruction on September 24, 1986, causing damage and/or loss. Amount of Claim: \$208.89

CLAIM NO. 86-3812

Theodore J. Buquet, Jr., of 671 Mahler Street, Houma, LA 70363, while trawling on the vessel, "MOKIE THE BANDIT," in the Gulf of Mexico, Rabbit Island Field, at approximate LORAN-C readings of 27,613.3 and 46,923.5, encountered an unidentified submerged obstruction on September 9, 1986, causing damage and/or loss. Amount of Claim: \$900.

CLAIM NO. 86-3816

Lindy Bascle, of Route 3, Box 206, Montegut, LA 70377, while trawling on the vessel, "DANNY BOY," in Lake Barre, Terrebonne Parish, encountered an unidentified submerged obstruction on August 19, 1986, causing damage and/or loss. Amount of Claim: \$498.

CLAIM NO. 86-3820

Vernon J. Naquin, of 536 Engeron Street, Houma, LA 70363, while trawling on the vessel, "NINEVEH," in West Cote Blanche Field, at approximate LORAN-C readings of 27,529.9 and 46,963.3, Street Mary Parish, encountered an unidentified submerged obstruction on October 2, 1986, causing damage and/or loss. Amount of Claim: \$1,044.24

CLAIM NO. 86-3823

Harvey J. Hebert, Sr., of 113 Keith Street, Pierre Port, LA 70339, while trawling on the vessel, "LA 311 XU," in the Atchafalaya Basin, near the end of Old River, Iberia/St. Martin Parish, encountered an unidentified submerged obstruction on August 27, 1986, causing damage and/or loss. Amount of Claim: \$776.

CLAIM NO. 86-3862

Eugene Trosclair, of Route 1, Box 570, Dulac, LA 70353, while trawling on the vessel, "LA 6764 BP," in the North end of Redfish Bayou, Terrebonne Parish, encountered an unidentified submerged obstruction on October 17, 1986, causing damage and/or loss. Amount of Claim: \$765.

CLAIM NO. 86-3867

Calvin Hebert, of 119 Keith Street, Pierre Port, LA 70339, while trawling on the vessel, "LA 3064 AU," in the Atchafalaya Basin, near the end of Old River, Iberia/St. Martin Parish, encountered an unidentified submerged obstruction on August 27, 1986, causing damage and/or loss. Amount of Claim: \$156.

CLAIM NO. 86-3696

Percy Boudwin, Sr., of 3428 East Park, Houma, LA 70363, while trawling on the vessel, "SEA LADY," in the Gulf of Mexico, Rabbit Island Field, at approximate LORAN-C readings of 27,616.8 and 46,920.6, St. Mary Parish, encountered an unidentified submerged obstruction on August 16, 1986, causing damage and/or loss. Amount of Claim: \$3,263.44

CLAIM NO. 86-3697

Percy Boudwin, Sr., of 3428 East Park, Houma, LA 70363, while trawling on the vessel, "SEA LADY," in the Gulf of Mexico, Rabbit Island Field, at approximate LORAN-C readings of 27,603.9 and 46,918.7, St. Mary Parish, encountered an unidentified submerged obstruction on August 22, 1986, causing damage and/or loss. Amount of Claim: \$1,650.

CLAIM NO. 86-3720

Norris Nettleton, Jr., of Route 3, Box 299, Montegut, LA 70377, while trawling on the vessel, "MIDNIGHT RIDER," in Madison Bay, Terrebonne Parish, encountered an unidentified submerged obstruction on September 8, 1986, causing damage and/or loss. Amount of Claim: \$656.80

CLAIM NO. 86-3719

Norris Nettleton, Jr., of Route 3, Box 299, Montegut, LA 70377, while trawling on the vessel, "MIDNIGHT RIDER," in Lake Boudreaux, Terrebonne Parish, encountered an unidentified submerged obstruction on August 25, 1986, causing damage and/or loss. Amount of Claim: \$2,549.46

CLAIM NO. 86-3772

Elton J. Theriot, of 3558 East Park Avenue, Houma, LA 70363, while trawling on the vessel, "CAPT. BEN," in Vermilion Bay, Iberia Parish, encountered an unidentified submerged obstruction on September 13, 1986, causing damage and/or loss. Amount of Claim: \$861.05

CLAIM NO. 86-3773

Elton J. Theriot, of 3558 East Park Avenue, Houma, LA 70363, while trawling on the vessel, "CAPT. BEN," in Vermilion Bay, at approximate LORAN-C readings of 27,496.7 and 46,958.0, Iberia Parish, encountered an unidentified submerged obstruction on September 20, 1986, causing damage and/or loss. Amount of Claim: \$560.19

CLAIM NO. 86-3783

Jerry Duplantis, of 1401 Tara Street, Houma, LA, 70363, while trawling on the vessel, "HIGH SEAS," in Rabbit Island Field, at approximate LORAN-C readings of 27,618.4 and 46,924.0, St. Mary Parish, encountered a submerged flow-line pipe on September 9, 1986, causing damage and/or loss.

Amount of Claim: \$1,455.20

CLAIM NO. 86-3784

Jerry Duplantis, of 1401 Tara Street, Houma, LA 70363, while trawling on the vessel, "HIGH SEAS," in Rabbit Island Field, at approximate LORAN-C readings of 27,682.4 and 46,914.9, St. Mary Parish, encountered a submerged flow-line on September 9, 1986, causing damage and/or loss. Amount of Claim: \$1,455.20

CLAIM NO. 86-3863

Ray Boudwin, Sr., of 204 St. Malo, Houma, LA 70363, while trawling on the vessel, "LIL PEOPLE," in the Nickle Reef Area and South Point Area, St. Mary Parish, encountered an unidentified submerged obstruction on September 1, 1986, causing damage and/or loss. Amount of Claim: \$628.48

CLAIM NO. 86-3864

Ray Boudwin, Sr. of 204 St Malo, Houma, LA 70363, while trawling on the vessel, "LIL PEOPLE," in the Nickle Reef and South Point Area, St. Mary Parish, encountered a submerged piling on September 9, 1986, causing damage and/or loss. Amount of Claim: \$376.16

CLAIM NO. 86-3807

Jessie J. Voisin, of 5112 Grand Caillou Road, Houma, LA, 70363 while trawling on the vessel, "CAPT. RYAN," in Vermilion Bay, at approximate LORAN-C readings 27,611.0 and 46,921.2, St. Mary Parish, encountered an unidentified submerged obstruction on September 1, 1986, causing damage and/or loss. Amount of Claim: \$305.56

CLAIM NO. 86-3808

Jessie J. Voisin, of 5112 Grand Caillou Road, Houma, LA 70363, while trawling on the vessel, "CAPT. RYAN," in Vermilion Bay, at approximate LORAN-C readings of 27,623.8 and 46,916.8, St. Mary Parish, encountered a submerged oilfield pipe on September 9, 1986, causing damage and/or loss. Amount of Claim: \$1,175.74

Thursday March 19, 1987, at 3:00 p.m. in the L.S.U. Cooperative Extension Service Office, Greater Lafourche Port Commission Building, Highway 308, Galliano, LA.:

CLAIM NO. 86-3654

Allen Gaudet, III, of Box 889, Grand Isle, LA 70358, while trawling on the vessel, "CAPT. ALLEN," in Bayou Rigaud, toward Barataria Pass, Jefferson Parish, encountered an unidentified submerged obstruction on August 11, 1986, causing damage and/or loss. Amount of Claim: \$?

CLAIM NO. 86-3668

Thomas Joseph Tregle, Sr., of Box 521, Des Allemands, LA 70030, while trawling on the vessel, "LA 3647 BK," in Lake Des Allemands, St. John Parish, encountered an unidentified submerged obstruction on October 2, 1986, causing damage and/or loss. Amount of Claim: \$436.60

CLAIM NO. 86-3670

David Duet, Jr., of Route 1, Box 111-A, Galliano, LA 70354, while trawling on the vessel, "MR. DUET," in Breton Sound, at approximate LORAN-C readings of 28,989.9 and 46,907.5, encountered an unidentified submerged obstruction on July 3, 1986, causing damage and/or loss. Amount of Claim: \$905.50

CLAIM NO. 86-3672

Dudley Terrebonne, of 116 W. 75th, Cut Off, LA 70345, while trawling on the vessel, "CAPT. DUD," in the Gulf of Mexico, at approximate LORAN-C readings of 27,331.0 and 46,929.6, Vermilion Parish, encountered an unidentified submerged obstruction on August 12, 1986, causing damage and/or loss. Amount of Claim: \$144.57

CLAIM NO. 86-3674

Walton Blanchard, of Route 1, Box 153-D, Galliano, LA 70354, while trawling on the vessel, "OUR DREAM," in East Cote Blanche Bay, at approximate LORAN-C readings of 27,581.0 and 46,917.8, Iberia Parish, encountered an unidentified submerged obstruction on August 10, 1986, causing damage and/or loss. Amount of Claim: \$526.23

CLAIM NO. 86-3678

Wilman Guidry, of Box 815, Galliano, LA 70354, while trawling on the vessel, "PITRE NO. 1," in Lake Raccourci, Terrebonne Parish, encountered an unidentified submerged obstruction on August 25, 1986, causing damage and/or loss. Amount of Claim: \$591.38

CLAIM NO. 86-3687

Terry Pizani, Sr., of 1715 Hwy. 1, Grand Isle, LA 70358, while trawling on the vessel, "FLYING ANGEL," in the Gulf of Mexico, at approximate LORAN-C readings of 28,487.4 and 46,849.0, Jefferson Parish, encountered an unidentified submerged obstruction on August 16, 1986, causing damage and/or loss. Amount of Claim: \$2,085.20

CLAIM NO. 86-3727

Nolan Breaux, of RFD Box 528-B, Lockport, LA 70374, while trawling on the vessel, "LUCKY LADY," in the Gulf of Mexico, approximately two miles south of South Point, Vermilion Parish, encountered an unidentified submerged obstruction on August 20, 1986, causing damage and/or loss. Amount of Claim: \$188.36

CLAIM NO. 86-3742

Isadore Dardar, of Route 1, Box 45-A, Golden Meadow, LA 70357, while trawling on the vessel, "MISS LENA," in Bay Deazlet, Jefferson Parish, encountered a submerged piling on September 17, 1986, causing damage and/or loss. Amount of Claim: \$3,463.02

CLAIM NO. 86-3749

Ellis J. Adams, of Route 1, Box 81, Galliano, LA 70354 while trawling on the vessel, "RENEGADE," in West Cote Blanche, Vermilion Bay, at approximate LORAN-C readings of 27,598.4 and 46,955.7, encountered an unidentified submerged obstruction on September 17, 1986, causing damage and/or loss. Amount of Claim: \$226.32

CLAIM NO. 86-3755

Dennis J. Terrebonne, of Route 1 Box 237-C, Galliano, LA 70354 while trawling on the vessel, MASTER D., in Lake Raccourci, Terrebonne Parish, encountered a submerged sunken boat on September 17, 1986, causing damage and/or loss. Amount of Claim: \$748.86

CLAIM NO. 86-3775

Alton S. Terrebonne, Sr., of Route 1, Box 169, Galliano, LA 70354 while trawling on the vessel, "MISS MARY," in the Gulf of Mexico, at approximate LORAN-C readings of 28,125.1 and 46,852.0, Terrebonne Parish, encountered an unidentified submerged obstruction on September 1, 1986, causing damage and/or loss. Amount of Claim: \$933.94

CLAIM. NO. 86-3782

Levy Brunet, of Route 2, Box 330, Cut Off, LA 70345, while trawling on the vessel, "CAPTAIN VIE," in Barataria Bay, Jefferson Parish, encountered an unidentified submerged obstruction on September 14, 1986, causing damage and/or loss. Amount of Claim: \$1,681.30

CLAIM NO. 86-3795

Ricky J. Lafont, of Route 1, Box 379-Q, in Cut Off, LA 70345, while trawling on the vessel, "DADDY'S GIRL," Bay Tambour, Lafourche Parish, encountered an unidentified sub-

merged obstruction on September 28, 1986, causing damage and/or loss. Amount of Claim: \$945.63

CLAIM NO. 86-3824

Murry A. Gaspard, of Box 1060 Grand Isle, LA 70358, while trawling on the vessel, "TE GALOOP," in Caminada Bay, Jefferson Parish, encountered an unidentified submerged obstruction on September 29, 1986, causing damage and/or loss. Amount of Claim: \$547

CLAIM NO. 86-3829

Whitney J. Billiot, of Box 2035, Galliano, LA 70354, while trawling on the vessel, "RICKY," in Le Bay de Lezelet, Jefferson Parish, encountered an unidentified submerged obstruction on October 13, 1986, causing damage and/or loss. Amount of Claim: \$678.40

CLAIM NO. 86-3849

Dalton Gaspard, Jr., of 310 E. 25th. Street, Cut Off, LA 70345, while trawling on the vessel, "MURVIN & MARTY," in Caminada Bay, Jefferson Parish, encountered a submerged old mobile home on October 16, 1986, causing damage and/or loss. Amount of Claim: \$691.45

CLAIM NO. 86-3865

David J. Camardelle, of Star Route Box 1872 Grand Isle, LA 70358, while trawling on the vessel, "MR. TRAVIS," in Grand Lake, east of Grand Isle, Jefferson Parish, encountered an unidentified submerged obstruction on October 23, 1986, causing damage and/or loss. Amount of Claim: \$859.99

CLAIM NO. 86-3871

Marjorie Gray, of Box 544, Larose, LA 70373, while trawling on the vessel, "LIL ANTHONY," in Lafourche Bayou, Lafourche Parish, encountered an unidentified submerged obstruction on October 16, 1986, causing damage and/or loss. Amount of Claim: \$545.42

CLAIM NO. 86-3877

Jason Joseph Guidry, 119 East 52nd Street, Cut Off, LA 70345, while trawling on the vessel, "CAPTAIN JASON," in the south side of Terrebonne Bay, Terrebonne Parish, encountered an unidentified submerged obstruction on May 19, 1986, causing damage and/or loss. Amount of Claim: \$818.03

CLAIM NO. 86-3880

David Richoux, of Route 4, Box 589, Cut Off, LA 70345, while trawling on the vessel, "LADY JANET," in the Gulf of Mexico, at approximate LORAN-C readings of 26,892.5 and 46,965.5, Cameron Parish, encountered an unidentified submerged obstruction on October 27, 1986, causing damage and/or loss. Amount of Claim: \$1,455.92

CLAIM NO. 86-3893

Daniel M. Bruce, of Route 1, Box 254, Galliano, LA 70354, while trawling on the vessel, "L&M," in the Gulf of Mexico, 1/2 mile off Little Pass on East Side, Lafourche Parish, encountered an unidentified submerged obstruction of November 3, 1986, causing damage and/or loss. Amount of Claim: \$1,540.47

CLAIM NO. 86-3924

Joey P. Rouse, of 116 East 57th Street, Cut Off, LA, 70345, while trawling on the vessel, "LA 6399 BM," in the Gulf of Mexico, approximately 1-1/2 miles east of Point Fortune, Lafourche Parish, encountered an unidentified submerged obstruction on November 13, 1986, causing damage and/or loss. Amount of Claim: \$486.58

CLAIM NO. 86-3926

Jace J. Duet, of 116 East 71st. Street, Cut Off, LA 70345, while trawling on the vessel, "MASTER JHY," in the Gulf of Mexico, at approximate LORAN-C readings of 28,375.2

and 46,831.6, Lafourche Parish, encountered an unidentified submerged obstruction on November 6, 1986, causing damage and/or loss. Amount of Claim: \$1,495.62

CLAIM NO. 86-3934

Jules Bellanger, of Box 294, Grand Isle, LA 70358, while trawling on the vessel, "WARRIOR," in Barataria Bay, about one mile east of Fort Livingston, Jefferson Parish, encountered an unidentified submerged obstruction on November 10, 1986, causing damage and/or loss. Amount of Claim: \$712.90

CLAIM NO. 86-3945

Milton A. Matherne, of 4953 Shrimper Row, Houma, LA, 70363 while trawling on the vessel, "MISS LOLA," in Whiskey Pass, Terrebonne Parish, encountered an unidentified submerged obstruction on November 1, 1986, causing damage and/or loss. Amount of Claim: \$415.85

CLAIM NO. 86-3984

Alton Alario, of Route 2 Box 235-M, Cut Off, LA 70345, while trawling on the vessel, "BLUE THUNDER," in the Gulf of Mexico, at approximate LORAN-C readings of 27,284.8 and 46,942.9, Vermilion Parish, encountered an unidentified submerged obstruction on December 8, 1986, causing damage and/or loss. Amount of Claim \$1,439.31

CLAIM NO. 86-3899

Bobby Farrell, of #10 Balboa Drive, Luling, LA 70070, while trawling on the vessel, "LA 5010 BG," in Lake Five, 1/4 mile Northeast of Manilla Village Field line, Jefferson Parish, encountered a submerged piling on October 28, 1986, causing damage and/or loss. Amount of Claim: \$454.45

CLAIM NO. 86-3900

Bobby Farrell, of #10 Balboa Drive, Luling, LA 70070, while trawling on the vessel, "LA 5010 BG," in Lake Five, before entering Bayou St. Denis, Jefferson Parish, encountered an unidentified submerged obstruction on November 1, 1986, causing damage and/or loss. Amount of Claim: \$1,831.13

CLAIM NO. 86-3781

Kenneth J. Guidry, of Route 2, Box 468-A, Lockport, LA 70374 while trawling on the vessel, "MISS HALLY," in Lake Salvador, Lafourche Parish, encountered an unidentified submerged obstruction on August 30, 1986, causing damage and/or loss. Amount of Claim: \$794.67

CLAIM NO. 86-3997

Kenneth J. Guidry, of Rt 2, Box 468-A, Lockport, LA 70374, while trawling on the vessel, "MISS HALLY," in Timbalier Bay, Lafourche Parish, encountered an unidentified submerged obstruction on November 16, 1986, causing damage and/or loss. Amount of Claim: \$794.67

CLAIM NO. 86-3986

Ronald Guidry, of Box 281, Cut Off, LA 70345, while trawling on the vessel, "LADY BONNIE," in Lake Barre, at approximate LORAN- C readings of 28,233.2 and 46,354.7, Terrebonne Parish, encountered a submerged pipe on November 10, 1986, causing damage and/or loss. Amount of Claim: \$815.69

CLAIM NO. 86-3987

Ronald Guidry, of Box 281, Cut Off, LA 70345, while trawling on the vessel, "LADY BONNIE," in Lake Barre, at approximate LORAN- C readings of 28,233.2 and 46,354.7, Terrebonne Parish, encountered a submerged pipe on November 21, 1986, causing damage and/or loss. Amount of Claim: \$718.20

B. Jim Porter
Secretary

POTPOURRI

**Department of the Treasury
State Employees' Retirement System**

The Board of Trustees of the Louisiana State Employees Retirement System has changed its regular monthly meeting

date from the second Wednesday of each month to the third Wednesday of each month, effective with the February, 1987 meeting of the Board of Trustees.

Vernon L. Strickland
Director

**CUMULATIVE INDEX
(Volume 13, Number 2)**

1987

<i>Pages</i>	<i>Issue</i>
1— 68	January
69— 144	February

AGRICULTURE AND FORESTRY DEPARTMENT

- Agro-Consumer Service, Office of**
 Agricultural Commodities Commission
 Self-Insurance, 30N
 Weights and Measures Commission, 32N
- Horticulture Commission**
 Landscape architecture deadline, 136P
 Retail Floristry Examination, 136P
- Management and Finance, Office of**
 Ag Industry Board
 Ethanol production, 10R
 Central Registry, 34N
- State Market Commission**
 Loans, 77R

CIVIL SERVICE DEPARTMENT

- Civil Service Commission**
 Layoffs during system transition, 3ER, 36N
- Ethics for Elected Officials, Board of**
 Campaign finance disclosure, 35N

COMMERCE DEPARTMENT

- Certified Public Accountants, Board of**
 CPE credit, 13R
 Certificate, license, prohibited acts, 13R
 Educational requirements, 13R
 Fee assessment, 13R, 82R
- Commerce and Industry, Office of**
 Applicant fees, 37N
 Loan policy, 37N
- Financial Institutions, Office of**
 Securities-Registration exemption, 40N
- Racing Commission**
 Alcohol abuse testing, 4ER, 41N
 Dangerous substances testing, 4ER, 42N
 Elimination of horses-too many entries, 4N, 115N
 Horsemen's bookkeeper, 41N
 Jockey fee schedule, 116N
 Masculine; feminine; singular; plural, 4ER, 116N
 Steward duties, 14R
 Two races on a day, 42N
 Use of appliance to start, 14R

CULTURE, RECREATION AND TOURISM DEPARTMENT

- State Museum, Office of**
 Admission fees, 61CR, 82R
 Building rental, 83R

EDUCATION DEPARTMENT

Elementary and Secondary Education, Board of

- Bulletin 741
 Alternative schools, 14R
 Curriculum guides, 14R
 Minimum session/instructional time, 116N
 Two subjects per period, 14R
- Bulletin 1213
 School bus standards, 117N
- Env. Science, World/Amer. Hist., W. Civilization, MAP
 Supplement Curriculum guides, 83R
- Kindergarten developmental readiness, 43N
- Vocational - Technical School
 Bus Transportation (Postsecondary) 84R
 Fee Schedule, 84R
 Regional Coordination, 84R
 Resident/Nonresident (Postsecondary), 84R

ENVIRONMENTAL QUALITY DEPARTMENT

- Secretary, Office of**
 Permit hearing costs/Escrow account, 44N
- Solid and Hazardous Waste, Office of**
 Clarified rules, 84R
 Fees, 85R
 Small quantity generators, 118N
 Underground storage tank, 85R, 135CR

EXECUTIVE ORDERS

- EWE 86-38—Creates Emergency Response Commission, 71
- EWE 86-39—Allocates unused private activity volume to certain carryforward projects, 3
- EWE 86-40—Rescinds certain flood control and drainage priority funds and reverts funds to General Fund, 3
- EWE 87-1—Directs Department of Natural Resources to administer the Weatherization Assistance Program, 71
- EWE 87-2—Restores \$500,000 to Agriculture Department, 72
- EWE 87-3—Amends EWE 86-39—Allocates unused private activity volumes, 72
- EWE 87-4—Places Building and Grounds' accounting and purchasing activities under the commissioner of administration, 72
- EWE 87-5—Adds additional representation to the Emergency Response Commission, 72
- EWE 87-6—Reduces the budget and transfers certain fund balances to the general fund, 72
- EWE 87-7—Rescinds EWE 87-1 placing Weatherization Assistance Program under the Natural Resources Department, 74
- EWE 87-8—Freezes the number of state employees, freezes agency expenditures for out-of-state travel, professional services, supplies and equipment, 74
- EWE 87-9—Reduces the number of state vehicles, 74
- EWE 87-10—Creates the Save Our Coastline Commission (SOCC), 75

CR—Committee Report

- E—Errata EO—Executive Order ER—Emergency Rule
 L—Legislation N—Notice of Intent P—Potpourri
 PPM—Policy and Procedure Memorandum R—Rule**

GOVERNOR'S OFFICE

Division of Administration

Contractual Review
Process, 87R
Property Control
Fleet management, 14R
Risk Management
Insurance Requirements, 19R
State Planning
LCDBG Final statement, '85, 22R
State Purchasing
Bidder lists, 88R
Telecommunications Management
Payment, 118N

Elderly Affairs, Office of

GOEA Policy Manual, 23R

Governor's Special Commission on Education

Congressional Teachers Scholarship, 23R
Education Majors, 23R
Governor's Scholars, 23R
Practical nursing education/licensure, 88R
Student Incentive Grant, 23R

Urban and Community Affairs

Weatherization Plan, 65P

Veterans Affairs, Department of

Admission requirements, 85R

Women's Services, Office of

Family violence program standards, 119N
Victims of family violence, 120N

HEALTH AND HUMAN RESOURCES DEPARTMENT

AIDS Trust Fund Board
Bylaws, 121N

Embalmers and Funeral Directors, Board of

Exams, 136P

Family Security, Office of

AFDC/Refugee cash assistance, 123N
Payment standard funding, 5ER
Food Stamp Program
Categorical eligibility, 90R
Dependent care, 45N
Student's level of benefits, 91R
Medical Assistance Program
Ambulance transportation (allowed), 75ER
Ambulance transportation (disallowed), 76ER
Disabled widow/widower, 23R
Dispensing fee survey, 24R
F, V, I and O Categories, 5ER, 77ER, 92R
Hemodialysis Program, 135CR
Home leave provider payment, 93R
Hospital days extension, 5ER, 135CR
Inpatient hospital services, 76ER, 92R
Inpatient per diem, 92R
IV-E resident requirement, 48N
LTC, intermediate sanctions, 45N
LTC reimbursement methodology, 125N
Medicaid crossover coverage, 92R
Medically needy income eligibility, 93R
Medically needy program, 135CR
Optional personal care needs, 126N
Optional state supplementation (personal care), 6ER
Pharmacy, dispensing fee, 46N

Physical therapy, 6ER
Physician reimbursement, 24R, 77ER, 93R 125N
Prenatal health clinic, 47N
SNF services, 124N
Skilled waived services, 6ER, 48N
Transportation, non-emergency, 127N

Hospitals, Office of

LAC adoption, 49N

Human Development, Office of

Commission for the Deaf, 93R
Public hearing, 136P

Management and Finance, Office of

LAC adoption, 49N
Section 1122
Expedited review criteria, 97R
State Health Plan, 97R

Mental Health, Office of

LAC adoption, 50N

Mental Retardation/Developmental Disabilities

Diagnosis, evaluations, 51N
ICF resident income for retarded, 51N
LAC adoptions, 50N

Nursing, Board of

Repeals rules, 123N

Nursing Home Administrators, Board of Examiners for

Continuing Education, 122N

Prevention and Recovery from Alcohol/Substance Abuse

Co-payment fee, 52N
LAC adoption, 51N

Preventive and Public Health Services, Office of

Epidemiology Program
Corpse disposition, 129N
Immunization - fee, 53N
LAC adoption, 52N
Safe drinking water, 53N
Sanitary Code
Plumbing, 128N
Sewerage disposal permit, 54N
Sewerage treatment plants, 98R
Vaccine preventable diseases, 57N
WIC
Taxes on food packages, 129N

Secretary, Office of

Collecting licensing fees, 24R
Division of Licensing and Certification
LAC adoption, 58N
LAC adoption, 57N
Residential care rates, 7ER

LABOR DEPARTMENT

Barber Examiners, Board of

Due process, 24R
Examinations, 27R
Shops, 28R

Worker's Compensation, Office of

Compliance, 130N

LOUISIANA ADMINISTRATIVE CODE UPDATE

October-December, 1986 Changes, 61

NATURAL RESOURCE DEPARTMENT

Fishermen's Gear Compensation Fund

Claims, 61P, 136P

Secretary, Office of

Fishermen's Gear Claim limits, 29R

State Lands, Division of

Certified copy fee, 29R

Oil/Gas properties, 132N

Real/Personal property, 59N, 132N

TRANSPORTATION AND DEVELOPMENT DEPARTMENT

Highways, Office of

Fee schedule, 133N

PUBLIC SAFETY AND CORRECTIONS DEPARTMENT (Public Safety)

Constables and Justices of the Peace

Supplemental Pay, 131N

Firemen

Supplemental Pay, 131N

Motor Vehicles, Office of

Inspection stations, 99R

Municipal Police Officers

Supplemental Pay, 131N

State Police, Office of

Charitable Gaming

Bingo, Keno, Raffle, 99R

Hazardous Materials Unit

Right to know, 7ER, 58N

TREASURY DEPARTMENT

State Employees Group Benefits Program

Alcohol/drug abuse treatment, 10ER

Annual deductible, stop-loss, 10ER

Article 3, §VIII (J), 29R

Benefit modifications, 59N

Board vacancy, 60N

Contract amendments, 113R

Covered person/family unit, 113R

Ineligible after other group coverage, 114R

Member responsibility, 114R

Non-continuing employees dependents, 114R

Rate increase on 7/1/87, 60N

Regular monthly meeting, 140P

Surviving dependents, 115R

REVENUE AND TAXATION DEPARTMENT

Excise Tax Section

Hazardous Waste disposal, 105R

Sales Tax Section

Adopts/rescinds/repromulgates rules, 107R

Purchases/importations outside the state, 108R

Severance Tax Section

First use tax (47:11), 109R

First use tax (647-1—647-4), 109R

First use tax (47:1302-1305), 109R

Municipal mfg./electric generating plants, 110R

Other Natural Resources, 111R

Tax Commission

Leased equipment, 132N

URBAN AND COMMUNITY AFFAIRS DEPARTMENT (See Office of the Governor, Division of Administration)

WILDLIFE AND FISHERIES DEPARTMENT

Wildlife and Fisheries Commission

Commercial fish seining permit, 134N

Dredging, 30R

Excessive killing of fish, 135CR

Menhaden/herring-like species, 135CR

Oyster seed ground, 134R

Seismic fee, 115R

Shrimp season, 10ER

CR—Committee Report

E—Errata EO—Executive Order ER—Emergency Rule

L—Legislation N—Notice of Intent P—Potpourri

PPM—Policy and Procedure Memorandum R—Rule

