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# Executive Orders

## EXECUTIVE ORDER DCT 81-4

WHEREAS, the Department of Natural Resources is mandated by state law to oversee the State's sovereign and proprietary rights regarding oil and gas and, in order to carry out these responsibilities, relies upon the professional judgments of petroleum geologists and petroleum engineers of the state classified service; and

WHEREAS, the rights of over 200,000 individual landowners receiving royalty and bonus income, as well as the largest landowner, the State itself, are protected by these professionals; and

WHEREAS, over 40 percent of the State's treasury funds are generated directly from oil and gas related revenue such as royalties, bonuses, severance taxes and petroleum product taxes; and

WHEREAS, an emergency situation exists due to problems and unanticipated complications that have arisen with respect to the hiring and retention of petroleum engineers and petroleum geologists within the Department of Natural Resources; and

WHEREAS, the State of Louisiana, in its classified service, has lost 43 petroleum engineers and petroleum geologists in the last seven years, which represents 31 percent of the positions authorized by the State Civil Service; and

WHEREAS, such loss of these professionals, together with the increase in oil and gas exploration, monitoring, enforcement and regulatory programs relating to same, has culminated in an overburdening of the remaining petroleum engineers and petroleum geologists to such an extent as to decrease their effectiveness and efficiency and to jeopardize the programs and functions which they oversee;

NOW, THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana, by virtue of the powers vested in me as Governor, pursuant to the Constitution and applicable statutes of the State of Louisiana, do hereby create and establish the Governor's Special Task Force on Petroleum Engineers and Petroleum Geologists.

Said Task Force shall be composed of 20 members and shall be charged with the responsibility of reviewing and recommending appropriate salary ranges for the professional disciplines of petroleum engineers and petroleum geologists.

The Task Force shall take whatever steps necessary and proper for the State of Louisiana to recommend a sound salary administrative package to reestablish and maintain the professional expertise and effectiveness required to carry out the legislatively mandated responsibilities charged to the Department of Natural Resources relative to oil and gas.

In view of this charge, I hereby authorize the Governor's Special Task Force to request the assistance of the Department of Natural Resources and the Department of Civil Service, and to request and utilize such counsel, assistance, personnel, facilities and advice as may be obtained from other sources, public and private, including but not restricted to, business, labor and private research agencies, individuals and related organizations.

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 9th day of October, A.D., 1981.

David C. Treen  
Governor of Louisiana

## EXECUTIVE ORDER DCT 81-5

WHEREAS, the state and its citizens can greatly benefit from the management expertise and experience of persons who are employed in the private sector of business and industry; and

WHEREAS, certain businesses and industries in this state have top management personnel, who have particular expertise in the field of reviewing and analyzing business practices, to counsel and advise the state's governmental management personnel with respect to more efficient management practices, programs and procedures; and

WHEREAS, it is in the best interest of the State of Louisiana and its citizens to request that such individuals participate in a program to generally review and analyze the operation of state government on all levels for the expressed purpose of making recommendations for the improvement of the operation of state government;

NOW, THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana, by virtue of the authority vested in me as Governor, pursuant to the Constitution and applicable statutes of the State of Louisiana, do hereby create and establish a commission to be known as the Governor's Cost Control Commission, whose duty and function shall be to analyze and review any and all areas of state government.

Said commission shall be comprised of individuals appointed by me, for the purpose of reviewing and analyzing the general operating practices of state government in all of its areas. The commission members shall report directly to me their findings and recommendations for improving the efficiency of state government.

The members of said commission shall be authorized to make use of any and all state personnel and facilities in order to accomplish the purposes set out herein and all state employees and personnel are charged with the responsibility of giving full cooperation to the commission members in order to facilitate the successful accomplishment of the goals of said commission.

Said commission shall be authorized to work through a nonprofit corporation which may receive donations both in-kind, including executives loaned from business and industry and other sources, and monetary so as to carry out its functions and duties.

After its report has been issued, said commission shall monitor the implementation of the recommendations made and shall issue periodic reports on the status of implementation.

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 October, A.D., 1981.

David C. Treen  
Governor of Louisiana

## EXECUTIVE ORDER DCT 81-6

WHEREAS, the savings and loan industry across the nation is facing serious problems; and

WHEREAS, this problem is also facing the industry in the State of Louisiana; and

WHEREAS, many of our savings and loan associations have suffered operating losses in 1981; and

WHEREAS, these associations represent the backbone of our financial sources for home buying and residential construction; and

WHEREAS, in order that the state may react to this problem in a positive manner;

NOW, THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana, by virtue of the authority vested in me as

Governor, pursuant to the Constitution and applicable statutes of the State of Louisiana, do hereby order and direct the following:

The Governor's Thrift Industry Advisory Council is created and established. Said council shall be comprised of five executive officers of state chartered savings and loan associations appointed by me from the following areas:

- Greater New Orleans . . . . . 2
- Greater Baton Rouge . . . . . 1
- North Louisiana . . . . . 1
- Southwest Louisiana . . . . . 1

The terms of the office of each member shall be four years. In case of a vacancy, the newly appointed member shall serve for the remainder of the unexpired term. A member of the council is eligible for reappointment.

The council shall meet four times annually or more frequently, if deemed necessary, at the call of the Commissioner of Financial Institutions.

Members of the council shall serve without compensation but shall be entitled to reimbursement of expenses incurred in the performance of their duties.

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 October, A.D., 1981.

David C. Treen  
Governor of Louisiana

**EXECUTIVE ORDER DCT 81-7**

WHEREAS, in early 1682, French explorer Rene Robert Cavelier, Sieur de La Salle, set forth to descend the Mississippi River, intending "to hold the whole country for the French King, from the Great Lakes to the Gulf of Mexico and establish colonies;" and

WHEREAS, on April 9, 1682, after completing his historic and epic journey down the entire length of the Mississippi River from Canada to the head of the "passes," which form the river's mouth, La Salle, on that date and at that place, erected a marker and laid claim for King Louis XIV to all lands through which he had traveled, naming the territory "Louisiane" after his revered king and queen; and

WHEREAS, most of the new territory was made up of the land involved in the famed Louisiana Purchase; and

WHEREAS, 1982 will mark the 300th anniversary or tricentennial of this most significant event in the history of the United States of America; and

WHEREAS, the state of Louisiana and the Republic of France are planning a joint celebration of this event, including numerous cultural, social, civic and political events, which will be scheduled around this historical occasion; and

WHEREAS, such an observance is another effective means of providing our own Louisiana citizens with a sense of their state's dramatic history and a sense of their own unique heritage; and

WHEREAS, there will be a joint promotion of Louisiana imports in France and French imports in Louisiana;

NOW, THEREFORE, I, DAVID C. TREEN, 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 declare 1982 as the year of the Tricentennial of La Salle's "Louisiane."

BE IT FURTHER RESOLVED, that a Tricentennial Commission be appointed to promote and to encourage the commemoration of this courageous and historical event throughout our State.

BE IT FURTHER RESOLVED, that I appoint the following

members to the Tricentennial Commission of La Salle's "Louisiane:"

- 1) The Secretary of the Department of Culture, Recreation, and Tourism, or her designee;
- 2) The President of the Senate, or his designee;
- 3) The Speaker of the House, or his designee;
- 4) Two members from the Board of Directors of the Louisiana State Museum;
- 5) Two members from the Louisiana Tourist Development Commission;
- 6) The Chairman of the Council for the Development of French in Louisiana, or his designee;
- 7) The Secretary of the Department of Commerce, or his designee;
- 8) The Consul General of France to Louisiana, or his designee; and
- 9) Two members from the State at large.

The members of the Commission shall receive the same per diem and travel allowance in the performance of their duties as is provided for members of the legislature. Such per diem and travel allowance and all other expenses incurred by the Commission shall be paid for out of such funds as may be made available to the Commission by the Governor or the presiding officer of the Louisiana Legislature.

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 19th day of October, A.D., 1981.

David C. Treen  
Governor of Louisiana

**EXECUTIVE ORDER DCT 81-8**

WHEREAS, the Community Development Block Grant (CDBG) program (Public Law 93-383) has been amended to authorize the states to assume the administration of the "Small Cities" grant so that each state may most effectively design its community development program to meet its specific needs; and

WHEREAS, the 1981 Omnibus Reconciliation Act (Title III, Subtitle A) requires the states to establish their community development goals and plans for using their CDBG monies to implement their goals; and

WHEREAS, the states have the opportunity to formulate a set of guidelines for the CDBG program which reflects the priorities of their people;

NOW, THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana, by virtue of the authority vested in me as Governor, pursuant to the Constitution and applicable statutes of the State of Louisiana, do hereby create and establish the Governor's Community Development Advisory Committee.

Said committee's duties shall be to identify the community development problems in Louisiana and their causes and to recommend guidelines to govern the distribution of the CDBG funds that the State of Louisiana shall receive so that these monies will be most effective in mitigating community development problems in Louisiana.

Said committee shall be comprised of members appointed by me from both parish and municipal governments, the legislature and from the public at large.

The Secretary of the Department of Urban and Community Affairs shall designate a program liaison to serve as an ex officio,

non-voting member of the committee. The Executive Director of the State Planning Office, or his designee, shall serve as the committee's executive secretary. Said executive secretary shall secure adequate staff assistance for the committee and shall be responsible for transmitting a report containing the committee's recommendations to me and to the Secretary of the Department of Urban and Community Affairs. The executive secretary shall serve as an ex officio, non-voting member of the committee.

The recommendations of the committee and the program design developed by the Department of Urban and Community Affairs and the State Planning Office shall be reviewed for me by an interagency review panel selected by me from among my staff and departmental officials with responsibilities related to the objectives of the CDBG program.

The interagency review panel shall review the organizational structure of the Department of Urban and Community Affairs and shall recommend to me such revision to the structure as will allow for efficient administration of the community development program and optimum coordination of this program with similar programs of other departments.

Upon my approval of the program design, said program shall then be administered by the Department of Urban and Community Affairs.

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 6th day of November, A.D., 1981.

David C. Treen  
Governor of Louisiana

# Emergency Rules

## DECLARATION OF EMERGENCY

### Department of Agriculture Livestock Sanitary Board

The Livestock Sanitary Board has determined that equine infected with equine infectious anemia are being maintained adjacent to concentration points of healthy, non-infected equine in some area of the State, which creates a severe health hazard for the non-infected equine. Therefore, under the authority contained in LSA 49:954 B (2), notice is hereby given that the Livestock Sanitary Board, at its meeting on October 28, 1981, adopted the following amendments and/or additions to its Rules and Regulations on an emergency basis in order to preserve the health of the non-infected equine:

#### EMERGENCY RULES

Section 9 E of Regulation 3 is amended to read as follows:

"E. Auction operators will be in violation of Livestock Sanitary Board regulations if livestock that is to be sold for immediate slaughter is sold to anyone other than authorized buyers."

Section 13 A of Regulation 3 is amended to read as follows:

"A. \* \* \* \* \*

"Exceptions:

"a) Horses consigned and/or sold for immediate slaughter

shall be sold to authorized buyers only. Such animals shall be branded with the letter "S" on the left shoulder prior to leaving the auction market and shall be accompanied by VS 1-27 to an approved slaughtering establishment."

A new Section 5 is added to Regulation 28, to read as follows:

#### "1. Definitions

"A. "Authorized buyer" means (a) an employee of an USDA-approved slaughtering establishment who buys horses that move from the auction market directly to the slaughtering establishment, with no period of time spent in a holding area of any kind; or (b) a buyer who has a permit issued by the Livestock Sanitary Board to operate a quarantine holding area for EIA positive and "S" branded horses.

"B. "Buyer" means any individual, partnership, corporation, or association which handles EIA positive and/or "S" branded horses.

"C. "Permit" means a document issued by the Livestock Sanitary Board on an annual basis authorizing a buyer to handle EIA positive and/or "S" branded horses in a quarantine holding area.

"D. "Quarantine holding area" means an area where EIA positive and/or "S" branded horses are kept where such horses are separated by at least .25 miles from all other horses.

#### "2. Requirements for Permit for Operation of Quarantine Holding Area

"A. Any buyer desiring to operate a quarantine holding area must file an application for approval of the facility on forms to be provided by the Board.

"B. The facility to be operated as a quarantine holding area must meet the requirements of the definition in Section 5.1.D above.

"C. The facility must be approved by the Board in an inspection of the premises prior to the issuance of the permit.

"D. The buyer desiring to operate a quarantine holding area must agree in writing to comply with the Rules and Regulations of the Livestock Sanitary Board and to permit inspection of the premises at any reasonable time by the Board.

"E. No other horses except horses consigned for slaughter may be kept in a quarantine holding area.

"F. All permits must be renewed annually."

Bob Odom  
Commissioner

## DECLARATION OF EMERGENCY

### Department of Agriculture Market Commission

Notice is hereby given that, because no otherwise eligible applicant for a Farm Youth Loan at the October 1981 closing on said loans was able to secure a health certificate on an animal to be purchased with the proceeds of an approved Farm Youth Loan, the State Market Commission, under the authority of LSA 49:953 B, took the following action at its meeting on October 20, 1981:

#### Suspension of Rule

Rule 4.7 of the Rules and Regulations governing the Farm Youth Loan Program was suspended on an emergency basis, and the provisions thereof transferred to Rule 8.0 to require submission of a health certificate on any animal purchased with proceeds of a Farm Youth Loan prior to disbursement of said funds.

Bob Odom  
Commissioner

## DECLARATION OF EMERGENCY

### Board of Elementary and Secondary Education

The State Board of Elementary and Secondary Education, at its meeting of October 22, 1981, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act, R.S. 49:953B, and adopted the following as an emergency rule:

#### Guidelines for Textbook Adoption

Pursuant to Act 872, 1981 R.S.

(Amendment to BESE Policy 3.01.80)

Annually, the first State textbook adoption hearings shall be held within the first two weeks of January, at which time the names of the State committee members will be made public. After receiving the names of the members at the first meeting, the publishers will mail their samples to the committee members and will have no personal contact with the committee members.

Copies of basal textbooks being considered for adoption shall be placed in cooperating public libraries in those cities named in Act 872 (New Orleans, Baton Rouge, Shreveport, Monroe, Alexandria, Lake Charles, Lafayette and Houma) with the addition of Natchitoches. Public libraries must be contacted initially for use of their facilities for public display, and if they are unable to accommodate the display, then the State Department of Education may select an alternate site, including, for Baton Rouge, the Textbook Division Library, State Department of Education. Alternate sites must be advertised.

All oral objections to textbooks under consideration may be made at the second hearing of the adoption committees and shall not exceed five minutes per person, per publisher, per subject and shall be limited to those objections that have been previously filed in writing at least five working days prior to the second hearing in order to facilitate scheduling of time.

At least one-third of each textbook adoption committee shall be non-educator parents of children who are enrolled in schools or school programs that received funds for state approved textbooks.

The adoption of reading and science textbooks shall be held as scheduled for 1981-82 and the various systems and parishes shall be given the option to purchase or order either program either year, or both years. From 1981-82 on, for future adoptions, science shall be separated from reading to enable the parishes more realistically to implement programs within available funds. Science will be placed in the 1983-84 cycle and a moratorium on all adoptions will be placed on that year. The previous 1983-84 cycle will be advanced to 1984-85, etc. (See adoption cycle.)

#### Time Schedule for Textbook Adoptions (Five-year cycle of adoptions)

The Textbook and Media Advisory Council may review the cycle every year in order that any needed changes can be made and recommended to the Board. The adoption schedule is as follows:

#### STATE TEXTBOOK ADOPTION CYCLE

1981-82	Aerospace Education Driver Education Drug Abuse Education (new material only) Health and First Aid Physical Education Reading Safety Education Science Special Education
1982-83	No adoption

1983-84	Art Career Education Guidance Handwriting Industrial Arts Mathematics Trade and Industrial Education Special Education
1984-85	Agriculture Business Education Distributive Education Foreign Languages Home Economics Music Music — Instrumental and Vocal Special Education
1985-86	Black Studies Free Enterprise Louisiana Studies Social Studies Special Education
1986-87	Language and Composition Language and Composition - Dictionaries Language and Composition - English Language and Composition - Journalism Language and Composition - Speech Language and Composition - Spelling Literature Special Education
1987-88	Reading Special Education
1988-89	Driver Education Drug Abuse Education Health and First Aid Physical Education Safety Education Science Special Education

In order to meet the requirements of the Legislative Mandate of Act 872, Section 415 of Title 17, Materials - Adoption Procedures, it is necessary that the changes in the adoption procedures as proposed by the Textbook and Media Committee become effective immediately since we are scheduling our regular textbook adoption for January, 1982, in reading, science, and other areas.

The preliminary preparations, forms, and procedures must be completed immediately to allow us to hold the adoption at the time it has been scheduled. The call for bids should be mailed during the first part of November to enable the publishers to prepare their proposals and submit samples of material to the various locations. The Bureau of Materials of Instruction and Textbooks, State Department of Education, should proceed immediately to make selections of committee members to serve on the various textbook adoption committees.

The effective date for implementation of this emergency is October 22, 1981.

James V. Soileau  
Executive Director

## **DECLARATION OF EMERGENCY**

### **Department of Health and Human Resources Board of Veterinary Medicine**

At a meeting of the Louisiana Board of Veterinary Medicine held on October 29, 1981 pursuant to notice, at which a quorum was present, the following emergency rule was adopted:

#### **Emergency Rule No.1**

The Louisiana Board of Veterinary Medicine hereby adopts the examination prepared by the National Board of Veterinary Medical Examiners, and requires that all applicants for licensure to practice veterinary medicine in the State of Louisiana shall pass the examination prepared by the National Board of Veterinary Medical Examiners (hereafter referred to as "the National Exam") in addition to any and all State examinations. A passing score on the National Exam shall be deemed to be the correct answering of at least 70 percent of the questions contained on the National Examination.

The Administration of the National Exam shall be in accordance with Rules prescribed by the National Board of Veterinary Medical Examiners or its designees, or any persons with whom the National Board of Veterinary Medical Examiners shall have contracted to administer said exam, and the National Exam may be administered by members of the Board of Veterinary Medicine, or their agents, employees or designees. The scoring of the National Exam shall be in accordance with the rules and regulations adopted by the National Board of Veterinary Medical Examiners, or in accordance with rules, regulations and policies adopted by the agents, employees or designees of the National Board of Veterinary Medical Examiners.

The Board has found that the above emergency rule has been necessitated by the following circumstances. For the past two years, the Board has adopted the examination prepared by the National Board of Veterinary Medical Examiners and required it as a part of the requirements for licensure to practice veterinary medicine in the State, all in accordance with R.S. 37:1521 (B). In that certain matter entitled "Davida McNutt, et al vs. Louisiana Board of Veterinary Medical Examiners, et al", bearing Docket No. 250,719 on the Docket of the Nineteenth Judicial District Court within and for the Parish of East Baton Rouge, State of Louisiana, the actions of the Louisiana Board of Veterinary Medicine in adopting the examination prepared by the National Board of Veterinary Medical Examiners, and in establishing a passing point of 70 percent, less one standard deviation, were deemed ineffective for lack of substantial compliance with the provisions of the Administrative Procedure Act.

The Louisiana Board of Veterinary Medicine has been advised by the office of the Attorney General and by private counsel, that, as a result of the above described civil litigation, the Board is presently unable to require the successful completion of the National Board Exam prior to the issuance of a license to practice veterinary medicine in this state, and that any passing points previously established by the Board for said examination are or may be without effect.

The Board finds that successful completion of the National Exam is a necessary requirement for applicants to prove themselves competent persons to practice veterinary medicine in the State of Louisiana, as required by R.S. 37:1521 (B). In the absence of such a requirement, the Board finds that the competence of persons who would otherwise be qualified to practice veterinary medicine in the state of Louisiana is sufficiently low that a clear and present danger to the public welfare exists.

The Board further finds that the time remaining for the administration of the next National Exam, in December of 1981, allows insufficient time for the adoption of rules pursuant to regular procedures under the Administrative Procedure Act, and necessitates the Board's invocation of its emergency rule making powers.

Simultaneously with the invocation of these emergency rule making powers, the Board is implementing the procedures necessary for the adoption of permanent rules and regulations concerning the qualifications for licensure to practice veterinary medicine in the State of Louisiana, the passing points required on the several examinations to be required, and other rules and regulations necessary and appropriate to the functions of the Board.

Allan R. Albritton, D.V.M.  
Secretary-Treasurer

## **DECLARATION OF EMERGENCY**

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

The Department of Health and Human Resources, Office of Family Security, does hereby exercise the emergency provision of the Administrative Procedure Act (R.S. 49:953B) to adopt, effective October 1, 1981, the following polices in the Aid to Families with Dependent Children (AFDC) Program. Emergency Rulemaking is necessary in order to comply with the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35).

#### **I. EARNED INCOME DISREGARDS AND FOUR MONTH LIMIT**

Each individual in the assistance unit who has earned income is entitled to a standard deduction, to a deduction for child care and to the earned income exemption. The deductions from earned income shall be applied in the following order:

- (1) Standard deduction
- (2) Child care deduction
- (3) Earned income exception

No other deductions are allowed.

##### **A. Standard Deduction:**

Maximum allowable standard deduction is \$75. This amount is reduced if employed less than full time or less than a full month.

##### **B. Child Care:**

Maximum deduction allowed is determined by the number hours the wage earner is actually engaged in employment.

Maximum allowed shall be \$1 per hour employment per child or incapacitated individual up to \$160 per month each.

Verified amount actually paid by the wage earner up to the maximum shall be deducted.

##### **C. Earned Income Exemption:**

EIE applied for FOUR months ONLY.

AFDC recipient shall not be entitled to this deduction again until after the expiration of 12 CONSECUTIVE months during which he was not included in any AFDC certification.

#### **II. RESOURCE LIMIT**

\$1,000 per assistance unit.

Exclusions are:

- a) Home.
- b) Equity value up to \$1,200 in one power-driven land conveyance.

Equity value is fair market value less encumbrances.

#### **III. LUMP SUM PAYMENTS**

Lump sum payments received by any members of the income unit shall be considered as income to the AFDC assistance unit unless the income is excluded;

The lump sum payment will be divided by the need standard for the appropriate size income unit.

The assistance unit will be ineligible for the whole number of months that the pro-rated incomes meet their need. Remaining income, after this computation, will be considered as income

received in the first month following the period of ineligibility regardless of whether the income is available.

#### IV. EARNED INCOME CREDIT

EIC shall be considered as income which is potentially available to clients who have earned income; therefore all clients who have earned income shall be required to file an IRS Form W-5 with an employer to receive advance EIC.

EIC shall be budgeted as earned income.

If the client who has earned income refuses to file an IRS Form W-5 and apply for EIC, the cases shall be rejected or closed because need cannot be established.

#### V. STEPPARENT LIABILITY

Income of a stepparent residing in home shall be considered in determining eligibility.

#### VI. STRIKERS

AFDC benefits cannot be paid to families in which the caretaker relative or stepparent is participating in a strike on the last day of the month and, if any other member of the household is participating in a strike, his or her needs cannot be considered in computing the AFDC benefits.

#### VII. DEPENDENT CHILD AGE LIMIT

Under 16 years of age.

16-18 years of age exempt from WIN/Work registration or registered for employment/participating in the WIN Program.

18-19 years, if a full-time student in a secondary school or in the equivalent level of vocational or technical training, and reasonably expected to complete the program before reaching age 19.

#### VIII. UNBORN CHILD COVERAGE

Unborn children will no longer be eligible for AFDC.

Pregnant woman who has completed fifth month of pregnancy may be certified if otherwise eligible (unborn is not eligible).

#### IX. PAYMENTS BELOW \$10

AFDC grant payments in an amount of less than \$10 will be prohibited but the AFDC family will remain eligible for Medicaid.

#### X. ADJUSTMENTS FOR INCORRECT PAYMENTS

All AFDC losses regardless of reason for overpayment will be subject to collection either by recoupment or recovery.

Recipients who failed to timely report a change in earned income will not be given the benefit of the earned income deductions and exemptions in the computation of overpayments/ineligible payments.

#### XI. ALIEN ELIGIBILITY FOR AFDC

Legally admitted aliens who apply for benefits for the first time after September 30, 1981, shall have the income and resources of their sponsor and the sponsor's legal spouse (if residing in the home) considered available for their support for a period of three years after their entry into the U.S.

#### XII. TRAINING ALLOWANCE

The \$28 allowance to meet the cost of training connected expenses shall no longer be allowed for future training in lieu of employment.

#### XIII. INCOME LIMIT OF 150 PERCENT OF NEED STANDARD

At application, redetermination or any time there is a change in circumstances, the household must meet a pre-test of eligibility based on need. In this pre-test, gross income from employment plus profit from self-employment plus countable unearned income must be less than 150 percent of the appropriate need standard.

#### XIV. WORK OR WORK REGISTRATION REQUIREMENTS FOR AFDC RECIPIENTS

All AFDC children age 16 to 19 will be required to work or register for work unless attending school full-time. Caretaker relatives and parents will be required to work or register unless personally caring for a child under age six with only brief and occasional

absences from the child. The caretaker relative under age 21 in a training course which will be completed within two years will be required to register for work and accept employment if available.

#### XV. RETROSPECTIVE BUDGETING/MONTHLY REPORTING

The amount of assistance for AFDC recipients who have earned income, stepparent's income, voluntary contributions or unemployment compensation included in the budget or those whose grant amount is less than \$10 will be based on the actual income or circumstances which existed in the previous month. These AFDC recipients will be required to submit monthly reports of household circumstances including verification of income to the local Office of Family Security.

The monthly reports shall be received in the local Office of Family Security no later than the third of each month. Failure to submit a *completed* report, including verification, by the third of each month may result in suspension or closure of the case.

George A. Fischer  
Secretary

### **DECLARATION OF EMERGENCY**

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

The Department of Health and Human Resources, Office of Family Security, does hereby exercise the emergency provision of the Administrative Procedure Act (R.S. 49:453 B) to delete from the Title XIX Medical Assistance Program effective October 30, 1981, the following list of drugs. Identical products made by manufacturers not shown on the list are also excluded from payment.



DESI DRUG PRODUCTS AND KNOWN RELATED DRUG PRODUCTS THAT LACK SUBSTANTIAL  
EVIDENCE OF EFFECTIVENESS AND ARE SUBJECT TO A NOTICE OF OPPORTUNITY FOR HEARING  
SEPTEMBER 25, 1981

<u>Trade Name</u>	<u>Active Ingredient</u>	<u>Dosage Form/Route</u>	<u>Firm</u>	<u>Remarks</u>
Adrenosem Salicylate	Carbazochrome Salicylate	Tab/Oral Sol/IM	Beecham Labs	
Alevaire	Tyloxapol	Sol/Inh	Breon Winthrop	
Amesec	Aminophylline Amobarbital Ephedrine Hydrochloride	ECT/Oral Cap/Oral	Lilly	
Aminophylline & Amytal	Aminophylline Amobarbital	Cap/Oral	Lilly	
Amphocortin	Calcium Amphomycin Hydrocortisone Acetate Neomycin Sulfate	Crm/Top	Warner-Lambert Co./ Warner-Chilcott	
Ananase	Bromelains	ETC/Oral	Rorer	
Antora-B.T.D	Pentaerythritol Tetranitrate Secobarbital	Cap/Oral	Mayrand	
Aridin	Nylidrin Hydrochloride	Tab/Oral	USV	
Avazyme	Chymotrypsin	ECT/Oral	Wallace	
Azo Gantanol	Phenazopyridine Hydrochloride Sulfamethoxazole	Tab/Oral	Roche	
Bentyl/Phenobarbital	Dicyclomine Hydrochloride Phenobarbital	Cap/Oral Tab/Oral	Merrell Dow Pharmaceuticals	NOOH does not apply to syrup
Betadine Vaginal Gel	Povidone-Iodine	Gel/Vag	Purdue Frederick	
Brophed	Ephedrine Sulfate Hydroxyzine Hydrochloride Theophylline	Tab/Oral	Cord	
Butazolidin Alka	Aluminum Hydroxide Magnesium Trisilicate Phenylbutazone	Tab/Oral	Geigy	
Cantil w/Phenobarbital	Mepenzolate Bromide Phenobarbital	Tab/Oral	Merrell Dow Pharmaceuticals	
Caldecort	Calcium Undecylenate Hydrocortisone Acetate	Ont/Top	Pennwalt	
Caldecort	Calcium Undecylenate Hydrocortisone Acetate Neomycin Sulfate	Ont/Top	Pennwalt	
Carbrital	Carbromal Sodium Pentobarbital	Cap/Oral Elx/Oral	Warner-Lambert Co./ Parke-Davis	
Cartraz	Hydroxyzine Hydrochloride Pentaerythritol Tetranitrate	Tab/Oral	Roerig	
Celestone w/ Neomycin	Betamethasone Neomycin Sulfate	Crm/Top	Schering	
Cetacaine	Benzocaine Tetracaine Hydrochloride	AER/Top Ont/Top Gel/Top Liq/Top	Cetyllite	
Chymoral	Chymotrypsin Trypsin	ECT/Oral	Armour Pharm	
Combid	Isopropamide Iodide Prochlorperazine Maleate	SRC/Oral	SKF	
Car-Tar-Quin	Coal Tar Solution Dihydroxyquin Hydrocortisone	Crm/Top Lot/Top	Dome	
Cordran-N	Flurandrenolide Neomycin Sulfate	Ont/Top Crm/Top Lot/Top	Lilly	
Corovas	Pentaerythritol Tetranitrate Secobarbital	SRC/Oral	Amfre-Grant	

<u>Trade Name</u>	<u>Active Ingredient</u>	<u>Dosage Form/Route</u>	<u>Firm</u>	<u>Remarks</u>
Cortisporin	Gramicidin Hydrocortisone Neomycin Sulfate Polymyxin B Sulfate	Crm/Top	Burroughs-Wellcome	
Cortomeyn	Hydrocortisone Neomycin Sulfate	Ont/Top	Bryant Pharmaceutical	
Cyclandelate	Cyclandelate	Tab/Oral	Cord Premo	
Cyclospasmol	Cyclandelate	Cap/Oral Tab/Oral	Ives	
Dainite	Aminophylline Benzocaine Dried Aluminum Hydroxide Gel Ephedrine Hydrochloride Phenobarbital	Tab/Oral	Wallace	
Dainite-KI	Aminophylline Benzocaine Dried Aluminum Hydroxide Gel Ephedrine Hydrochloride Phenobarbital Potassium Iodide	Tab/Oral	Wallace	
Daricon PB	Oxyphenycyclimine Hydrochloride Phenobarbital	Tab/Oral	Beecham Labs	
Deaner	Deanol Acetamidobenzoate	Tab/Oral	Riker	
Deprol	Benactyzine Hydrochloride Meprobamate	Tab/Oral	Wallace	
DI-Ademil-K	Hydroflumethiazide Potassium Chloride	Tab/Oral	Squibb	
Dibenzyline	Phenoxybenzamine Hydrochloride	Cap/Oral	SKF	
Diutensen	Methyclothiazide Cryptenamine Tannates	Tab/Oral	Wallace	
Donnatal Extentabs	Atropine Sulfate Hyoscine Hydrobromide Hyoscyamine Sulfate Phenobarbital	SRT/Oral	Robins	NOOH applies only to controlled release product
Equmgestic	Aspirin Meprobamate Ethoheptazine Citrate	Tab/Oral	Wyeth	
Equanitate	Meprobamate Pentaerythritol Tetranitrate	Tab/Oral	Wyeth	
Erythrocin	Erythromycin	Ont/Top	Abbott	
Erythromycin	Erythromycin	Ont/Top	Upjohn	
Florinef	Fludrocortisone Acetate Gramicidin Neomycin Sulfate	Lot/Top	Squibb	
Hydrocortisone-Neomycin	Hydrocortisone Acetate Neomycin Sulfate	Crm/Top	Byk-Gulden	
Hydromet	Hydrocortisone Neomycin Sulfate	Lot/Top	Merek Sharp & Dohme	
Ilotycin No. 90	Erythromycin	Ont/Top	Lilly	
Iodochlorhydroxyquin w/ Hydrocortisone	Hydrocortisone Iodochlorhydroxyquin	Crm/Top	Byk-Gulden	
Isordil w/Phenobarbital	Isosorbide Dinitrate Phenobarbital	Tab/Oral	Ives	
Isoxsuprine HCL	Isoxsuprine Hydrochloride	Tab/Oral	Cord Premo	
Librax	Chlordiazepoxide Hydrochloride Clidinium Bromide	Cap/Oral	Roche	

<u>Trade Name</u>	<u>Active Ingredient</u>	<u>Dosage Form/Route</u>	<u>Firm</u>	<u>Remarks</u>
Lufyllin-EPG	Dyphlline Ephedrine Hydrochloride Guaifenesin Phenobarbital	Tab/Oral Elx/Oral	Wallace	
Luftodil	Ephedrine Hydrochloride Guaifenesin Phenobarbital Theophylline	Tab/Oral	Wallace	
Kenalog-8	Gramicidin Neomycin Sulfate Triamcinolone Acetonide	Ont/Top Crm/Top Lot/Top	Squibb	
Marax	Theophylline Ephedrine Sulfate Hydroxyzine Hydrochloride	Tab/Oral Syr/Oral	Roerig	
Mepergan Fortis	Meperidine Hydrochloride Promethazine Hydrochloride	Cap/Oral	Wyeth	
Meti-Derm w/Neomycin	Neomycin Sulfate Prednisolone	Ont/Top Aer/Top	Schering	
Midrin	Acetaminophen Dichloralphenazone Isometheptene	Cap/Oral	Reed & Carnrick	
Migral	Caffeine Cyclizine Hydrochloride Ergotamine Tartrate	Tab/Oral	Burroughs Wellcome	
Milpath	Meprobamate Tridihexethyl Chloride	Tab/Oral	Wallace	
Miltrate	Meprobamate Pentaerythritol Tetrantrate	Tab/Oral	Wallace	
Mycotriacet	Gramicidin Neomycin Sulfate Nystatin Triamcinolone Acetonide	Ont/Top	Premo	
Mycolog	Gramicidin Neomycin Sulfate Nystatin Triamcinolone Acetonide	Ont/Top Crm/Top	Squibb	
Myconef	Fludrocortisone Acetate Gramicidin Neomycin Sulfate Nystatin	Ont/Top	Squibb	
Naturetin w/K	Bendroflumethiazide Potassium Chloride	Tab/Oral	Squibb	
Neo-Aristocort	Neomycin Sulfate Triamcinolone Acetonide	Crm/Top Ont/Top	Lederle	
Neo-Aristoderm	Neomycin Sulfate Triamcinolone Acetonide	Aer/Top	Lederle	
Neo-Cort-Dome	Hydrocortisone Neomycin Sulfate	Lot/Top Crm/Top	Dome	
Neo-Cortef	Hydrocortisone Acetate Neomycin Sulfate	Ont/Top Lot/Top Crm/Top	Upjohn	
Neo-Decadron	Dexamethasone Sodium Neomycin Sulfate	Crm/Top	Merck Sharp & Dohme	
Neo-Decaspray	Dexamethasone Neomycin Sulfate	Aer/Top	Merck Sharp & Dohme	
Neo-Delta-Cortef	Neomycin Sulfate Prednisolone Acetate	Ont/Top Lot/Top	Upjohn	
Neo-Diloderm	Dichlorisone Neomycin Sulfate	Crm/Top	Schering	
Neo-Domeform-HC	Hydrocortisone Iodochlorhydroxyquin Neomycin Sulfate	Crm/Top	Dome	

<u>Trade Name</u>	<u>Active Ingredient</u>	<u>Dosage Form/Route</u>	<u>Firm</u>	<u>Remarks</u>
Neo-Hydrasol	Neomycin Sulfate Prednisolone Sodium Phosphate	Lot/Top Ont/Top	Merck Sharp & Dohme	
Neo-Hytone	Hydrocortisone Neomycin Sulfate	Crm/Top	Dermik Labs	
Neo-Magnacort	Hydrocortamate Hydrochloride Neomycin Sulfate	Ont/Top	Pfizer	
Neo-Medrol Acetate	Methylprednisolone Acetate Neomycin Sulfate	Crm/Top	Upjohn	
Neo-Nysta-Cort	Hydrocortisone Neomycin Sulfate Nystatin	Ont/Top	Dome	
Neo-Oxylone	Fluorometholone Neomycin Sulfate	Ont/Top	Upjohn	
Neo-Resulin-F	Hydrocortisone Neomycin Sulfate Resorcinol Monoacetate Sulfur	Crm/Top	Schleiffelin	
Neo-Synalar	Fluocinolone Acetonide Neomycin Sulfate	Crm/Top	Syntex	
Neo-Tarcortin	Coal Tar Extract Hydrocortisone Neomycin Sulfate	Ont/Top	Reed & Carnrick	
NeoDecadron	Dexamethasone Sodium Phosphate Neomycin Sulfate	Crm/Top	Merck Sharp & Dohme	
Neomycin Sulfate- Hydrocortamate Hydrochloride	Hydrocortamate Hydrochloride Neomycin Sulfate	Ont/Top	Ulmer Pharnacal	
Neomycin Sulfate- Hydrocortisone	Hydrocortisone Neomycin Sulfate	Ont/Top	Kasco-Efco Labs Byk-Gluden Premo Doak Pharnacal Ferndale Labs Clay-Park Labs	
Neomycin Sulfate- Hydrocortisone Acetate	Hydrocortisone Acetate Neomycin Sulfate	Ont/Top	American Pharmaceutical Biocraft Labs Ambix Labs	
Neosporin	Neomycin Sulfate Polymyxin B Sulfate	Lot/Top	Burroughs-Wallcome	
Neosporin-G	Gramicidin Neomycin Sulfate Polymyxin B Sulfate	Crm/Top	Burroughs-Wallcome	
Nycin-HC	Hydrocortisone Neomycin Sulfate	Ont/Top	Schlicksup Drug	
Nylidrin HCL	Nylidrin Hydrochloride	Tab/Oral	Cord	
Nysta-Cort	Hydrocortisone Nystatin	Lot/Top	Dome	
Nystaform-HC	Hydrocortisone Iodochlorhydroxyquin Nystatin	Ont/Top Lot/Top	Dome	
Nystatin-Neomycin Sulfate-Gramicidin- Triamcinolone Acetonide	Gramicidin Neomycin Sulfate Nystatin Triamcinolone Acetonide	Crm/Top	Premo Byk-Gluden	
Nystatin-Neomycin Sulfate-Gramicidin- Triamcinolone Acetonide	Gramicidin Neomycin Sulfate Nystatin Triamcinolone Acetonide	Ont/Top	Byk-Gluden Clay-Park	
Onycho-Phytex	Alcohol Boric Acid Salicylic Acid Tannic Acid	Sol/Top	Unimed	
Orenzyme	Trypsin Chymotrypsin	ECT/Oral	Merrell Dow Pharmaceuticals	
Oxaine M	Aluminum Hydroxide Gel Magnesium Hydroxide Oxethazaine	Sus/Oral	Wyeth	

<u>Trade Name</u>	<u>Active Ingredient</u>	<u>Dosage Form/Route</u>	<u>Firm</u>	<u>Remarks</u>
Papase	Proteolytic Enzymes from Carica Papaya	Chewable Tab/ Oral or Bucc	Warner-Lambert Co./Parke-Davis	
Pathibamate	Meprobamate Tridihexethyl Chloride	Tab/Oral	Lederle	
Pathlon Sequels	Tridihexethyl Chloride	SRC/Oral	Lederle	NOOH does not apply to conventional dosage forms of Pathlon
Pathlon/Phenobarbital	Phenobarbital Tridihexethyl Chloride	Tab/oral SRC/Oral	Lederle	
Peritrate w/ Phenobarbital	Phenobarbital Pentaerythritol Tetranitrate	SRT/Oral Tab/Oral	Warner-Lambert Co./Parke-Davis	
<b>Pentylentetrazol containing products</b>				
Aminobrain-PT			Pan Americana	
Cenalene			Central	
Cenalene-M			Central	
D-Vasco			Dunhall	
Gevizol			Saron	
Halizol			Halsom	
Metrazol			Knoll	
Mivert			Misemer	
Nialene			Winston	
Nialex			Mallard	
Nico-Metrazol			Knoll	
Nicozol			Hyrex-K	
Nioric			B.F. Asher	
Pansol Forte			Pan American	
Panalate			Mayrand	
Pentylentetrazol			Chromalloy	
Pentylentetrazol & Niacin			Chromalloy	
Ru-Vert			Rucker	
Seniflex			O'Neal	
Senilezol			Edwards	
Su-Ton Liquid			Rucker	
Su-Zol Liquid			Rucker	
T-Lex			Thera-Medic	
Tenaplex			Blaine	
Treia			O'Neal	
Vasotim			Dunhall	
Vertab			UAD	
Vita-Metrazol			Knoll	
Vital			Daniels	
Potaba	Aminobenzoate Potassium	Tab/Oral Cap/Oral Pwr/Oral	Glenwood	
Priscoline	Tolazoline Hydrochloride	Sol/IM-IV-SC	Ciba	
Pro-Banthine/ Phenobarbital	Phenobarbital Propantheline Bromide	Tab/Oral	Searle	
Propazine	Isopropamide Iodide Prochlorperazine	Cap/Oral	Cord	
Propion Gel	Propionate Calcium Propionate Sodium	Gel/Vag	Wyeth	
Quadrinal	Ephedrine Hydrochloride Phenobarbital Potassium Iodide Theophylline Calcium Salicylate	Tab/Oral	Knoll	
Quibron Plus	Butabarbital Ephedrine Hydrochloride Guaifenesin Theophylline	Cap/Oral Elx/Oral	Mead Johnson	
Racet	Hydrocortisone Iodochlorhydroxyquin	Crm/Top	Lemmon Parmacal	
Rautrax	Plumethiazide Potassium Chloride Rauwolfia Serpentina	Tab/Oral	Squibb	

<u>Trade Name</u>	<u>Active Ingredient</u>	<u>Dosage Form/Route</u>	<u>Firm</u>	<u>Remarks</u>
Rautrax Improved	Hydroflumethiazide Potassium Chloride Rauwolfia Serpentina	Tab/Oral	Squibb	
Rautrax-N	Bendroflumethiazide Potassium Chloride Rauwolfia Serpentina	Tab/Oral	Squibb	
Rautrax-N Modified	Bendroflumethiazide Potassium Chloride Rauwolfia Serpentina	Tab/Oral	Squibb	
Roniacol	Nicotinyl Alcohol Tartrate	Tab/Oral SRT/Oral	Roche	
	Nicotinyl Alcohol	Elx/Oral		
Ruhexatal Pb	Mannitol Hexanitrate Phenobarbital	Tab/Oral	Lemmon	
Ruhexatal & Reserpine	Mannitol Hexanitrate Reserpine	Tab/Oral	Lemmon	
Sterazolidin	Dried Aluminum Hydroxide Gel Magnesium Trisilicate Phenylbutazone Prednisone	Cap/Oral	Geigy	
Supertah H-C	Coal Tar Hydrocortisone	Ont/Top	Purdue Frederick	
Synalgos	Aspirin Caffeine Promethazine Hydrochloride	Cap/Oral	Ives	
Synalgos DC	Aspirin Caffeine Dihydrocodeine Bitartrate Promethazine Hydrochloride	Cap/Oral	Ives	
T.C.M.	Meprobamate Tridihexethylchloride	Tab/Oral	Zenith	
Terra-Cortril	Hydrocortisone Oxytetracycline Hydrochloride	Ont/Top	Pfizer	
Terra-Cortril	Hydrocortisone Oxytetracycline Hydrochloride Polymyxin B Sulfate	Aer/Top	Pfizer	
Tigan	Trimethobenzamide Hydrochloride	Cap/Oral Supp/Rectal	Beecham	NOOH does not apply to capsules in 200 mg or 400 mg strengths
Tri-Statil	Gramicidin Neomycin Sulfate Nystatin Triamcinolone Acetonide	Crm/Top	Clay-Park	
Trocinata	Thiphenamil Hydrochloride	Tab/Oral	Poythress	
Valpin PB	Anisotropine Methylbromide Phenobarbital	Tab/Oral	Endo	
Vasocor-A	Antazoline phosphate Naphazoline Hydrochloride	Sol/Oph	Cooper	
Vasodilan	Isoxsuprine Hydrochloride	Tab/Oral Sol/IM	Mead Johnson	
Vioform-Hydrocortisone	Hydrocortisone Iodochlorhydroxyquin	Crm/Top Ont/Top	Ciba	
Vytone	Dilodohydroxyquin Hydrocortisone	Crm/Top	Dermik Labs	

<u>Trade Name</u>	<u>Active Ingredient</u>	<u>Dosage Form/Route</u>	<u>Firm</u>	<u>Remarks</u>
Wyanoids HC	Belladonna Extract Bismuth Subcarbonate Bismuth Oxyiodide Boric Acid Ephedrine Sulfate Hydrocortisone Acetate Peruvian Balsam Zinc Oxide	Sup/Rtl	Wyeth	
Zactane	Ethoheptazine Citrate	Tab/Oral	Wyeth	
Zactirin	Aspirin Ethoheptazine Citrate	Tab/Oral	Wyeth	
Zactrin Compound 100	Aspirin Caffeine Ethoheptazine Phenacetin	Tab/Oral	Wyeth	
Ze-Tar-Quin	Coal Tar Dilodohydroxyquin Hydrocortisone	Crm/Top	Dermik Labs	
Zetone	Coal Tar Hydrocortisone	Crm/Top	Dermik Labs	

### ABBREVIATIONS

#### Dosage Forms

Aer	Aerosol
Cap	Capsule
Crm	Cream
Dps	Drops
ECT	Enteric coated tablets
Elx	Elixir
Liq	Liquid
Lot	Lotion
Ont	Ointment
Pwr	Powder
Pwr Recon	Powder for reconstitution
SRC	Sustained release capsule
SRT	Sustained release tablet
Sol	Solution
Sup	Suppositories
Sus	Suspension
Syr	Syrup
Tab	Tablet

#### Routes of Administration

Bucc	Buccal
IM	Intramuscular
IV	Intravenous
Inh	Inhalation
Oph	Ophthalmic
Rtl	Rectal
SC	Subcutaneous
Top	Topical
Vag	Vaginal

This action is necessary in order to comply with a rule and general notice published in the Federal Register on October 1, 1981 (46 FR 48550) and October 23, 1981 (46 FR 51646) respectively. These regulations were to implement Section 2103 of the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35) which prohibits the use of federal funds, therefore discontinuing reimbursement, under Medicare Part B and Medicaid for expenses incurred on or after October 1, 1981, for the drugs identified in Section 2103. Although both the rule and general notice cited above purport to grant a 90 day grace period extending to January 1, 1982, this grace period was declared invalid in a civil lawsuit entitled National Council of Senior Citizens v. Schweiker (civ. Action No. 81-2462) United States District Court for the District of Columbia. In that suit the Department of Health and Human Resources was ordered to implement Section 2103 of the Act effective October 30, 1981. The Department of Health and Human Resources received notice of this action via telegram on October 29, 1981.

George A. Fischer  
Secretary

# Rules

## RULES

### Department of Agriculture Advisory Commission on Pesticides

The Commissioner of Agriculture, pursuant to the authority contained in LSA 3:1623 A and upon the advice and recommendation of the Advisory Commission on Pesticides and in accordance with Notice of Intent published on September 20, 1981 has adopted the following rules and regulations after due consideration at a public hearing conducted on October 21, 1981, by the Advisory Commission on Pesticides:

#### Rules and Regulations on Certification and Recertification of Pesticide Sales Supervisors

##### 1. Definitions

a. "Commissioner" means the commissioner of agriculture or his duly authorized representative acting at his direction.

b. "Commercial Applicator" means an individual, whether or not he is a private applicator with respect to some uses, who uses or supervises use of any pesticide which is classified for restricted use for any purpose or on any property other than as provided by the definition of private applicator.

c. "Pesticide Sales Supervisor" means any individual who is certified to supervise the sale of any pesticides with restricted uses.

d. "Private Applicator" means an individual who uses or supervises the use of any pesticide which is classified for restricted use for the purposes of producing any agricultural commodity on property owned or rented by him or his employer or if applied without compensation on the property of another person. "Producing an agricultural commodity" shall include related aspects of production such as storage or transportation of an agricultural commodity produced by the private applicator.

e. "Pesticide(s) with restricted uses" means a pesticide(s) that is classified for restricted use by the administrator of the Environmental Protection Agency under the Federal Insecticide, Fungicide and Rodenticide Act, as amended (86 Stat 973, 987, 997), or the commissioner under Section 1623 D of Title 3 of the Revised Statutes of 1950.

##### 2. General Regulations

a. Pesticide Sales Supervisors shall be certified by passing a written examination measuring his competence in the use and handling of pesticides against established standards as set forth by the commissioner. This certification shall be valid for one year unless revoked, suspended, or cancelled by the commissioner, and shall be renewable each year by application and payment of certification fee. This certification shall be on a calendar year basis beginning on January 1 and expiring on December 31.

b. Certified Pesticide Sales Supervisors shall be required to attend a training session once every three years to remain eligible for recertification. Training sessions and examinations shall include use, handling, labeling, safety, effects on the environment, laws and regulations on pesticides.

c. Any individual holding a valid commercial applicator certification may qualify as a pesticide sales supervisor and not be required to meet the requirements of a certified pesticide sales supervisor.

d. Certification or recertification of a Pesticide Sales Supervisor received prior to October 21, 1981, shall be valid until December 31, 1982.

Bob Odom  
Commissioner

## RULE

### Department of Civil Service Board of Ethics for Elected Officials Election Campaign Finance Disclosure Act

The Board of Ethics for Elected Officials, in the Department of State Civil Service, as the Supervisory Committee for the Election Campaign Finance Disclosure Act adopts the following:

#### CHAPTER 9

#### Supplemental Rules of the Board as Supervisory Committee of the Louisiana Campaign Finance Disclosure Act

##### Section 1

9.1 The rules set forth in this Chapter shall apply to the Board whenever the Board is in session as the Supervisory Committee of the Louisiana Campaign Finance Disclosure Act.

9.2 Except as hereinafter provided, the rules set forth in Chapters 1 through 8 hereof shall apply unless by their particular terms they are limited in application to the Code of Governmental Ethics; and, where there is a conflict between the rules set out in Chapters 1 through 8 hereof, and the rules set out in Chapter 9 hereafter, the latter rules shall control when the Board is in session as the Supervisory Committee for the Louisiana Campaign Finance Disclosure Act.

##### Section 2

#### Organization, Rules, Procedures and Powers of the Supervisory Committee

9.2.10 Those rules set out in Chapter 2, Section 2.1 through 2.10 hereof, shall apply.

9.2.11 Public Inspection.

(a) The Board shall make available for public inspection:



All rules and all other written statements of policy or interpretations formulated, adopted, or used by it in the discharge of its functions.

(b) Each complaint received by the Supervisory Committee, each review by the Committee of the reports for compliance with the provisions of the Campaign Finance Disclosure Act, and all information forwarded to or gathered by the Supervisory Committee with regard to such complaints or reviews and all investigations and proceedings of the Supervisory Committee with regard to the same shall be kept strictly confidential until at least such time that action with which the Supervisory Committee or the District Attorney has proceeded has become a public record, the prescriptive period has elapsed or the matter is otherwise finally disposed of.

(c) In no event shall such records, evidence, testimony, notes or other data become public record unless and until civil or criminal charges have been instituted in accordance with the Louisiana Campaign Finance Disclosure Act.

(d) Nevertheless, the Board may issue statistical information concerning complaints, reviews, or alleged violations, referrals to District Attorneys, and similar matters; and may reveal to the public that a review or investigation was made or a complaint received with regard to a person or political committee and that, upon investigation, no substantial reason was found to believe that a violation of the Campaign Finance Disclosure Act had occurred.

### Section 3

#### Duties of the Executive Secretary

9.3.1 Duties of the Executive Secretary — The Executive Secretary shall have all of those duties enumerated in Section 3.1 of Chapter 3 of these rules, with those additional duties to be set out hereinafter.

9.3.2 Oaths and affirmations — The Executive Secretary shall have power to administer oaths in matters related to the business of the Board and during the course of such hearings on investigations as the Board may conduct pursuant to the provisions of the Louisiana Campaign Finance Disclosure Act.

9.3.3 In addition to the duties of the Executive Secretary as set out in Section 3.1 of Chapter 3 hereof, the Secretary shall have the following duties:

(a) To receive all reports filed by Political Committees and Political candidates pursuant to the provisions of the Campaign Finance Disclosure Act.

(b) To receive all complaints filed pursuant to the provisions of the Election Campaign Finance Disclosure Act.

(c) The Executive Secretary may, after establishing procedures for the receipt of reports and complaints, delegate that responsibility to the staff.

(d) To receive all requests for opinions and to forward copies of same to each Board member and to the Attorney for the Board.

9.3.4 The Executive Secretary shall, at the close of each date upon which Financial Disclosure Reports are due, or as soon thereafter as may be practicable, make a determination of the names of those candidates and political committees required to file such report but failed to do so, and shall make a reasonable effort to contact each such candidate or political committee between midnight of the day the report was due and midnight of the third day following such due date and remind them of the necessity of filing said reports.

If a report required to be filed by the Campaign Finance Disclosure Act is not filed by 11 a.m. of the fourth day following the date upon which the report was due, the Executive Secretary shall immediately institute legal proceedings in the appropriate court pursuant to the provisions of Sections 1505.4, 1505.5, and 1511.5 of the Campaign Finance Disclosure Act.

9.3.5 Within five days of the receipt of a Campaign Finance Disclosure report the Executive Secretary shall examine each such

report, and upon discovering significant omissions, shall contact the candidate or political committee filing such report and request an amendment thereto. When a requested amendment has not been received by the Executive Secretary within five days after such request, the Executive Secretary shall immediately institute enforcement proceedings in the appropriate court.

9.3.6 The Executive Secretary may delegate responsibilities to the staff.

### Section 4

#### General Counsel

9.4.1 The provisions of Rules 4.1 and 4.2 of Chapter 4 of these rules shall apply; however, the Board, as Supervisory Committee of the Campaign Finance Disclosure Act, may retain private counsel to perform the duties described in Rules 4.1 and 4.2 of Chapter 4, with regard to the Board's responsibilities as Supervisory Committee of the Louisiana Campaign Finance Disclosure Act.

### Section 5

#### Complaints

9.5.1 Rules 5.1, 5.2, 5.3, and 5.4 of Chapter 5 of these Rules shall not apply when the Board is in session as, or in otherwise acting as Supervisory Committee of the Louisiana Campaign Finance Disclosure Act.

9.5.2 Any person may file a written complaint with the Board as Supervisory Committee. The complaint shall be signed under oath by the person filing it. Such person must be willing to appear before the Board in a hearing to testify in support of his complaint.

9.5.3 Each complaint must be filed with the Executive Secretary who shall formulate a procedure to insure the secretary of each complaint filed.

9.5.4 The Executive Secretary shall cause the delivery of a copy of each complaint to each member of the Board, and to the attorney for the Board, in such a manner as to insure the confidentiality of each complaint.

9.5.5 At its next regularly scheduled meeting, or at a meeting especially called, the Board, as Supervisory Committee, shall consider such complaint in Executive session and shall determine the appropriate action to be taken with regard to such complaint.

9.5.6 At each meeting of the Board next following a date upon which Campaign Finance Disclosure reports are due, the Executive Secretary shall report to the Board the names of those candidates and political committees who should have filed finance disclosure reports, but who failed to do so. The Secretary shall report to the Board the actions taken by the Executive Secretary in connection with those candidates and political committees. The Board may determine what additional action, if any is to be taken. This information shall be presented to the Board in Executive Session, closed to the public, and the Board's determination of any action to be taken thereupon shall also be made in Executive Session closed to the public.

9.5.7 Within 30 days following the date upon which Campaign Finance reports are due in connection with any election, the Executive Secretary shall report to the Board the names of those political candidates and political committees whose reports failed to contain all the required information, contained omissions, or which is in any other respect questionable. The Board may determine what, if any, action should be taken. This presentation by the Executive Secretary to the Board and the Board's determination shall be made in Executive Session closed to the public. This rule should not bar the Supervisory Committee from commencing action against any person or political committee for violation of the Act where the violation is discovered or reported more than 30 days following the date upon which the report was discovered or filed. The Board may, at any time, require the Executive Secretary

to provide the Board any information the Board may desire concerning the status of reports, the contents of reports, the status of any enforcement actions taken by the Executive Secretary, the results of any examinations of disclosure reports, or any other information relative to the enforcement of the Act; and, the Board may, at any time, instruct the Executive Secretary to perform any actions in connection with the collection, or correction of reports and with regard to the institution or cessation of any enforcement procedures.

#### Section 6 Hearings

9.6.1 Private and public hearings shall be conducted pursuant to the procedure set forth in Chapter 6 of these Rules.

9.6.2 All hearings concerning complaints of violations of the Campaign Finance Disclosure Act, and all hearings concerning possible or alleged violations of the Disclosure Act shall be private hearings.

9.6.3 At all private hearings the political candidate and/or political committee under investigation shall have a right to representation by an attorney at law and shall have a right to compulsory process.

9.6.4 The Executive Secretary shall, upon receipt of a request by a political candidate or political committee who is the subject of an investigation by the Board, issue such subpoenas and subpoenas duces tecum as may be requested by such political candidate or political committee.

#### Section 7 Discovery

9.7.1 Discovery procedures for hearings conducted by the Board shall be as follows:

Any political candidate or political committee who is the subject of a hearing relative to an investigation of a complaint involving a violation of the statute or relative to information discovered by the Board through its inspection of its records, shall be entitled to:

(a) A copy of any complaint filed against such political candidate or political committee;

(b) Any reports filed with the Board pursuant to the Campaign Finance Disclosure Act.

9.7.2 The political candidate or political committee involved in such private hearing shall have a right to take depositions on oral examination and pursuant to the provisions of applicable Code of Civil Procedure articles, to the extent practicable, and of any witnesses whose testimony may be relevant to the inquiry.

#### Section 8 Records and Reports

9.8.1 Custodian — The Executive Secretary shall be the Custodian of all records, reports and files of the Board.

9.8.2 The Executive Secretary shall establish a procedure for the dating, numbering, and filing of all Campaign Finance Disclosure reports received by the Board as Supervisory Committee. The Executive Secretary shall establish a procedure for the filing of such reports and shall establish to make said reports immediately available to the public.

9.8.3 The Executive Secretary shall establish a procedure for providing for copies of Campaign Finance Disclosure reports to the general public upon request and shall establish the fee to be charged for said copies and the collection thereof, such fee to reflect only the actual cost of duplication.

9.8.4 The provisions of Chapter 8 of these Rules shall not apply to the Board when the Board is acting as the Supervisory Committee of the Campaign Finance Disclosure Act, nor shall those provisions apply to the executive secretary of the Board

when he is acting as executive secretary of the Board as Supervisory Committee of the Campaign Finance Disclosure Act.

#### Section 9 Advisory Opinions

9.9.1 Upon the requests of any public official, any candidate for public office, any political committee, or upon its own initiative, the Board may render an advisory opinion to qualify a provision of the Campaign Finance Disclosure Act, define a term used in the Act, or apply a general provision of the Act to specific circumstances (R.S. 18:1511.2(B)). A request for an advisory opinion must be made in writing to the Executive Secretary.

9.9.2 Upon receipt by the Executive Secretary of a request for an advisory opinion, the Executive Secretary shall issue copies of said request to each member of the Board, and to the attorney for the Board. The Executive Secretary shall place said request upon the agenda for the next regularly scheduled meeting of the Board.

9.9.3 The Supervisory Committee may render an advisory opinion upon the vote of a majority of the committee members present, or may, by the same vote, elect to pretermitt the question to a subsequent meeting.

9.9.4 Advisory opinions shall be promulgated in the manner provided for the promulgation of opinions of the Board of Ethics.

9.9.5 Where the Executive Secretary, upon receipt of a request for an advisory opinion, determines that said opinion should be delivered prior to the next regularly scheduled meeting of the Board, the Executive Secretary may, after consultation with one member of the Board and with the attorney for the Board, issue an advisory opinion in writing. Such opinion issued by the Executive Secretary may be relied upon with impunity until such time as the Board adopts a contrary or qualifying opinion.

9.9.6 Requests for advisory opinions must be in writing and must contain the current name and address of the person or committee requesting the opinion. Requests for opinions must be delivered to the Executive Secretary.

R. Gray Sexton  
Executive Secretary

REPORT OF RECEIPTS AND DISBURSEMENTS  
FOR A CANDIDATE TO AN ELECTIVE OFFICE

NO.

1. Name of Candidate \_\_\_\_\_

2. Residence (Street & No., Suite, Apt., City, State and Zip Code) \_\_\_\_\_

3. Mailing Address, City, State, & Zip (Check if address different than previously reported \_\_\_\_\_)

4. TYPE OF REPORT:

___ 180th day prior to primary	___ 10th day prior to general	___ Annual Report
___ 90th day prior to primary	___ 40th day after general	(January 15)
___ 30th day prior to primary		___ Supplemental/Deficit
___ 10th day prior to primary	___ Amended Report	(July 10)

5 OFFICE SOUGHT: \_\_\_\_\_ PARISH AND/OR DISTRICT \_\_\_\_\_

6. NAME AND MAILING ADDRESS OF CAMPAIGN TREASURER AND DEPUTY

Campaign Treasurer \_\_\_\_\_

Deputy Campaign Treasurer \_\_\_\_\_

7. SUBSIDIARY COMMITTEES: (Reports of Subsidiary Committees should be consolidated with this report).

Name of Committee

Mailing Address

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8. BANKS, DEPOSITORIES OR SAFETY DEPOSIT BOXES USED FOR CANDIDATE'S FUNDS:

Name of Depository \_\_\_\_\_

Mailing Address: \_\_\_\_\_

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9. WE CERTIFY that the information contained in this report and attached schedules is true and correct to the best of our knowledge, information and belief, and that no expenditures have been made, and no contributions in excess of the reporting amount have been received that have not been reported herein, and that no information requested by the Act has been deliberately omitted.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.  
(City and State)

\_\_\_\_\_  
Candidate's Signature

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Campaign Treasurer's Signature

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Name of Official Preparing this Report

\_\_\_\_\_  
Telephone Number

10. This report covers the period from \_\_\_\_\_ to \_\_\_\_\_  
month/day/year month/day/year

The original of this report should be mailed or delivered to:

Reporting Officials  
Board of Ethics for Elected Officials  
7434 Perkins Road - Suite B  
Baton Rouge, Louisiana 70808

(Please retain a copy of this report for your records).

DETAILED SUMMARY PAGE

11. CASH SUMMARY

Cash on Hand at Beginning of Reporting Period.....	\$ _____
Total Receipts This Period.....	\$ _____
Subtotal.....	\$ _____
Total Disbursements This Period.....	\$ _____
Cash on Hand at Close of Reporting Period.....	\$ _____

RECEIPTS

	<u>COLUMN A</u> Total this Period	<u>COLUMN B</u> Aggregating Period
12. CONTRIBUTIONS:		
13. Itemized (Schedule A, line 2).....	\$ _____	\$ _____
14. Itemized In-Kind (Schedule B, line 2).....	\$ _____	\$ _____
15. Contributions NOT Itemized.....	\$ _____	\$ _____
16. From the Candidate.....	\$ _____	\$ _____
17. TOTAL CONTRIBUTIONS (13+14+15+16).....	\$ _____	\$ _____
18. Gross Proceeds from sale of Political Items.....	\$ _____	\$ _____
19. Gross Proceeds from sale of tickets to Testimonials and other fundraisers...\$	\$ _____	\$ _____
20. Contributions from Political Committees.\$	\$ _____	\$ _____
21. TRANSFERS from Committees (Schedule C, line 1).....	\$ _____	\$ _____
22. LOANS:		
23. Loans made TO the Candidate (Schedule D, line 6).....	\$ _____	\$ _____
24. Loan Repayments TO the Candidate (Schedule D, line 4).....	\$ _____	\$ _____
25. TOTAL LOANS.....	\$ _____	\$ _____
26. OTHER INCOME:		
27. Refunds, Rebates, Overpayments, etc.....	\$ _____	\$ _____
28. Dividends, Interest, etc.....	\$ _____	\$ _____
29. TOTAL OTHER INCOME.....	\$ _____	\$ _____
30. TOTAL RECEIPTS (17+21+25+29).....	\$ _____	\$ _____

DISBURSEMENTS

	COLUMN A <u>Total this Period</u>	COLUMN B <u>Aggregating Period</u>
31. EXPENDITURES:		
32. Itemized (Schedule E, line 2).....	\$ _____	\$ _____
33. Itemized (Schedule E-1, line 2).....	\$ _____	\$ _____
34. Itemized (Total of Schedules E-2, 3, 4 & 5, line 3).....	\$ _____	\$ _____
35. For Conveyance of Electors (Schedule H, line 2).....	\$ _____	\$ _____
36. For Committees that endorse (Schedule I, line 2).....	\$ _____	\$ _____
37. Itemized In-Kind (Schedule B, line 2).....	\$ _____	\$ _____
38. Petty Cash.....	\$ _____	\$ _____
39. Expenditures NOT Itemized.....	\$ _____	\$ _____
40. By the Candidate from OWN Funds.....	\$ _____	\$ _____
41. TOTAL EXPENDITURES.....	\$ _____	\$ _____
42. TRANSFERS to Committees (Schedule C, line 2).....	\$ _____	\$ _____
43. LOANS:		
44. Loans made BY the Candidate (Schedule D, line 2).....	\$ _____	\$ _____
45. Loan Repayments BY the Candidate (Schedule D, line 8).....	\$ _____	\$ _____
46. TOTAL LOANS.....	\$ _____	\$ _____
47. OTHER DISBURSEMENTS:		
48. Refunds of Contributions.....	\$ _____	\$ _____
49. All other.....	\$ _____	\$ _____
50. TOTAL OTHER DISBURSEMENTS.....	\$ _____	\$ _____
51. TOTAL DISBURSEMENTS (41+42+46+50).....	\$ _____	\$ _____

SCHEDULE A  
 ITEMIZED CONTRIBUTIONS  
 (Other than IN-KIND CONTRIBUTIONS, TRANSFERS,  
 and Schedule D LOANS and LOAN REPAYMENTS)

DO YOU HAVE ACTIVITY WHICH IS REQUIRED TO BE REPORTED ON THIS SCHEDULE? \_\_\_\_\_  
 IF ANSWER IS YES, PLEASE COMPLETE THE SCHEDULE BELOW.

Full Name and Mailing Address of Contributors	<u>Prior Contributions</u> Date                      Amount	<u>Contributions This Period</u> Date                      Amount	TOTAL THIS PERIOD
	_____ _____ _____	_____ _____ _____	
	AGGREGATE TO DATE TOTAL _____		
	_____ _____ _____	_____ _____ _____	
	AGGREGATE TO DATE TOTAL _____		
	_____ _____ _____	_____ _____ _____	
	AGGREGATE TO DATE TOTAL _____		
	_____ _____ _____	_____ _____ _____	
	AGGREGATE TO DATE TOTAL _____		
	_____ _____ _____	_____ _____ _____	
	AGGREGATE TO DATE TOTAL _____		

(1) Subtotal this Page.....\$ \_\_\_\_\_  
 (2) Grand Total (Schedule A).....\$ \_\_\_\_\_

SCHEDULE B  
IN-KIND CONTRIBUTIONS/EXPENDITURES

DO YOU HAVE ACTIVITY WHICH IS REQUIRED TO BE REPORTED ON THIS SCHEDULE? \_\_\_\_\_  
IF ANSWER IS YES, PLEASE COMPLETE THE SCHEDULE BELOW.

Full Name and Address of Contributor/Recipient	Prior In-Kind Contr/Expend Date Valuation	Type and Description of Contr/Expend
	_____ _____ _____ _____ AGGREGATE TO DATE TOTAL _____	_____ Valuation This Period: _____
	_____ _____ _____ _____ AGGREGATE TO DATE TOTAL: _____	_____ Valuation This Period _____
	_____ _____ _____ _____ AGGREGATE TO DATE TOTAL: _____	_____ Valuation This Period _____
	_____ _____ _____ _____ AGGREGATE TO DATE TOTAL: _____	_____ Valuation This Period _____

(1) Subtotal of this Page.....\$ \_\_\_\_\_  
 (2) Grand Total (Schedule B).....\$ \_\_\_\_\_



**SCHEDULE C**  
**FUNDS TRANSFERRED TO OR FROM POLITICAL COMMITTEES**  
 (Other than CONTRIBUTIONS and EXPENDITURES)

DO YOU HAVE ACTIVITY WHICH IS REQUIRED TO BE REPORTED ON THIS SCHEDULE? \_\_\_\_\_  
 IF ANSWER IS YES, PLEASE COMPLETE THE SCHEDULE BELOW.

Name, Address and Zip Code Of Political Committee (Receiving Funds Transfer)	Amount and Date Of Transfer	Name, Address and Zip Code of Political Committee (Disbursing Funds Transfer)

(1) Total of Funds Transferred (Received) FROM Other Committees.....\$ \_\_\_\_\_  
 (2) Total of Funds Transferred (Disbursed) TO Other Committees.....\$ \_\_\_\_\_

SCHEDULE D  
LOANS TO OR FROM ANY PERSON OR COMMITTEE

DO YOU HAVE ACTIVITY WHICH IS REQUIRED TO BE REPORTED ON THIS SCHEDULE? \_\_\_\_\_  
IF ANSWER IS YES, PLEASE COMPLETE THE SCHEDULE BELOW.

Recipient of Loan (Full Name and Mailing Address):

Name and Mailing Address of Loan Source:	Original Amount Loan	Payments this Period (Dates and Amounts)	Cumulative Payment to Date	Balance Outstanding at Close of Period

Terms: Date Incurred \_\_\_\_\_ Date Due: \_\_\_\_\_ Interest Rate: \_\_\_\_\_

ENDORSERS: (Name, Mailing Address, and Amount each is liable for)

- (1) Subtotal of Loans made this Period this Page.....\$ \_\_\_\_\_
- (2) Grand Total of Loans made this Period.....\$ \_\_\_\_\_
- (3) Subtotal of Loan Repayments made TO Candidate this Period this Page\$ \_\_\_\_\_
- (4) Grand Total of Loan Repayments made TO Candidate this Period.....\$ \_\_\_\_\_
- (5) Subtotal of Loans Received this Period this Page.....\$ \_\_\_\_\_
- (6) Grand Total of Loans Received this Period.....\$ \_\_\_\_\_
- (7) Subtotal of Loan Repayments made BY Candidate this Period this Page\$ \_\_\_\_\_
- (8) Grand Total of Loan Repayments made BY Candidate this Period.....\$ \_\_\_\_\_

**SCHEDULE E**  
**ITEMIZED EXPENDITURES**  
 (Other than IN-KIND EXPENDITURES, TRANSFERS,  
 Schedule D LOANS and LOAN REPAYMENTS,  
 Schedules E-1, 2, 3, 4 & 5, H & I EXPENDITURES)

DO YOU HAVE ACTIVITY WHICH IS REQUIRED TO BE REPORTED ON THIS SCHEDULE? \_\_\_\_\_  
 IF ANSWER IS YES, PLEASE COMPLETE THE SCHEDULE BELOW.

Full Name and Mailing Address of Recipient	Prior Expenditures		Expenditures This Period		Purpose	TOTAL This Period
	Date	Amount	Date	Amount		
_____ _____ _____ _____			_____ _____ _____ AGGREGATE TO DATE TOTAL _____			_____ _____ _____
_____ _____ _____ _____			_____ _____ _____ AGGREGATE TO DATE TOTAL _____			_____ _____ _____
_____ _____ _____ _____			_____ _____ _____ AGGREGATE TO DATE TOTAL _____			_____ _____ _____
_____ _____ _____ _____			_____ _____ _____ AGGREGATE TO DATE TOTAL _____			_____ _____ _____

(1) Subtotal this Page.....\$ \_\_\_\_\_

(2) Grand Total (Schedule E).....\$ \_\_\_\_\_

SCHEDULE E-1  
ITEMIZED EXPENDITURES  
(BY CATEGORY)

DO YOU HAVE ACTIVITY REQUIRED  
TO BE REPORTED ON THIS  
ON THIS SCHEDULE \_\_\_\_\_ ?  
IF ANSWER IS YES, PLEASE  
COMPLETE SCHEDULE BELOW

Full Name and Mailing Address of Recipient(s)	Prior Expenditures Aggregate Amount	Expenditures During This Period	TOTAL This Period
	<u>(For Utilities)</u>		
1. _____ _____ _____	_____	_____	_____
2. _____ _____ _____	_____	_____	_____
	<u>(For Telephone)</u>		
1. _____ _____ _____	_____	_____	_____
2. _____ _____ _____	_____	_____	_____
	<u>(For Postage)</u>		
1. _____ _____ _____	_____	_____	_____
2. _____ _____ _____	_____	_____	_____
	<u>(For Other Signs)</u>		
1. _____ _____ _____	_____	_____	_____
2. _____ _____ _____	_____	_____	_____

(1) Subtotal this Page.....\$ \_\_\_\_\_

(2) Grand Total (Schedule E-1).....\$ \_\_\_\_\_

SCHEDULE E-2  
ITEMIZED EXPENDITURES  
(BY CATEGORY)

DO YOU HAVE ACTIVITY WHICH IS REQUIRED TO BE REPORTED ON THIS SCHEDULE? \_\_\_\_\_  
IF ANSWER IS YES, PLEASE COMPLETE THE SCHEDULE BELOW.

FOR OUTDOOR ADVERTISING, RENTAL OR LEASE

Full Name and Mailing Address of Recipient(s)	Prior Expenditures Aggregate Amount	Expenditures During This Period	TOTAL This Period
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

(1) Subtotal this Page.....\$ \_\_\_\_\_  
 .) Grand Total for Outdoor Advertising.....\$ \_\_\_\_\_  
 (3) Grand Total (Total of Schedules E-2, 3, 4 & 5).....\$ \_\_\_\_\_

. SCHEDULE E-3  
ITEMIZED EXPENDITURES  
(BY CATEGORY)

DO YOU HAVE ACTIVITY WHICH IS REQUIRED TO BE REPORTED ON THIS SCHEDULE? \_\_\_\_\_  
IF ANSWER IS YES, PLEASE COMPLETE THE SCHEDULE BELOW.

FOR NEWSPAPER ADVERTISING

Full Name and Mailing Address of Recipient(s)	Prior Expenditures Aggregate Amount	Expenditures During This Period	TOTAL This Period
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

- (1) Subtotal this Page.....\$ \_\_\_\_\_
- (2) Grand Total for Newspaper Advertising.....\$ \_\_\_\_\_
- (3) Grand Total (Total of Schedules E-2, 3, 4 & 5).....\$ \_\_\_\_\_

SCHEDULE E-4  
ITEMIZED EXPENDITURES  
(BY CATEGORY)

DO YOU HAVE ACTIVITY WHICH IS REQUIRED TO BE REPORTED ON THIS SCHEDULE? \_\_\_\_\_  
IF ANSWER IS YES, PLEASE COMPLETE THE SCHEDULE BELOW.

FOR RADIO ADVERTISING

Full Name and Mailing Address of Recipient(s)	Prior Expenditures Aggregate Amount	Expenditures During This Period	TOTAL This Period
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

(1) Subtotal this Page.....\$ \_\_\_\_\_  
 (2) Grand Total for Radio Advertising.....\$ \_\_\_\_\_  
 (3) Grand Total (Total of Schedules E-2, 3, 4 & 5).....\$ \_\_\_\_\_

SCHEDULE E-5  
ITEMIZED EXPENDITURES  
(BY CATEGORY)

DO YOU HAVE ACTIVITY WHICH IS REQUIRED TO BE REPORTED ON THIS SCHEDULE? \_\_\_\_\_  
IF ANSWER IS YES, PLEASE COMPLETE THE SCHEDULE BELOW.

FOR TELEVISION ADVERTISING

Full Name and Mailing Address of Recipient(s)	Prior Expenditures Aggregate Amount	Expenditures During This Period	TOTAL This Period
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

(1) Subtotal this Page.....\$ \_\_\_\_\_  
 (2) Grand Total for Television Advertising.....\$ \_\_\_\_\_  
 (3) Grand Total (Total of Schedules E-2, 3, 4 & 5).....\$ \_\_\_\_\_



SCHEDULE F  
DEBTS AND OBLIGATIONS  
(Other Than Loans)

DO YOU HAVE ACTIVITY WHICH IS REQUIRED TO BE REPORTED ON THIS SCHEDULE? \_\_\_\_\_  
IF ANSWER IS YES, PLEASE COMPLETE THE SCHEDULE BELOW.

Name and Mailing Address of Debtor or Creditor	Outstanding Balance Begin- ing This Period	Amount Incurred This Period	Payments This Period	Outstanding Balance at Clos- of This Period

Nature of Debt:

Date Incurred:

Name and Mailing Address of Debtor or Creditor	Outstanding Balance Begin- ing This Period	Amount Incurred This Period	Payments This Period	Outstanding Balance at Close of This Period

Nature of Debt:

Date Incurred:

(1) Subtotal of Debts Incurred this Period this Page.....\$ \_\_\_\_\_

(2) Grand Total of Debts Incurred this Period (Schedule F).....\$ \_\_\_\_\_

SCHEDULE G  
ANONYMOUS CONTRIBUTIONS

DO YOU HAVE ACTIVITY WHICH IS REQUIRED TO BE REPORTED ON THESE SCHEDULES? (ON G) \_\_\_\_\_ (ON H) \_\_\_\_\_  
IF ANSWER IS YES, PLEASE COMPLETE THE SCHEDULES BELOW.

Amount and Date Received	Date Transmitted To The State	Aggregating Period	Amount This This Period
		Total Received	Total Received
		_____	_____
		Total Transmitted	Total Transmitted
		_____	_____

\*\*\*\*\*

SCHEDULE H  
EXPENDITURES FOR CONVEYANCE OF ELECTORS

Name, Address and Zip Code of Recipient	Amount or Valuation	Date of Expenditure This Period

- (1) Total of Schedule G.....\$ \_\_\_\_\_
- (2) Total of Schedule H.....\$ \_\_\_\_\_
- (3) Grand Total (Schedule G & Schedule H).....\$ \_\_\_\_\_

SCHEDULE I  
EXPENDITURES TO THOSE WHO MAKE ENDORSEMENTS

DO YOU HAVE ACTIVITY WHICH IS REQUIRED TO BE REPORTED ON THIS SCHEDULE? \_\_\_\_\_  
 IF ANSWER IS YES, PLEASE COMPLETE THE SCHEDULE BELOW.

Name, Address and Zip Code of Recipient(s)	Date and Amount of Expenditure	Purpose	Valuation and Description If In-Kind Expenditure

(1) Subtotal of this Page.....\$ \_\_\_\_\_  
 (2) Grand Total (Schedule I).....\$ \_\_\_\_\_

DESIGNATION OF PRINCIPAL CAMPAIGN COMMITTEE  
AND SUBSIDIARY COMMITTEES

NO.

Name of Candidate/Principal Campaign Committee \_\_\_\_\_

Residence (Street, No., Apt., Suite, City, State and Zip Code) \_\_\_\_\_

Mailing Address, City, State and Zip Code \_\_\_\_\_

Office Sought: \_\_\_\_\_

I HEREBY DESIGNATE the following committee as my Principal Campaign Committee:

Name of Committee: \_\_\_\_\_

Mailing Address of Committee: \_\_\_\_\_

Chairman of Committee: \_\_\_\_\_  
(Or Principal Officer)

I HEREBY DESIGNATE the following Subsidiary Committees:

<u>Name of Committee</u>	<u>Mailing Address</u>	<u>Chairman (Principal Officer)</u>
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____

Signature of Candidate/Committee Chairman \_\_\_\_\_

Telephone Number \_\_\_\_\_

Name of Official Preparing this Report \_\_\_\_\_

Telephone Number \_\_\_\_\_

Date of Designation \_\_\_\_\_

THIS REPORT MUST BE FILED WITH THE BOARD OF ETHICS FOR ELECTED OFFICIALS NO LATER THAN TEN DAYS AFTER DESIGNATION.

THIS REPORT SHOULD BE MAILED OR DELIVERED TO: REPORTING OFFICIALS, BOARD OF ETHICS FOR ELECTED OFFICIALS, 7434 Perkins Road, Suite-B, BATON ROUGE, LA. 70808

REPORT OF RECEIPTS AND DISBURSEMENTS  
FOR A POLITICAL COMMITTEE

NO.

1. Name of Political Committee \_\_\_\_\_

2. Residence (Street & No., Suite, Apt., City, State, and Zip.) \_\_\_\_\_

3. Mailing Address, City, State, & Zip (If Committee has none, give that of the Chairman) \_\_\_\_\_

4. TYPE OF REPORT:

___ 180th day prior to primary	___ 10th day prior to general	___ Annual Report
___ 90th day prior to primary	___ 40th day after general	(January 15)
___ 30th day prior to primary		___ Supplemental/Deficit
___ 10th day prior to primary	___ Amended Report	(July 10)

5. PRINCIPAL COMMITTEE OFFICERS:

<u>Name</u>	<u>Mailing Address</u>	<u>Position</u>
		Chairman
		Treasurer
		Deputy Treasurer

6. FOR PRINCIPAL CAMPAIGN COMMITTEES ONLY:

If Committee is a principal campaign committee of a Candidate, give the name and mailing address of the candidate \_\_\_\_\_

List the Subsidiary Committees designated by the Principal Campaign Committee and for whom the Principal Campaign Committee is reporting:

<u>Name</u>	<u>Mailing Address</u>

7. CANDIDATES THE COMMITTEE IS OPPOSING/SUPPORTING:

<u>Name</u>	<u>Mailing Address</u>	<u>Office Sought</u>	<u>Party of Candidate</u>	<u>Support(S) Oppose (O)</u>

8. The Committee is supporting the entire ticket of a Political Party.  
 \_\_\_\_\_ Yes \_\_\_\_\_ No. If "yes", that party is \_\_\_\_\_  
Name of Party

9. WE CERTIFY that the information contained in this report and attached schedules is true and correct to the best of our knowledge, information and belief, and that no expenditures have been made, and no contributions in excess of the reporting amount have been received that have not been reported herein, and that no information requested by the Act has been deliberately omitted.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.  
City/State

\_\_\_\_\_  
 Signature of Committee Chairman Telephone Number

\_\_\_\_\_  
 Signature of Committee Treasurer Telephone Number

\_\_\_\_\_  
 Name of Official Preparing this Report Telephone Number

10. This report covers the period from \_\_\_\_\_ to \_\_\_\_\_  
month/day/year month/day/year

The original of this report should be mailed or delivered to:

Reporting Officials  
 Board of Ethics for Elected Officials  
 7434 Perkins Road - Suite B.  
 Baton Rouge, Louisiana 70808

(Please retain a copy of this report for your records).

DETAILED SUMMARY PAGE

11. CASH SUMMARY

Cash on Hand at Beginning of Reporting Period.....	\$ _____
Total Receipts This Period.....	\$ _____
Subtotal.....	\$ _____
Total Disbursements This Period.....	\$ _____
Cash on Hand at Close of Reporting Period.....	\$ _____

RECEIPTS

	COLUMN A <u>Total this Period</u>	COLUMN B <u>Aggregating Period</u>
12. CONTRIBUTIONS:		
13. Itemized (Schedule A, line 2).....	\$ _____	\$ _____
14. Itemized In-Kind (Schedule B, line 2).....	\$ _____	\$ _____
15. Contributions NOT Itemized.....	\$ _____	\$ _____
16. From the Candidate.....	\$ _____	\$ _____
17. TOTAL CONTRIBUTIONS (13+14+15+16).....	\$ _____	\$ _____
18. Gross Proceeds from sale of Political Items.....	\$ _____	\$ _____
19. Gross Proceeds from sale of tickets to Testimonials and other fundraisers...	\$ _____	\$ _____
20. TRANSFERS from Committees (Schedule C, line 1).....	\$ _____	\$ _____
21. LOANS:		
22. Loans made TO the Committee (Schedule D, line 6).....	\$ _____	\$ _____
23. Loan Repayments TO the Committee (Schedule D, line 4).....	\$ _____	\$ _____
24. TOTAL LOANS.....	\$ _____	\$ _____
25. OTHER INCOME:		
26. Refunds, Rebates, Overpayments, etc.....	\$ _____	\$ _____
27. Dividends, Interest, etc.....	\$ _____	\$ _____
28. TOTAL OTHER INCOME.....	\$ _____	\$ _____
TOTAL RECEIPTS (17+20+24+28).....	\$ _____	\$ _____

DISBURSEMENTS

		COLUMN A <u>Total this Period</u>		COLUMN B <u>Aggregating Period</u>
30.	EXPENDITURES:			
31.	Itemized (Schedule E, line 2).....	\$ _____		\$ _____
32.	Itemized (Schedule E-1, line 2).....	\$ _____		\$ _____
33.	Itemized (Total of Schedules E-2, 3, 4 & 5, line 3).....	\$ _____		\$ _____
34.	For Conveyance of Electors (Schedule H, line 2).....	\$ _____		\$ _____
35.	For Committees that endorse (Schedule I, line 2).....	\$ _____		\$ _____
36.	Itemized In-Kind (Schedule B, line 2).....	\$ _____		\$ _____
37.	Petty Cash.....	\$ _____		\$ _____
38.	Expenditures NOT Itemized.....	\$ _____		\$ _____
39.	By the Candidate from OWN Funds.....	\$ _____		\$ _____
40.	TOTAL EXPENDITURES.....	\$ _____		\$ _____
41.	TRANSFERS to Committees (Schedule C, line 2).....	\$ _____		\$ _____
42.	LOANS:			
43.	Loans made BY the Committee (Schedule D, line 2).....	\$ _____		\$ _____
44.	Loan Repayments BY the Committee (Schedule D, line 8).....	\$ _____		\$ _____
45.	TOTAL LOANS.....	\$ _____		\$ _____
46.	OTHER DISBURSEMENTS:			
47.	Refunds of Contributions.....	\$ _____		\$ _____
48.	All Other.....	\$ _____		\$ _____
49.	TOTAL OTHER DISBURSEMENTS.....	\$ _____		\$ _____
50.	TOTAL DISBURSEMENTS (40+41+45+49).....	\$ _____		\$ _____



SCHEDULE A  
 ITEMIZED CONTRIBUTIONS  
 (Other than IN-KIND CONTRIBUTIONS, TRANSFERS,  
 and Schedule D LOANS and LOAN REPAYMENTS)

DO YOU HAVE ACTIVITY WHICH IS REQUIRED TO BE REPORTED ON THIS SCHEDULE? \_\_\_\_\_  
 IF ANSWER IS YES, PLEASE COMPLETE THE SCHEDULE BELOW.

Full Name and Mailing Address of Contributors	<u>Prior Contributions</u> Date                      Amount	<u>Contributions This Period</u> Date                      Amount	TOTAL THIS PERIOD
	_____	_____	
	_____	_____	
	_____	_____	
	AGGREGATE TO DATE TOTAL _____		
	_____	_____	
	_____	_____	
	_____	_____	
	AGGREGATE TO DATE TOTAL _____		
	_____	_____	
	_____	_____	
	_____	_____	
	AGGREGATE TO DATE TOTAL _____		
	_____	_____	
	_____	_____	
	_____	_____	
	AGGREGATE TO DATE TOTAL _____		

(1) Subtotal this Page.....\$ \_\_\_\_\_  
 (2) Grand Total (Schedule A).....\$ \_\_\_\_\_

SCHEDULE B  
IN-KIND CONTRIBUTIONS/EXPENDITURES

DO YOU HAVE ACTIVITY WHICH IS REQUIRED TO BE REPORTED ON THIS SCHEDULE? \_\_\_\_\_  
IF ANSWER IS YES, PLEASE COMPLETE THE SCHEDULE BELOW.

Full Name and Address of Contributor/Recipient	Prior In-Kind Contr/Expend Date                      Valuation	Type and Description of Contr/Expend
	_____ _____ _____ _____ AGGREGATE TO DATE TOTAL _____	_____ _____ _____ _____ Valuation This Period: _____
	_____ _____ _____ _____ AGGREGATE TO DATE TOTAL: _____	_____ _____ _____ _____ Valuation This Period _____
	_____ _____ _____ _____ AGGREGATE TO DATE TOTAL: _____	_____ _____ _____ _____ Valuation This Period _____
	_____ _____ _____ _____ AGGREGATE TO DATE TOTAL: _____	_____ _____ _____ _____ Valuation This Period _____

(1) Subtotal of this Page.....\$ \_\_\_\_\_  
 (2) Grand Total (Schedule B).....\$ \_\_\_\_\_

SCHEDULE C  
 FUNDS TRANSFERRED TO OR FROM POLITICAL COMMITTEES  
 (Other than CONTRIBUTIONS and EXPENDITURES)

DO YOU HAVE ACTIVITY WHICH IS REQUIRED TO BE REPORTED ON THIS SCHEDULE? \_\_\_\_\_  
 IF ANSWER IS YES, PLEASE COMPLETE THE SCHEDULE BELOW.

Name, Address and Zip Code Of Political Committee (Receiving Funds Transfer)	Amount and Date Of Transfer	Name, Address and Zip Code of Political Committee (Disbursing Funds Transfer)

(1) Total of Funds Transferred (Received) FROM Other Committees.....\$ \_\_\_\_\_  
 (2) Total of Funds Transferred (Disbursed) TO Other Committees.....\$ \_\_\_\_\_

SCHEDULE D  
LOANS TO OR FROM ANY PERSON OR COMMITTEE

DO YOU HAVE ACTIVITY WHICH IS REQUIRED TO BE REPORTED ON THIS SCHEDULE? \_\_\_\_\_  
IF ANSWER IS YES, PLEASE COMPLETE THE SCHEDULE BELOW.

Recipient of Loan (Full Name and Mailing Address):

Name and Mailing Address of Loan Source:	Original Amount Loan	Payments this Period (Dates and Amounts)	Cumulative Payment to Date	Balance Outstanding at Close of Period

Terms: Date Incurred \_\_\_\_\_ Date Due: \_\_\_\_\_ Interest Rate: \_\_\_\_\_

ENDORSERS: (Name, Mailing Address, and Amount each is liable for)

- (1) Subtotal of Loans made this Period this Page.....\$ \_\_\_\_\_
- (2) Grand Total of Loans made this Period.....\$ \_\_\_\_\_
- (3) Subtotal of Loan Repayments made TO Committee this Period this Page\$ \_\_\_\_\_
- (4) Grand Total of Loan Repayments made TO Committee this Period.....\$ \_\_\_\_\_
- (5) Subtotal of Loans Received this Period this Page.....\$ \_\_\_\_\_
- (6) Grand Total of Loans Received this Period.....\$ \_\_\_\_\_
- (7) Subtotal of Loan Repayments made BY Committee this Period this Page\$ \_\_\_\_\_
- (8) Grand Total of Loan Repayments made BY Committee this Period.....\$ \_\_\_\_\_

SCHEDULE E  
 ITEMIZED EXPENDITURES  
 (Other than IN-KIND EXPENDITURES, TRANSFERS,  
 Schedule D LOANS and LOAN REPAYMENTS,  
 Schedules E-1, 2, 3, 4 & 5, H & I EXPENDITURES)

DO YOU HAVE ACTIVITY WHICH IS REQUIRED TO BE REPORTED ON THIS SCHEDULE? \_\_\_\_\_  
 IF ANSWER IS YES, PLEASE COMPLETE THE SCHEDULE BELOW.

Full Name and Mailing Address of Recipient	Prior Expenditures		Expenditures This Period		Purpose	TOTAL This Period
	Date	Amount	Date	Amount		
_____ _____ _____ _____	_____ _____ _____ _____	_____ _____ _____ _____	_____ _____ _____ _____	_____ _____ _____ _____	_____ _____ _____ _____	_____ _____ _____ _____
				AGGREGATE TO DATE TOTAL		_____
_____ _____ _____ _____	_____ _____ _____ _____	_____ _____ _____ _____	_____ _____ _____ _____	_____ _____ _____ _____	_____ _____ _____ _____	_____ _____ _____ _____
				AGGREGATE TO DATE TOTAL		_____
_____ _____ _____ _____	_____ _____ _____ _____	_____ _____ _____ _____	_____ _____ _____ _____	_____ _____ _____ _____	_____ _____ _____ _____	_____ _____ _____ _____
				AGGREGATE TO DATE TOTAL		_____

(1) Subtotal this Page.....\$ \_\_\_\_\_  
 (2) Grand Total (Schedule E).....\$ \_\_\_\_\_

SCHEDULE E-1  
ITEMIZED EXPENDITURES  
(BY CATEGORY)

DO YOU HAVE ACTIVITY REQUIRED  
TO BE REPORTED ON THIS  
ON THIS SCHEDULE \_\_\_\_\_ ?  
IF ANSWER IS YES, PLEASE  
COMPLETE SCHEDULE BELOW

Full Name and Mailing Address of Recipient(s)	Prior Expenditures Aggregate Amount	Expenditures During This Period	TOTAL This Period
	<u>(For Utilities)</u>		
1. _____ _____ _____	_____	_____	_____
2. _____ _____ _____	_____	_____	_____
	<u>(For Telephone)</u>		
1. _____ _____ _____	_____	_____	_____
2. _____ _____ _____	_____	_____	_____
	<u>(For Postage)</u>		
1. _____ _____ _____	_____	_____	_____
2. _____ _____ _____	_____	_____	_____
	<u>(For Other Signs)</u>		
1. _____ _____ _____	_____	_____	_____
2. _____ _____ _____	_____	_____	_____

(1) Subtotal this Page.....\$ \_\_\_\_\_

(2) Grand Total (Schedule E-1).....\$ \_\_\_\_\_

SCHEDULE E-2  
ITEMIZED EXPENDITURES  
(BY CATEGORY)

DO YOU HAVE ACTIVITY WHICH IS REQUIRED TO BE REPORTED ON THIS SCHEDULE? \_\_\_\_\_  
IF ANSWER IS YES, PLEASE COMPLETE THE SCHEDULE BELOW.

FOR OUTDOOR ADVERTISING, RENTAL OR LEASE

Full Name and Mailing Address of Recipient(s)	Prior Expenditures Aggregate Amount	Expenditures During This Period	TOTAL This Period
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

(1) Subtotal this Page.....\$ \_\_\_\_\_  
(2) Grand Total for Outdoor Advertising.....\$ \_\_\_\_\_  
(3) Grand Total (Total of Schedules E-2, 3, 4 & 5).....\$ \_\_\_\_\_

SCHEDULE E-3  
ITEMIZED EXPENDITURES  
(BY CATEGORY)

DO YOU HAVE ACTIVITY WHICH IS REQUIRED TO BE REPORTED ON THIS SCHEDULE? \_\_\_\_\_  
IF ANSWER IS YES, PLEASE COMPLETE THE SCHEDULE BELOW.

FOR NEWSPAPER ADVERTISING

Full Name and Mailing Address of Recipient(s)	Prior Expenditures Aggregate Amount	Expenditures During This Period	TOTAL This Period
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

(1) Subtotal this Page.....\$ \_\_\_\_\_  
 (2) Grand Total for Newspaper Advertising.....\$ \_\_\_\_\_  
 (3) Grand Total (Total of Schedules E-2, 3, 4 & 5).....\$ \_\_\_\_\_



SCHEDULE E-4  
ITEMIZED EXPENDITURES  
(BY CATEGORY)

DO YOU HAVE ACTIVITY WHICH IS REQUIRED TO BE REPORTED ON THIS SCHEDULE? \_\_\_\_\_  
IF ANSWER IS YES, PLEASE COMPLETE THE SCHEDULE BELOW.

FOR RADIO ADVERTISING

Full Name and Mailing Address of Recipient(s)	Prior Expenditures Aggregate Amount	Expenditures During This Period	TOTAL This Period
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

(1) Subtotal this Page.....\$ \_\_\_\_\_  
 (2) Grand Total for Radio Advertising.....\$ \_\_\_\_\_  
 (3) Grand Total (Total of Schedules E-2, 3, 4 & 5).....\$ \_\_\_\_\_

SCHEDULE E-5  
ITEMIZED EXPENDITURES  
(BY CATEGORY)

DO YOU HAVE ACTIVITY WHICH IS REQUIRED TO BE REPORTED ON THIS SCHEDULE? \_\_\_\_\_  
IF ANSWER IS YES, PLEASE COMPLETE THE SCHEDULE BELOW.

FOR TELEVISION ADVERTISING

Full Name and Mailing Address of Recipient(s)	Prior Expenditures Aggregate Amount	Expenditures During This Period	TOTAL This Period
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

(1) Subtotal this Page.....\$ \_\_\_\_\_  
 (2) Grand Total for Television Advertising.....\$ \_\_\_\_\_  
 (3) Grand Total (Total of Schedules E-2, 3, 4 & 5).....\$ \_\_\_\_\_

SCHEDULE F  
DEBTS AND OBLIGATIONS  
(Other Than Loans)

DO YOU HAVE ACTIVITY WHICH IS REQUIRED TO BE REPORTED ON THIS SCHEDULE? \_\_\_\_\_  
IF ANSWER IS YES, PLEASE COMPLETE THE SCHEDULE BELOW.

Name and Mailing Address of Debtor or Creditor	Outstanding Balance Begin- ing This Period	Amount Incurred This Period	Payments This Period	Outstanding Balance at Close of This Period

Nature of Debt:

Date Incurred:

Name and Mailing Address of Debtor or Creditor	Outstanding Balance Begin- ing This Period	Amount Incurred This Period	Payments This Period	Outstanding Balance at Close of This Period

Nature of Debt:

Date Incurred:

(1) Subtotal of Debts Incurred this Period this Page.....\$ \_\_\_\_\_  
(2) Grand Total of Debts Incurred this Period (Schedule F).....\$ \_\_\_\_\_

SCHEDULE G  
ANONYMOUS CONTRIBUTIONS

DO YOU HAVE ACTIVITY WHICH IS REQUIRED TO BE REPORTED ON THESE SCHEDULES? (ON G) \_\_\_\_\_ (ON H) \_\_\_\_\_  
IF ANSWER IS YES, PLEASE COMPLETE THE SCHEDULES BELOW.

Amount and Date Received	Date Transmitted To The State	Aggregating Period	Amount This This Period
		Total Received	Total Received
		_____	_____
		Total Transmitted	Total Transmitted
		_____	_____

\*\*\*\*\*

SCHEDULE H  
EXPENDITURES FOR CONVEYANCE OF ELECTORS

Name, Address and Zip Code of Recipient	Amount or Valuation	Date of Expenditure This Period

(1) Total of Schedule G.....\$ \_\_\_\_\_

(2) Total of Schedule H.....\$ \_\_\_\_\_

(3) Grand Total (Schedule G & Schedule H).....\$ \_\_\_\_\_

SCHEDULE I  
EXPENDITURES TO THOSE WHO MAKE ENDORSEMENTS

DO YOU HAVE ACTIVITY WHICH IS REQUIRED TO BE REPORTED ON THIS SCHEDULE? \_\_\_\_\_  
IF ANSWER IS YES, PLEASE COMPLETE THE SCHEDULE BELOW.

Name, Address and Zip Code of Recipient(s)	Date and Amount of Expenditure	Purpose	Valuation and Description If In-Kind Expenditure

(1) Subtotal of this Page.....\$ \_\_\_\_\_  
(2) Grand Total (Schedule I).....\$ \_\_\_\_\_

STATEMENT OF ORGANIZATION

NO.

Name of Political Committee \_\_\_\_\_

Date of this Statement \_\_\_\_\_

Residence (Street & No., Apt., City, State, and Zip) \_\_\_\_\_

Estimated Membership \_\_\_\_\_

Mailing Address, City, State and Zip Code (If Committee has none, give Chairman's Address) \_\_\_\_\_

Name and Telephone Number of Official Preparing this Report \_\_\_\_\_

Check if this is an Amended Statement for this Year \_\_\_\_\_.

PRINCIPAL COMMITTEE OFFICERS AND DIRECTORS:

<u>Name</u>	<u>Mailing Address</u>	<u>Position</u>
_____	_____	Chairman
_____	_____	Treasurer
_____	_____	

AFFILIATED ORGANIZATIONS:

<u>Name</u>	<u>Mailing Address</u>	<u>Relations</u>
_____	_____	
_____	_____	

BANKS, DEPOSITORIES OR SAFETY DEPOSIT BOXES USED FOR COMMITTEE FUNDS:

Name of Depository \_\_\_\_\_

Mailing Address \_\_\_\_\_

COMPLETE IF APPLICABLE:

\_\_\_\_\_ This Committee is a Principal Campaign Committee and is so designated by: \_\_\_\_\_ (Name of Candidate).

\_\_\_\_\_ This Committee is a Subsidiary Committee AND is so designated by: \_\_\_\_\_ (Name of Candidate) OR

\_\_\_\_\_ (Name of Principal Committee).

THIS REPORT SHOULD BE MAILED OR DELIVERED TO: REPORTING OFFICIALS, BOARD OF ETHICS FOR ELECTED OFFICIALS, 7414 Perkins Road, Suite B, BATON ROUGE, LA. 70808

STATEMENT OF DISSOLUTION

.S. 18:1491.2 provides: "Each political committee, including any subsidiary committee, which after having filed an annual statement of organization wishes to dissolve or disband and (1) determines that it no longer meets the criteria in R.S. 18:1491.1(A), or (2) determines that it will no longer receive any contributions, loans, or transfers of funds and will no longer make any expenditures, loans, or transfers of funds, shall file a statement of dissolution with the supervisory committee prior to dissolving."

Name of Committee

Residence (Street No. Apt., Suite, City, State and Zip Code)

Mailing Address, City, State and Zip Code (If Committee has none, give Chairman's Address)

Name of Committee Campaign Treasurer

Mailing Address (Street Address, City, State and Zip Code)

Was this Committee the Principal Campaign Committee of a Candidate. If so give the name of the Candidate

Was this Committee a Subsidiary Committee designated by either a Candidate or a Principal Campaign Committee. If so, give the names of both Candidate and Committee.

WE CERTIFY that this committee has no unpaid debts or obligations, and that all funds have been expended or otherwise distributed.

WE CERTIFY that this committee has not received contributions, transfers of funds, or loans, or made expenditures, transfers of funds, or loans in the aggregate during the calendar year in excess of five hundred (\$500) dollars and does not anticipate doing so, or (2) that the committee will receive no contributions, transfers of funds, or loans and will make no expenditures, transfers of funds, or loans, during the remainder of the calendar year.

WE FURTHER CERTIFY that a Committee report of Contributions and Expenditures as required by R.S. 18:1491.7 accompanies this Statement of Dissolution.

Committee Chairman

Telephone Number

Committee Campaign Treasurer

Telephone Number

THIS REPORT SHOULD BE MAILED OR DELIVERED TO: REPORTING OFFICIALS, BOARD OF ETHICS FOR ELECTED OFFICIALS, 7434 Perkins Road, Suite B, BATON ROUGE, LA. 70808.

AFFIDAVIT IN LIEU OF REPORT

NO.

(R. S. 18:1495.6 provides: "Any candidate required by this Chapter to file reports of information provided in R. S. 18:1495.5 who did not receive a contribution in excess of the reporting amount and who did not make expenditures totaling in excess of five thousand dollars in the aggregate during the aggregating period, may file an affidavit setting out such facts, in lieu of any report required by R.S.18:1495.4, but a separate affidavit shall be required in lieu of any such report").

TYPE OF REPORT: (Check appropriate box).

- 180th day prior to primary
- 90th day prior to primary
- 30th day prior to primary
- 10th day prior to primary
- 10th day prior to general
- 40th day after general
- Annual Report (Jan. 15)
- Supplemental Report (July 10)

This report covers the period from \_\_\_\_\_ to \_\_\_\_\_  
month/day/year month/day/year

Name of Candidate/Committee \_\_\_\_\_

Residence (Street & No., Apt., City, State, and Zip of Candidate/Committee) \_\_\_\_\_

Mailing Address, City, State, Zip (If Committee has none, give address of Chairman) \_\_\_\_\_

OFFICE SOUGHT: \_\_\_\_\_ PARISH AND/OR DISTRICT: \_\_\_\_\_

BEFORE ME, the undersigned authority, personally came and appeared:

\_\_\_\_\_ who, after being duly sworn, did dispose

Name of Candidate/Committee

and say that he or she or the committee is subject to the reporting provisions of R.S. 18:1495.6 with respect to the election or elections held on \_\_\_\_\_

Dates of Election(s)

but that he or she or the committee did not receive a contribution in excess of the reporting amount applicable to such candidate, political committee or person and did not make expenditures totaling in excess of \$5,000 in the aggregate during the aggregating period from the beginning of the first filing period covering the above elections through the final date of the report for which this affidavit is substituted.

SUBSCRIBED and sworn before me, the undersigned authority this \_\_\_\_\_ day of

\_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_, \_\_\_\_\_ State.

Month/Day

City

State

Signature of Candidate \_\_\_\_\_

Telephone Number \_\_\_\_\_

Signature of Notary or Other Authority \_\_\_\_\_

THE ORIGINAL OF THIS REPORT SHOULD BE MAILED OR DELIVERED TO: REPORTING OFFICIALS, BOARD OF ETHICS FOR ELECTED OFFICIALS, 7434 Perkins Road, Suite B, Baton Rouge, La. 70808  
FORM 3



CANDIDATES/COMMITTEES SPECIAL REPORT  
OF RECEIPTS AND DISBURSEMENTS

NO.

\_\_\_\_\_  
Name of Candidate/Committee

\_\_\_\_\_  
Residence of Candidate/Committee (Street No., Apt., Suite, City, State and Zip Code)

\_\_\_\_\_  
Mailing Address, City, State, and Zip Code

\_\_\_\_\_  
Office Sought:(For Candidate)

\_\_\_\_\_  
Candidate The Committee is Supporting/Opposing

\_\_\_\_\_  
Name and Mailing Address of Campaign Treasurer (If none has been appointed, the Name and Mailing Address of Candidate Reporting or Committee Chairman).

\_\_\_\_\_  
Campaign Treasurer

\_\_\_\_\_  
Deputy Campaign Treasurer

WE CERTIFY that the information contained in this report and attached schedules is true and correct to the best of our knowledge, information and belief, and that no expenditures have been made, and no contributions in excess of the reporting amount have been received that have not been reported herein, and that no information requested by the Act has been deliberately omitted.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
Candidate/Committee Chairman

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Campaign Treasurer

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Name of Official Preparing this Report

\_\_\_\_\_  
Telephone Number

THE ORIGINAL OF THIS REPORT SHOULD BE MAILED OR DELIVERED TO: REPORTING OFFICIALS, BOARD OF ETHICS FOR ELECTED OFFICIALS, 7434 Perkins Road, Suite-B, Baton Rouge, La. 70808

(. ase retain a copy of this report for your records).

CANDIDATES/COMMITTEES SPECIAL REPORT  
OF RECEIPTS AND DISBURSEMENTS

REPORTING PERIOD (Check One)

\_\_\_\_\_ This report covers period beginning at midnight of the twentieth (20th) day prior to the Primary Election and extends through midnight of Primary Election Day.

\_\_\_\_\_ This report covers period beginning at midnight of the twentieth (20th) day prior to the General Election and extends through midnight of General Election Day.

SCHEDULE A-1  
ITEMIZED RECEIPTS

Name, Mailing Address and Zip Code of Contributor(s)	Contributions Received This Period	
	Date	Amount

SCHEDULE I-1  
EXPENDITURES TO THOSE WHO MAKE ENDORSEMENTS

Name, Address and Zip Code of Recipient(s)	Date and Amount of Expenditure	Purpose	Valuation and Description If In-Kind Expenditure

## RULES

### Department of Commerce Office of Commerce and Industry Minority Business Development Authority

The following Loan Policy of the Louisiana Minority Business Development Authority was adopted pursuant to the Administrative Procedure Act of Louisiana (R.S. 49:951, et seq.) after a public hearing held thereon on November 5, 1981.

#### Section I Loan Policies

##### A. Loan Policy Statement

This statement is an outline of lending policy for the guidance of the staff, lending officers, and the management of the Authority and is adopted by the Board of Directors for this purpose. No part of this policy will be construed as authority for any person to act contrary to Act 768 of the 1980 Legislature.

##### B. General Policy

The staff and lending officers of the Louisiana Minority Business Development Authority will be guided by the following general principles in making loans.

The management of the Authority believes that sound minority loans are the most satisfactory means of using Authority funds that are available for investment and will help the growth of Louisiana's minority business economy.

The Louisiana Minority Business Development Authority desires to make sound loans as resources permit. The Board of the Authority recognizes that lending money carries certain risks, and the Authority is willing to undertake reasonable risks. Some losses are anticipated in any lending program, and adequate reserves will be maintained.

##### C. Loan Approval and Review

All loan requests will be presented to the loan committee of the Authority at its monthly meeting. All loans will be presented on application forms authorized by the Authority.

Financial assistance can be approved to:

- a. Finance construction of new building and purchase of real estate
- b. Provide conversion or expansion
- c. Finance purchase of new equipment, facilities, machinery, supplies or materials
- d. Provide working capital
- e. Provide cash bonds
- f. Provide a letter of credit

#### Eligibility

In order to be eligible for a loan from the Louisiana Minority Business Development Authority, a minority business shall meet the following qualifications:

1. The applicant(s) or principal stockholder(s) must have Louisiana as his or her principal place of residence and the principal place of business must be domiciled in Louisiana.
2. It must employ not in excess of 100 persons and must not have earned in excess of \$250,000 in gross revenues during any one of the three calendar years prior to the application.
3. It must be owned or controlled by a socially or economically disadvantaged person as defined in R.S. 51:1753(5).
4. It must exhibit proof that the desired credit is not otherwise available on reasonable terms.
5. It must be credit worthy according to the standards prescribed by the Authority.
6. It must present evidence acceptable to the Authority that the enterprise will succeed if the loan or loan guarantee is received.
7. It must provide reasonable security to assure repayment of the loan. Security may include, but not be limited to, a mortgage on real or personal property, monies due on contracts, assignment

of warehouse receipts and guarantees.

##### D. Interest Rates

The interest rate to be fixed shall not be less than the average of the rates charged by the U.S. Small Business Administration. The average interest rate shall be determined by computing the average of the rates charged by the U.S. Small Business Administration for the previous four quarters.

##### E. Lending Regulations

1. The Authority can make a loan to any eligible minority business enterprise in a sum not in excess of 75 percent of the value of the property offered as the security pursuant to a first mortgage, or a sum not in excess of 50 percent of the value of the property offered as security pursuant to a second mortgage. But in any case, not to exceed \$50,000. The total amount of the unpaid principal and interest on direct loans made by the Authority that is outstanding at any one time shall not exceed \$1,000,000.

2. The Authority may participate in any loan made by any bank, financial institution or federal agency. Participation on the part of the Authority shall not exceed 75 percent of the total required by the borrower, and shall not in any case exceed \$50,000.

3. When the Authority's participation is paid directly to the borrower, it shall be evidenced by a note properly executed by the borrower, payable to the Authority within such time and on such terms consistent with the requirements of the Authority.

4. When the Authority's participation is paid directly to the bank, financial institution or federal agency through which a loan was negotiated, a participation certificate must be properly executed.

5. The Authority shall maintain in the Louisiana Minority Business Development fund a reserve to be used to secure loan guarantees made by the Authority. Such reserve shall be in an amount equal to the sum of ten percent of each outstanding guarantee.

6. The Authority may take such steps it deems necessary to protect the interest of the state in property mortgaged to secure loans made by the Authority.

7. The Authority shall make no loan or participate in, or guarantee the repayment of any loan for a period of more than five years. However, the Authority may review or extend loans when it deems it necessary, in the aggregate, not to exceed a total of 15 years. All balloon notes shall be renewed at the prevailing interest rate at the time of renewal.

##### F. Lending Officers' Responsibilities

A. It is the duty of the staff and each lending officer to support each loan request by a memorandum, which will be made a permanent part of files of the LAMBDA records. Each memorandum will be sufficiently detailed so that any officer acting on the loan request in the officer's behalf or in the loan officer's absence will be in a position to handle the loan request within the terms and conditions agreed upon by the Authority and the borrower.

B. The credit memorandum should include at least the following information:

1. Name and address of borrower
2. Date of loan request
3. Brief summary of the business
4. Amount of loan request
5. Rate requested by the borrower and rate agreed upon by the lending officer.
6. Terms of repayment. If the loan is to be amortized on a monthly basis, the number of monthly installments and dollar amount should be noted.
7. Purpose of the loan
8. Security. Give a complete description of the collateral and state its current value. Where the loan is secured by real estate, this value should be established by an adequate appraisal.

C. All loans to minority business concerns will be supported by adequate financial statements. This includes balance sheets, profit and loss statements. All statements must be current within 60 days and must be signed by borrower.

D. The Authority will review all loans at a public hearing and should take action on each request at the public meeting.

E. If the application is denied, written reasons to the applicant will be given as to the reason for the denial. If the application is approved, written notification will be given to applicant outlining the terms and conditions of the approval.

## Section II

### Desirable Loans

1. Equipment - Loans to businesses secured by chattel mortgage on equipment will be amortized over a period not to exceed five years. Excessive loan to value ratios on equipment can result in significant loss. Loans of over 80 percent of cost should be seriously discouraged.

2. Accounts receivable - The Authority will accept loans secured by accounts receivable. It should be recognized by lending officers that this is a high risk loan area. Loans on receivables should not exceed 70 percent of the outstanding receivables that are not more than 60 days past due.

A blanket pledge of receivables is acceptable collateral. The specific assignment of a particular receivable is also valid collateral.

3. Assignment of contracts - valid contracts are acceptable collateral.

4. Inventory - Inventory is acceptable collateral. Normal lending on inventory should be limited to 60 percent of cost. Inventory lending should always be short term with repayment planned from the liquidation of the product. It should be noted that long term borrowing on short term collateral creates cash flow problems.

5. Preferred marine mortgages - These types of loans are highly specialized and require a great deal of attention in terms of proper documentation, particularly in those cases where the vessel is approved by and documented with the U.S. Coast Guard. Only an attorney knowledgeable of this kind of mortgage should be allowed to close this type of loan.

6. Listed securities - Loans should not exceed 75 percent of the stock's value.

7. Cash surrender value of life insurance.

8. Loans to new business for the following purpose:

1. Land, building and/or equipment to be used for all or part of the operation of the business

2. Construction of building

3. Purchase of inventory

4. Purchase of supplies

5. Operating capital

### B. Small Business Administration

It will be the policy of the Authority to participate in loans for minority businesses with the Small Business Administration. These loans may not exceed \$50,000 from the Authority. These monies can be used as the 20 percent or 25 percent cash injection that is needed by a small business to get started, expand and grow. These types of loans may be made to small manufacturers, wholesalers, retailers and other businesses that may qualify to obtain financial assistance from SBA to construct, expand or convert facilities, purchase buildings, equipment, materials or obtain working capital. Repayment terms: loan payments may be structured to fit the need of the borrower, but will not normally exceed five years.

### C. Farmers' Home Administration

It will be policy of the Authority to participate in loans for minority businesses with the Farmers' Home Administration. These loans may not exceed \$50,000 from the Authority as a part of their participation. These monies may be used as the 20 percent

or 25 percent cash injection that is needed by a small business to get started, expand and grow.

### D. Letters of Credit

The Authority will provide monies to be used for the issuance of letters of credit. The letter of credit cannot exceed \$50,000 and can be issued for a period of one year. There will be a 1 percent commitment fee which will be payable to the Authority upon the issuance of the letter of credit. The interest rate will be 10 percent if the letter is funded. Proper security will be required.

### E. Bonding

The Authority will provide monies to be used as cash bonds which are needed by minority small businesses. These bonds cannot exceed \$50,000 and will be approved by the Authority's standard approval procedure and will be placed on a ten month pay back plan. The standard security procedures will be required by the borrower. A one percent commitment fee will be charged by the Authority to the borrower which will be payable upon the issuance of the cash bond. Interest will be charged only on the amount of money used in the period of use and will be 10 percent.

## Section III

### Undesirable Loans

Some types of loans are considered undesirable by the Louisiana Minority Business Development Authority:

A. Loans to applicants who cannot or refuse to furnish adequate financial information

B. Loans to applicants outside of the State of Louisiana

C. Loans where the integrity and honesty of the principals is questionable

D. Loans to open bars and lounges where the Authority's collateral is the fixtures of that business

E. Loans that, after having been reviewed by the Authority, do not show repayment ability

F. Loans to build or purchase apartment complexes.

## Section IV

### Delinquency, Charge Off Method

#### A. Policy Statement

The staff is responsible for the overall collection program for the Authority. A delinquency list will be presented at each board meeting. Once an account becomes 30 days past due, it is necessary that the staff supply the Board of Directors with a memo stating the progress of the account and what action is being taken to correct the problem.

#### B. Delinquency and Charge Off

The Board of Directors of the Authority recognizes that the lending of money carries an inherent risk and the LAMBDA is willing to undertake a reasonable risk. The staff should first contact the account when it becomes ten days past due. Depending on the staff's knowledge of the particular account and the circumstances, the staff may elect to contact the account by phone or letter as to the problem causing the past due status.

Loans that fall into the 30-60 day past due category will be considered seriously delinquent. The staff should begin a more aggressive collection procedure. When loans exceed 60 days, the staff should discuss with the board possible additional collateral, work-out arrangements, or loss probability determined.

The staff should prepare a memo on any loan that is considered a charge-off. This memo must be presented to the board and approved by the body before the loan is charged off. At this board meeting the staff should be prepared to discuss his original credit judgement, his collection attempts, reasons for the loan's failure and whether all avenues for collection have been exhausted. Loans approved for charge-off will be maintained in a charge-off file.

#### C. Turn-Down Applications

1. If a borrower is turned down, he must be told the reason.
2. A turn-down application must be informed within 30 days of the turn-down.
3. A turn-down application may be resubmitted at any time when the reasons for denial have been corrected.

D. Credit Information

1. Proper credit reports are required on each applicant.
2. The Authority will not be obliged to give rating or confidential information regarding an applicant.
3. Credit information will be acquired from the proper credit reporting agency.

E. Collection Procedures

The Authority will require that all loans be repaid on a monthly basis. The standard payment period will be the first and fifteenth of each month. In the cases of Letters of Credit and Bonding, the collection on these loans will be at the end of the expiration date of the note. There will be no pre-payment penalty, therefore, any loan can be paid before maturity. Loans will be paid by a cashier's check, company check or money order. The Authority will not accept cash money. All checks should be made payable to the Louisiana Minority Business Development Authority.

Section V

LAMBDA: Code of Conduct

A. Confidential Information

Confidential information with regard to the Authority and its accounts acquired in the course of duty is to be used solely for the Authority.

Section VI

Board Member and Employee Loans

Loans from the Authority will not be permitted to any staff members of the program, members of the Board of Directors, or their immediate families. There will be no exceptions to this policy.

Nadia L. Goodman  
Director

**RULES**

**Board of Elementary and Secondary Education**

Rule 5.00.80(2)

The Board adopted the 1981-82 Revised *Guidelines for Tuition Exemption Continuing Education Program for Teachers*. (Bulletin 1533.)

Rule 4.03.01

The Board adopted the Annual Program Plan for the Administration of Vocational Education for 1981-82. (Replaces present policy in effect.)

James V. Soileau  
Executive Director

**RULES**

**Governor's Special Commission on Education Services  
Loan/Grant Division  
Policies and Procedures  
The Louisiana PLUS Program  
(Auxiliary Loans to Assist Students)**

The PLUS program makes long-term loans at a 14 percent interest rate available to pay for the costs of study at postsecondary schools. Under the program, parents are eligible to borrow on behalf of dependent undergraduate students; and independent undergraduate and graduate and professional students are eligible to borrow for themselves. Loan funds may be used only to pay for students' educational costs. Lenders loan their own funds, and the Governor's Special Commission on Education Services (GSCES) guarantees against loss.

(Act 378 of 1981 authorized GSCES to provide loan assistance to parents of dependent undergraduate students. Congress expanded the program nationally to include independent students and graduate and professional students effective October 1, 1981. Additional Louisiana legislation will be required to expand the GSCES program.)

Terms and Conditions of Loans

ELIGIBLE BORROWERS

As described below, parents of dependent undergraduate students, independent undergraduate students and graduate and professional students are eligible to borrow under the Louisiana PLUS program. In addition to complying with specific annual and aggregate loan limits, in no case may a PLUS loan exceed the student's estimated cost of attendance minus the estimated financial assistance that the student will be awarded for the period for which the loan is intended. All borrowers and students must meet the eligibility criteria described in later paragraphs entitled "General Eligibility Requirements for Parents and Students." The Louisiana PLUS program participants and the amounts they may borrow are as follows:

Parent

A parent may apply for a loan under the PLUS program to pay for the educational costs of a dependent undergraduate son or daughter who is enrolled or is accepted for enrollment on at least a half-time basis in an institution of post secondary education. The maximum loan amount that a parent (or parents) may borrow per academic year on behalf of each dependent undergraduate student is \$3,000. The maximum aggregate loan amount that a parent (or parents) may borrow on behalf of each dependent undergraduate student is \$15,000.

Graduate or Professional Student (Not yet authorized is Louisiana PLUS program)

A graduate or professional student who is enrolled on at least a half-time basis at an institution of higher education may apply for a loan under the PLUS program. As with a parent borrower, the maximum loan amount a graduate or professional student may borrow is \$3,000 per academic year. The maximum aggregate loan amount that a graduate or professional student may borrow under the PLUS program is \$15,000. A graduate or professional student is also eligible to borrow under the Guaranteed Student Loan Program (GSLP) as long as the total amount of loans made for the same academic year under the two programs does not exceed the student's estimated cost of attendance minus estimated financial assistance.

Independent Undergraduate Student (Not yet authorized in Louisiana PLUS program)

An independent undergraduate student who is enrolled on at least a half-time basis at an institution of higher education may apply for a loan under the PLUS program. Unlike parent or graduate or professional student borrowers, the annual maximum

amount an independent undergraduate student may borrow under the PLUS program in any academic year is limited to \$2,500 minus the amount the student has borrowed under the GSLP for the same academic period. The maximum aggregate loan amount an independent undergraduate student may borrow under both the GSLP and PLUS programs combined is \$12,500.

#### REPAYMENT

A borrower under the PLUS program is obligated to repay the lender the full amount borrowed, plus interest. Unlike the interest on student loans made under the GSLP, interest on PLUS loans is not subsidized by the Federal government. Also unlike student loans, the repayment period on PLUS loans begins on the day the loan is disbursed, and interest begins to accrue on that day. A lender may charge an interest rate of 14 percent per year on the unpaid principal balance of a PLUS loan. Interest is applicable to principal loan amount immediately upon disbursement, and repayment is to commence with the first installment payable 30 days thereafter. The borrower must make minimum annual payments of \$600 to all holders of his or her PLUS program and GSLP loans unless the borrower and lender agree to a lesser amount. If the borrower and his or her spouse have separate PLUS and GSLP loans, the combined annual payment must be at least \$600. Generally, a borrower is allowed at least five years but not more than ten years to repay the loan. If, as a result of making the minimum annual payments required, the borrower would pay off the loan in less than five years, then the borrower is not entitled to the full five years. The loan must be fully repaid in 15 years. The repayment schedule may be in equal or graduated installments.

If the student to whom or on whose behalf the loan was made has not been or will not be enrolled as expected after the loan is disbursed, then full payment of the loan is immediately due. A borrower is not entitled to periods of deferment (see "Deferment") if the student fails to enroll on at least a half-time basis as expected.

The borrower's obligations to repay is cancelled if he or she dies or becomes totally and permanently disabled or in certain cases, if the loan is discharged in bankruptcy (See "cancellation").

#### DEFERMENT

A borrower is entitled to have installment payments of principal deferred during authorized periods. Interest accrues and is payable by the borrower during the deferment period. The borrower can either make the interest payments during the deferment period, or, if the lender and borrower mutually agree, the interest can be forborne and capitalized when the repayment period resumes. Capitalization means increasing the unpaid principal of a loan through the addition of accrued interest to the previously unpaid principal balance. The borrower must provide the lender with all documentation necessary to establish eligibility for a deferment.

Deferment is authorized by Federal law during periods when a borrower is engaged in one more of the following:

1. Full-time study at a school participating in the Guaranteed Loan Program authorized under Title IV, Part B of the Higher Education Act.

Full-time study at a school which meets the statutory definition of an institution of higher education or a vocational school and is operated by an agency of the Federal Government (e.g., the service academies).

Study under a graduate fellowship program approved by the Secretary of Education.

Study under a rehabilitation training program for disabled individuals approved by the Secretary of Education.

2. A single period not exceeding three years each during which the borrower is:

On active duty service in the Armed Forces of the United States or serving as an Officer in the Commissioned Corps of the

United States Public Health Service.

Serving as a volunteer under the Peace Corps Act.

Serving as a volunteer under Title I of the Domestic Volunteer Service Act of 1973 (ACTION Programs) (e.g., VISTA).

As a full-time volunteer for an organization exempt from Federal income tax under section 501 (c)(3) of the Internal Revenue Code of 1934, which service the Secretary of Education has determined is comparable to service in the Peace Corps or ACTION programs.

Temporarily totally disabled, as established by affidavit of a qualified physician.

Unable to work because the borrower is providing care for a spouse who is temporarily totally disabled, as established by affidavit of a qualified physician.

3. A period not exceeding two years while the borrower is serving an internship that is needed to gain professional recognition required to begin professional practice or service.

4. A single period not exceeding one year while the borrower is seeking but unable to find full-time employment in the United States.

#### CANCELLATION

If a borrower dies, becomes totally and permanently disabled, or in certain cases, has his or her debts discharged in bankruptcy, then the borrower is no longer obligated to make any further payments on the loan. Federal law provides that, with certain exceptions, a borrower's loan is nondischargeable in bankruptcy within the first five years of repayment.

#### DEFAULT

If a borrower fails to make an installment payment when due, the lender attempts, through a specified set of procedures, to collect on the loan. If 120 days elapse and the borrower still fails to make the payment, or if it is reasonable to conclude that the borrower no longer intends to repay, then the lender may file a default claim with the Commission. The loan becomes immediately due and payable and the Commission will actively attempt to collect from the borrower. Collection activities may include litigation.

### ELIGIBLE PROGRAM PARTICIPANTS

To participate in the Louisiana PLUS program, parents, students, schools and lenders must first meet certain requirements. GENERAL ELIGIBILITY REQUIREMENTS FOR PARENTS AND STUDENTS

A PLUS loan will not be made unless the borrower, and the student on whose behalf a loan is intended if a parent is borrowing, meet all the general eligibility requirements listed below.

#### Citizenship

The borrower, and the student on whose behalf the loan is intended must be one of the following:

A citizen of the United States; or

A national of the United States; or

A permanent resident of the United States; or

In the United States for other than a temporary purpose and in possession of proper resident alien registration card ( Form I-151 or I-551 ). Aliens carrying other identification are not eligible for PLUS loans. A photocopy of both sides of Form I-151 or Form I-551 is required.

Default/Overpayment - The borrower and/or the student on whose behalf the loan is intended cannot:

Be in default on any PLUS loan, Guaranteed Student Loan, or National Defense or Direct Student Loan that was received for attendance at the same school which the student is or will be attending. However, the borrower may still receive a PLUS Loan if the person who defaulted has made arrangements to repay the defaulted loan to the satisfaction of the Commission.

Owe a refund of a Pell Grant, a Supplemental Educational

Opportunity Grant, or a State Student Incentive Grant that was received for attendance at the same school which the student is or will be attending. However, the borrower may still receive a PLUS loan if the defaulter has made satisfactory arrangements either to repay or adjust the award, through specified procedures.

#### Additional Parent Eligibility Criteria

In addition to meeting the general eligibility requirements, a parent borrower must:

Be the student's mother, father, legal guardian or adoptive parent; and

Use the loan funds to pay for the educational cost of an eligible student.

Two eligible parents may take out one loan on behalf of one student under the PLUS program in a co-signer relationship. Under such an agreement, both parties are liable for the repayment of the loan. The total and permanent disability or death of the borrower will not affect the obligation of the co-signer to pay any amount owed on this loan.

#### Additional Student Eligibility Criteria

In addition to meeting the general eligibility requirements, a student borrower or a student on whose behalf the parent is borrowing must meet the following conditions:

The student is or will be accepted for enrollment in a participating school on at least a half-time basis.

If currently enrolled the student must be in good standing and be maintaining satisfactory progress, as determined by the school.

If the student is a borrower, the student must be an independent undergraduate or a graduate or professional student. (Not yet authorized for Louisiana PLUS program)

or

If the student's parents are borrowing on his or her behalf, the student must be a dependent undergraduate student as determined by the school in accordance with Title IV regulations.

#### Eligible Lenders

Banks, savings and loan associations, credit unions, and schools may be the lenders if they meet certain program eligibility requirements.

#### ELIGIBLE SCHOOLS

Colleges, universities and many vocational and technical schools may participate in the PLUS program if they meet certain program eligibility requirements. Parents and students should check with the school that the student is or will be attending to make sure that the school and its programs are eligible.

Richard W. Petrie  
Director

### COMMITTEE REPORT

**Office of the Governor  
Office of Elderly Affairs  
Joint Committee on Health and Welfare  
October 13, 1981**

Honorable David Treen, Governor  
State of Louisiana  
State Capitol  
Baton Rouge, Louisiana 70804

Subject: Report on Disapproval of Proposed Rules on the Amendments to the State Plan, Policy Manual, and the Nursing Home Ombudsman Program All by the Office of Elderly Affairs as Required by LRS 49:968(F)

Dear Governor Treen:

This is to certify that the following rules proposed by the

Office of Elderly Affairs have been found unacceptable and disapproved in accordance with LRS 49:968:

1. Amendments to State Plan (July 20 Register);
2. Policy Manual (July 20 Register); and
3. Nursing Home Ombudsman Program (August 20 Register).

Both House and Senate members of the Subcommittee on Oversight, acting as separate committees on behalf of their respective houses of the legislature have disapproved the proposed rules as provided in LRS 49:968 (D and E). House members voting to disapprove the rules were Representatives Robert Adley, Lane Carson, Louis (Woody) Jenkins, and Jon Johnson. Voting against disapproving the rules was Representative Quentin Dastugue. Senate members voting to disapprove the rules were Senators Edward Randolph and Dan Richey. Voting against disapproving the rules was Senator Ron Landry.

With respect to the proposed rules, it was the committee's determination that there exists no statutory authority granting the Office of Elderly Affairs the power to adopt rules on the above subjects. LRS 49:968(C)(3) requires that the specific citation of the enabling legislation purporting to authorize the adoption, amending, or repeal of the rule be included in the report to be submitted by the agency. The only legal authority cited by the Office of Elderly Affairs was the Older Americans Act which is a federal, not state law, and which cannot, of itself, grant rule-making authority.

Moreover, a survey of the Louisiana Revised Statutes has shown no statutory authority for the Office of Elderly Affairs to exercise rule-making powers. Under LRS 46:932, the Office of Elderly Affairs does have the power to "administer" the Older Americans Act and related programs. However, the Oversight Subcommittee believes that a legislative grant of rule-making authority must be *explicit* and is not contained within the general term "administer."

We believe an important legal issue is raised by these proposed rules, and are constrained to veto any effort by a state agency to assume rule-making authority which it has not been granted.

It was the consensus of the Oversight Subcommittee that the subcommittee would be willing to support legislation granting certain rule-making authority to the Office of Elderly Affairs at the upcoming special session if this subject were included in the call of the session.

The above rules were opposed by the Louisiana Health Care Association.

Under the provisions of LRS 49:968(G), please be advised that you have five calendar days to consider this report and, if it is your desire, to disapprove the action taken by the subcommittee. Please indicate your approval or disapproval of the subcommittee's action and return this document to my office at 732 North Boulevard, Baton Rouge, Louisiana 70802.

With kindest regards, I remain

Sincerely  
Louis (Woody) Jenkins, Chairman  
Subcommittee on Oversight  
Joint Committee on Health and Welfare

#### Analysis of Proposed Nursing Home Ombudsman Rules

1. Lack of Rulemaking Authority - While the Office of Elderly Affairs has statutory authorization to "administer the Older Americans Act and related programs", there seems to be no express authority for rulemaking in this regard. R.S. 46:1605, relative to parish councils on aging, provides that "[t]he functions of each parish voluntary council on the aging shall comply with the objectives of state laws and shall be governed by the policies and regulations established by the office" and seems to presuppose some preexisting grant of rulemaking authority, which is not contained anywhere in Title 36 relative to powers and functions of the

executive branch of state government.

2. Improper Notice of Intent - R.S. 49:953 (the Administrative Procedure Act) requires that "[w]hen a rule is adopted, amended, or repealed in compliance with federal regulations, the adopting agency's notice of intent and the actual text of the rule as published in the Louisiana Register, must be accompanied by a citation of the Federal Register issue in which the determining federal regulation is published, such citation to be by volume, number, date and page number."

This notice merely said that these rules "will comply with the Older Americans Act of 1965" and are being enacted "under the authority granted to the Governor by the Department of Health and Human Services, Administration on Aging."

3. Necessity for the Rules - These rules envision another needless layer of bureaucracy in that a nursing home complaint procedure is already set up in existing law (R.S. 40:2009.1 et seq) and in operation. These rules do not discuss interface with the existing program nor do they explain how the existing program cannot meet the needs of the elderly. Nursing homes are *already* inspected, surveyed, reviewed and monitored by over a dozen local, state, and federal agencies. These rules would in effect constitute a duplication of effort and would require expenditures of increasingly scarce state and federal dollars.

Furthermore, R.S. 40:2009.1 provides that "all nursing homes are under the jurisdiction of the state department of Health and Human Resources." DHHR is the single state agency responsible for monitoring compliance of nursing homes with state and federal regulations. More importantly, the nursing home advisory committee, provided for under the same statute, has the duty to "study the requirements and regulations of the Department of Health and Human Resources . . . in relation to the establishment of minimum standards of maintenance and operations of nursing homes." Under the statutory scheme, DHHR would then review the committee's findings and propose rules pursuant to the Administrative Procedure Act.

The proposed rules seem to infringe upon the sole responsibility over nursing homes authority to DHHR under Louisiana law.

4. Funding - The Fiscal and Economic Impact Statement "begs the question" in regard to expenditures. It states that there will be "no effect on implementation costs since similar policies have been in effect for a number of years". Currently, much of the funding for those programs is federal in source. Legislation now pending in Congress - S 1086 - would remove the requirement that states "earmark" any specific amount of OAA funds for such programs. It is unrealistic to move ahead with this proposal until the effects of federal budget cuts have filtered down to state and local governments.

5. Vagueness of Rules - These rules bring to mind a recent Acadiana area Council on Aging advertisement for a community ombudsman which listed job qualifications as the abilities to "speak French and get along with people."

Specific points are as follows:

A) 804.2 (A) (1) - Characteristics of Work — No mention is made of the existing complaint mechanism in 40:2009.13 nor of any interface therewith.

B) 804.2(A) (2) - Examples of Work — Included in item (b) is "observe care in nursing homes." How can a person form a valid reasoned judgement on patient care with such meaningless qualifications and unless they can read and understand a patient history?

C) 804.2 (A) (3) - Qualifications — A coordinator must have a bachelor's degree and two year's experience or "four years of experience working with people." What sort of bachelor's degree is required? What does "experience working with people" include? Rather, what does it exclude?

Quite simply, the above "requirements" will only result in unqualified personnel delving into matters of medical care and legal issues with which they are woefully unfamiliar.

D) In reference to "training", the length and formal requirements of such are nowhere mentioned. Is an examination required? Must applicants pass such an exam?

E) Internship (804.4) — After training, the ombudsman must "spend 12 hours in a nursing home, preferably accompanied by an experienced nursing home obudsman". However, "previous 'experience' in a nursing home may be substituted for the internship." It is submitted that this is a very short term for a person to become an expert in the large number of subjects comprising the training requirements, particularly since no mention is made of the length of the training program. After passing all examinations and meeting all criteria to become a Nursing Home Administrator, a person must serve as an Administrator in-training for an additional *six months*. Should an individual who purports to be an expert in varied fields and who will in effect "second guess" the Administrator be any less qualified?

### **ACTION BY GOVERNOR**

I adopt the statement of the Subcommittee on Oversight of the Joint Committee on Health and Welfare as my reasons in approving its action as it relates to the Policy Manual and the Nursing Home Obudsman Program of the Office of Elderly Affairs.

I disapprove the action of the Subcommittee on Oversight of the Joint Committee on Health and Welfare with respect to the amendments to the state Plan of the Office of Elderly Affairs on grounds that these amendments are not rule changes as contemplated within LRS 49:968.

David C. Treen, Governor  
State of Louisiana

### **RULES**

#### **Department of Health and Human Resources Board of Dentistry**

Notice is hereby given that the Louisiana State Board of Dentistry under the authority granted by R.S. 37:760, and in accordance with the applicable provisions of the Administrative Procedure Act has adopted four additional rules pertaining to the authorized duties of dental assistants.

The following rules are adopted:

(a) Place or remove pre-formed crowns or bands for determining size only when recommended by the dentist under his supervision. Only the dentist may shape, festoon, contour, seat and cement all crowns, bands and brackets.

(b) Place or remove temporary separating devices.

(c) Place or remove ligatures, cut and tuck ligatures, remove tension devices and any loose or broken bands or arch wires when directed by the dentist.

(d) A retaining device usually placed in the mouth of a patient by such patient may be placed when directed by the dentist.

### **RESOLUTION**

WHEREAS, the Louisiana State Board of Dentistry commenced a study of the possibility of revising its rules and regulations pertaining to the authorized duties of dental assistants at its January 27, 1981 meeting, and

WHEREAS, the said Board did appoint a committee of some of its members to handle this study and the said committee, with the full Board in attendance, did hold a public meeting in Baton Rouge, Louisiana on July 18, 1981, at which time the committee heard testimony and received statements from the various members of the profession in attendance, including testimony from individual dentists and hygienists, members of the



faculty of the dental and dental hygiene schools, as well as the spokesmen for some of the state dental specialists organizations, and

WHEREAS, after receiving such testimony and statements and reviewing the duties for dental assistants in various other states, the committee did report to the Board on August 29, 1981, recommending the adoption of four additional rules and regulations to the current list of authorized duties of dental assistants, and

WHEREAS, the Board at its August 29, 1981 meeting did approve the recommendation of its committee and voted for the adoption of said additional rules and regulations in accordance with law, and

WHEREAS, the Board has published its intent to adopt such additional rules and regulations in the October 20, 1981 edition of the State Register and did further provide the Louisiana Legislative committee with the required information and the Board, through its representative, did appear before said legislative committee on October 13, 1981, and

WHEREAS, the Board considered the adoption of the four additional duties at its meeting of November 7, 1981, and heard additional testimony from those interested parties at the said meeting.

BE IT HEREBY RESOLVED, that the Louisiana State Board of Dentistry does hereby adopt the four additional rules and regulations for the authorized duties of dental assistants as published in the October 20, 1981 edition of the State Register and does direct and instruct that notice of said adoption be published as required by law.

Motion By Dr. Chustz, Seconded By Dr. Kalpakis. Ayes 6, Nays 0, Absent 2. Resolution Adopted on November 7, 1981.

A Certified copy of the Resolution adopted November 7, 1981 by the Louisiana State Board of Dentistry.

Lee R. Miller, Jr.  
Secretary-Treasurer

## RULES

### Department of Health and Human Resources Board of Practical Nurse Examiners

The Louisiana State Board of Practical Nurse Examiners at its meeting on September 18, 1981 adopted the following amendment to the Administrative Rules and Minimum Requirements Relating to Practical Nursing Education and Licensure to Practice in the State of Louisiana.

#### Section 1

#### 7. Rules for Adjudication and License Suspension and Revocation Proceedings

7-1 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.

7-2 All proceedings calling for a suspension, revocation or probation of a licensee, shall begin with the receipt of a complaint by the Board. This complaint shall be in writing and signed by the complainant.

7-3 This complaint shall be investigated by the Executive Director, his designee and/or staff.

7-4 The complaint against the licensee may be concluded at an informal proceeding without a hearing if the director does not feel that the complaint is sufficiently serious and the licensee does not request a formal hearing. The informal resolution of a com-

plaint may be done by correspondence between the Executive Director and the licensee, by conference of the Executive Director with the licensee, by consent order between the Board and the licensee, or by a settlement between the complainant and the licensee.

7-5 If a complaint is concluded by this informal procedure, any result and/or recommendations shall be submitted by the Executive Director to the Board for approval.

7-6 If a matter is not concluded by informal procedure and a hearing is deemed necessary or requested by the licensee, a hearing shall be scheduled before the Hearing Officer designated by the Board.

7-7 Formal hearing procedures shall commence by a formal notice of complaint outlining the charges against the licensee sent to the licensee at his last known address. This notice shall require a response by the licensee within 21 days.

7-8 The licensee shall return his response to the complaint to the Board within 21 days or shall be deemed to have waived his right to hearing. In this 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 right to said hearing.

7-9 If the licensee waives his 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.

7-10 If the licensee requests a hearing before the Hearing Officer, the licensee shall be afforded the opportunity to present evidence and cross-examine witnesses. The testimony of the witnesses shall be transcribed. The hearing shall be conducted according to the Administrative Procedure Act.

7-11 After the hearing is concluded, the Hearing Officer shall issue a report containing his findings of fact, conclusions of law and recommendations. This report shall be presented to the Board.

7-12 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.

7-13 This Order of the Board shall be sent to the licensee.

Helen W. Sheehan, R.N.  
Executive Director

## RULE

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

The Department of Health and Human Resources, Office of Family Security, has implemented the following nursing home rates:

Level of Care	Daily Rate	Monthly Rate
Skilled Nursing Facilities	\$32.68	\$994.02
Intermediate Care Facilities I	28.38	863.23
Intermediate Care Facilities II	22.78	692.89

Federal regulation 42 CFR 44.273 and the Title XIX State Plan specify that the Medicaid agency must pay for long term care services on a reasonable cost-related basis.

George A. Fischer  
Secretary

**RULE**  
**Department of Labor**  
**Plumbing Board**

The State Plumbing Board of Louisiana, in accordance with the notice of intent published on September 20, 1981 adopted the following changes and new fees and charges at a public hearing held on Thursday, October 29, 1981:

Section VI  
Fees

The fees and charges of the Board shall be as follows:

- (a) Special Examinations . . . . . \$500
- (b) Examinations . . . . . \$ 75
- (c) Initial License Fee . . . . . \$ 30  
(This fee to be paid after applicant has successfully passed the exam, in order to receive his first license)
- (d) Renewal Fee . . . . . \$ 30
- (e) Revival Fee . . . . . \$10  
(If renewed after March 31) . . . . . \$20
- (f) Temporary Permits . . . . . \$ 50
- (g) Roster . . . . . \$300
- (h) Administrative Charges for Processing Exam 50% OF EXAM FEE  
(To be retained by the Board should an applicant withdraw his application before taking the examination)
- (i) Fee for N.S.F. or Returned Check . . . . . \$ 8

Section VII  
Renewals

All licenses expire December 31 of each year. Applications for renewal will be mailed out by the end of October. The issuance of renewals will start November 1 of each year.

All renewal applications received at the Board's office later than midnight the last day of December will be delinquent and will require a revival fee in addition to the renewal fee. Any license not renewed by the last day of December will pay a \$10 revival fee, in addition to the \$30 renewal fee, if renewed between January 1 and March 31. Any license renewed after March 31 will pay a \$20 revival fee, in addition to the \$30 renewal fee, for each previously delinquent year, up to the statute of limitations set by the Board.

A person may be given the option of paying back fees of \$50 per year for each year not renewed, up to the statute of limitations set by the Board, or taking the exam again, for the current examination fee.

Any applicant requesting a duplicate license shall make a written request to the Board for said duplicate license, and shall submit a fee of \$10 to cover administrative cost of processing said duplicate license.

NOTE: Effective January 1, 1977, if license is not renewed for four consecutive years, applicant will be required to be re-examined, according to the rules and regulations of the Board, before new license can be issued.

Edward C. Fink  
President

**RULE**  
**Department of Natural Resources**  
**Office of Environmental Affairs**  
**Environmental Control Commission**

The following revision to the Air Quality Regulations was approved October 22, 1981, by the Environmental Control Commission.

Add the following sentence to the end of Section 6.1

Any person owning or operating a source of air contaminants shall comply with any applicable New Source Performance Standard (NSPS) requirements promulgated by the U.S. Environmental Protection Agency pursuant to Section III of the Federal Clean Air Act as amended.

B. Jim Porter  
Assistant Secretary

**RULE**  
**Department of Public Safety**  
**Office of State Fire Marshal**

In accordance with the Notice of Intent published in the October 20, 1981 Louisiana Register, the Department of Public Safety, Office of State Fire Marshal hereby adopts the following rule:

11.11 Specific standards which will be accepted by the State Fire Marshal as compliance with these regulations as set forth in ANSI A117.1-1980 of the American National Standard Institute, Inc. approved March 3, 1980 entitled "American National Standard Specifications for Making Buildings and Facilities accessible to and Usable by Physically Handicapped People" which can be purchased from the American National Standards Institute, Inc., 1430 Broadway, New York, New York 10018, which is a revision of ANSI A117.1-1961.

Carrol L. Herring  
State Fire Marshal

**RULE**  
**Department of Public Safety**  
**Office of State Fire Marshal**

In accordance with the Notice of Intent published in the October 20, 1981 Louisiana Register, the Department of Public Safety, Office of State Fire Marshal hereby adopts the following rule:

L.A.C. 17-4:1 Plans and Specifications for a New Building

4.1 As of January 1, 1982 the plans and specifications for every structure built or remodeled in the State of Louisiana must be drawn in accordance with the requirements of the 1981 edition of the Life and Safety Code of the National Fire Protection Association and, for all high rise buildings, Section 596 Special Provisions for high rise buildings of the Standard Building Code 1979 edition of Southern Standard Building Congress.

L.A.C. 17-4:2 General Provisions

2.2 All inspections of buildings constructed or remodeled after January 1, 1982 will be made utilizing the requirements set forth in the 1981 edition of the Life Safety Code of the National Fire Protection Association and Section 506 Special Provisions for High Rise of the Southern Standard Building Code 1979 edition of the Southern Standard Building Congress.

2.3 All inspections of buildings constructed or remodeled between January 1, 1980 and September 1, 1981 will be made utilizing the requirements set forth in the 1976 edition of the Life Safety Code of the National Fire Protection Association and Section 518 Special Provisions for High Rise of Chapter 4 of the 1974

amendments to the 1973 Southern Standard Building Code.

2.4 With regard to buildings constructed or remodeled between January 1, 1975 and January 1, 1980, inspections of those buildings will be made on the basis of requirements that the buildings meet the minimum requirements set forth in the 1973 edition of the Life Safety Code of the National Fire Protection Association and Section 518 Special Provisions for High Rise of Chapter 4 of the 1974 amendments to the 1973 Southern Building Code.

2.5 With regard to buildings constructed or remodeled prior to January 1, 1975, inspections by the Office of State Fire Marshal shall be made utilizing the requirements set forth in the 1967 edition of the Life Safety Code of the National Fire Protection Association.

Carrol L. Herring  
State Fire Marshal

**RULE**

**Department of the Treasury  
Board of Trustees  
State Employees Group Benefits Program**

**B. Primary Plan and Secondary Plan**

All benefits provided under this Article 3, Medical Benefits, are subject to coordination of benefits.

This provision is applicable when the total benefits that would be payable by this plan in the absence of any coordination of benefits provision and the total benefits payable under all other plans insuring a covered person, exceed expense incurred during a claim determination period.

One of the two or more plans involved is the primary plan and the other plan(s) are secondary plan(s). The primary plan pays benefits first and without consideration of the other plan(s). The secondary plan(s) then provide the difference up to, but not to exceed, the total allowable expenses. No plan will pay benefits greater than it would have paid in the absence of coordination of benefits.

If an individual is covered by more than one plan, the order of benefit determination shall be in accordance with the coordination of benefits guidelines, as amended, established by the National Association of Insurance Commissioners.

James D. McElveen  
Executive Director

**Notices  
of  
Intent**

**NOTICE OF INTENT**

**Department of Agriculture  
Family Farm Council**

Notice is hereby given that, in accordance with the provisions of LSA 49:951, et seq., and LSA 3:251, et seq., relative to

the Family Farm Loan Program, the Family Farm Council will hold a public hearing at 1 p.m. on December 8, 1981, in the Conference Room on the twentyfirst floor of the State Capitol, Baton Rouge, Louisiana.

The purpose of the hearing will be consider amendments to the Rules and Regulations governing the Family Farm Loan Program necessitated by the passage of Act 916 of 1981, including but not limited to the establishment of interest rates, procedures for reimbursements, restrictive covenants, and other matters relevant thereto.

A copy of the text of the proposed rules and regulations may be secured by writing to Mr. Bryce Malone, Assistant Commissioner of Marketing, Box 44184, Baton Rouge, Louisiana 70804 or may be picked up at Mr. Malone's office at 12055 Airline Highway, Baton Rouge, Louisiana.

Written comments will be accepted by Mr. Malone up to and including December 4, 1981, or may be presented in person at the hearing.

All interested persons will be afforded an opportunity to present data, views, or arguments, orally or in writing, at the hearing.

Bob Odom  
Commissioner

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Family Farm Credit**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)  
No effect on costs to the agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)  
No effect on revenue collections
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)  
No effect on costs or benefits of affected groups; the amendment simply eliminates previous conflicting requirements necessitated because of conflicting provisions in Act 427 of 1980.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
No effect on competition or employment, except that increased employment opportunities for farm laborers may become available as a result of increased agricultural lands put into production with the proceeds of Family Farm Credit loans.

Bryce Malone  
Assistant Commissioner

Jean S. Perry  
Legislative Fiscal Analyst

**NOTICE OF INTENT**

**Department of Agriculture  
Market Commission**

In accordance with the provisions of LSA 49:951, et seq., and LSA 3:543 B, as amended by Act 158 of 1981, relative to the authority of the State Market Commission in the administration of the Farm Youth Loan Program, notice is hereby given that a public hearing will be conducted by the State Market Commission at 10:30 a.m. on December 9, 1981, in the Conference Room on the twentyfirst floor of the State Capitol, Baton Rouge, Louisiana.

The purpose of the hearing will be to consider the repeal of Rule 4.7 of the Rules and Regulations governing the administra-

tion of the Farm Youth Loan Program and the enactment of a new Rule 8.4 to provide for submission of a health certificate on any animal purchased with the proceeds of a Farm Youth Loan or Loan Guarantee prior to the disbursement of the proceeds, and matters relevant thereto.

A copy of the text of the proposed rule may be secured from Mr. Bryce Malone, Assistant Commissioner of Marketing, Box 44184, Baton Rouge, Louisiana 70804 or at his office at 12055 Airline Highway, Baton Rouge, Louisiana.

Written comments will be accepted by Mr. Malone up to and including December 4, 1981, or may be presented in person at the hearing.

All interested persons will be afforded an opportunity to present data, views, or arguments, orally or in writing, at the public hearing.

Bob Odom  
Commissioner

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Farm Youth Loans**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)  
No effect on costs to the agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)  
No effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)  
No effect on costs to the affected groups (applicants for Farm Youth Loans). The benefit will be that the youth will be able to secure a health certificate on the animal because funds will be assured before the health certificate is required.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
No effect on competition or employment.

Bryce Malone  
Assistant Commissioner

Jean S. Perry  
Legislative Fiscal Analyst

**NOTICE OF INTENT  
Department of Agriculture  
Market Commission**

In accordance with the provisions of LSA 49:951, et seq., the Administrative Procedure Act, and LSA 3:405, 410-412, relative to the authority of the State Market Commission for the establishment and regulation of state grades of food products, notice is hereby given that the State Market Commission will conduct a public hearing at 10:30 a.m. on December 9, 1981, in the Conference Room on the twentyfirst floor of the State Capitol, Baton Rouge, Louisiana.

The purpose of the hearing will be to consider the adoption of comprehensive rules and regulations governing the grading and certification of fish and fish products, poultry, and eggs, including but not limited to consideration of the following: establishment of official state grades, requirements for certification, time limits for issuance of certificates, waivers of specification requirements, final delivery of product, and obligations of vendors. The State Market

Commission will also consider the permanent repeal of its Rule 7.4 of the Rules and Regulations governing the grading and certification of meat and meat products.

A copy of the text of the proposed rules may be secured by writing to Mr. Bryce Malone, Assistant Commissioner of Marketing, Box 44184, Baton Rouge, Louisiana 70804, or in person at Mr. Malone's office at 12055 Airline Highway, Baton Rouge, Louisiana.

Written comments will be accepted by Mr. Malone up to and including December 4, 1981, at his office, or may be presented in person at the hearing.

All interested persons will be afforded an opportunity to present data, views, or arguments, orally or in writing, at the public hearing.

Bob Odom  
Commissioner

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: G and C Rules**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)  
No increased costs in current fiscal year in any program. Initial State funds of \$83,887 will be required for the first full year of implementation of the fish and fish products grading and certification program (FY 83). The level of State support necessary in FY 84 is projected to decrease to \$59,694 with the program becoming self-supporting in FY 85. No increased costs are required for the rules on poultry and eggs or meat and meat products, either in FY 82, FY 83, or FY 84.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)  
Revenues to be generated by the fish and fish product grading and certification program will be new revenues for the agency. Federal revenues are projected at approximately \$1,000 in FY 82, \$5,000 in FY 83, and \$47,000 in FY 84. Self-generated revenues are projected at approximately \$2,000 in FY 82, \$9,000 in FY 83, and \$27,000 in FY 84. Increases of \$7,000 in FY 82, \$14,000 in FY 83, and \$16,000 in FY 84 are projected to occur in the poultry and egg grading and certification program because of the increase in the required Federal hourly rate (from \$16.52 to \$18.96). There will be no increase in revenues for the meat and meat product grading and certification program as a result of adoption of the proposed amendment.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)  
Vendors offering product to state or local agencies requiring grading and certification services will bear the entire costs of the increases projected above. However, it is important to note that only vendors which voluntarily elect to offer product to state or local agencies will pay the increased costs; the grading and certification of fish and fish products, poultry and eggs, and meat and meat products is not required by law.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
No appreciable effect on competition or employment in the private sector because the rules will apply equally to all vendors voluntarily choosing to offer products for sale to agencies requiring grading and certification of product.

Bryce Malone  
Assistant Commissioner

Jean S. Perry  
Legislative Fiscal Analyst

**NOTICE OF INTENT**  
**Department of Commerce**  
**Board of Certified Public Accountants**

Notice is hereby given that the State Board of Certified Public Accountants of Louisiana intends to revise and amend, effective December 15, 1981, the following Rules:

1. LAC 11-9:2 (R.S. 37:72) Adds Rule 2.1.3 and 2.3
2. LAC 11-9:5 (R.S. 37:75) Rewrites introduction paragraph of Rule 5.4.2  
 Adds Rule 5.4.3  
 Rewrites Rule 5.5.3A.6
3. LAC 11-9:8 (R.S. 37:77) Expands Rule 8.1
4. LAC 11-9:9 (R.S. 37:78) Adds Rule 9.2.2C and 9.2.2D
5. LAC 11-9:10(R.S. 37:78) Rewrites Rule 10.2.2
6. LAC 11-9:11(R.S. 37:79) Adds two sentences to Rule 11.2
7. LAC 11-9:15(R.S. 37:82) Deletes requirement for notarized statement in Rule 15.2.1  
 Rewrites Rule 15.2.2 and 15.2.3  
 Adds new Rule 15.2.4  
 Renumbers old Rule 15.2.4 to 15.2.5  
 Adds Rule 15.2.6 and 15.2.7
8. LAC 11-9:17(R.S. 37:84) Adds Rule 17.7

**Revised Rules**

2.1.3 The performing of services by any person who holds a certificate as a Louisiana CPA and who, as an employee of a public accounting firm, performs services for the public and holds himself out as a CPA.

2.3 Practicing in Louisiana. The term "practicing in Louisiana" shall mean any proprietor/partner/shareholder residing in Louisiana, any proprietor/partner/shareholder who is assigned to an office located in Louisiana, any proprietor/partner/shareholder responsible for an engagement being performed principally in Louisiana and any proprietor/partner/shareholder responsible for that part of an engagement being performed in Louisiana where the performance on the engagement as a whole is not principally in Louisiana.

5.4.2

Records. A licensee shall furnish to his client or former client upon request:

A. A copy of a tax return of the client; and

B. A copy of any report, or other document, issued by the licensee to or for such client; and

C. Any accounting or other records belonging to, or obtained from, or on behalf of, the client which the licensee removed from the client's premises or received for the client's account, but the licensee may make and retain copies of such documents when they form the basis for work done by him; and

D. A copy of the licensee's working papers, to the extent that such working papers include records which would ordinarily constitute part of the client's books and records and are not otherwise available to the client.

5.4.3 The non-payment of professional fees and/or out-of-pocket expenses shall not be a basis for failure to furnish the records referred to in C and/or D above. A licensee shall be permitted to collect in advance of issuance a reasonable fee for time and expenses of issuing a return and/or report referred to in Rule 5.4.2A and B, above.

5.5.3 Advertising.

A. Licensees shall have the right to advertise. However, a licensee shall not use or participate in the use of any public communication or advertisement which contains a false, fraudulent, misleading, deceptive, or unfair statement or claim. A false, fraudulent, misleading, deceptive, or unfair statement or claim includes but is not limited to a statement or claim which:

1. Contains a misrepresentation of fact; or
2. Is likely to mislead or deceive because it fails to make full disclosure of relevant facts; or
3. Contains any testimonial or laudatory statement, or other statement or implication that the licensee's professional services are of exceptional quality, or statements intended to attract clients by use of showmanship, hucksterism, slogans, jingles, or other garish language; or
4. Is intended or likely to create false or unjustified expectations of favorable results; or
5. Implies educational or professional attainments or licensing recognition not supported in fact; or
6. States or implies that the licensee has received formal recognition as a specialist without stating from whom the recognition has been received or claims any specialized expertise in any aspect of the practice of public accountancy; or
7. States or implies that the licensee's ingenuity and/or prior record are principal factors likely to determine the results of the services rather than the merit of the facts involved, or contains statistical data or information so as to reflect past performance or predict future success; or
8. Represents that professional services can or will be completely performed for a stated fee when this is not the case, or makes representations with respect to fees for professional services that do not disclose all variables affecting the fees that will in fact be charged; or
9. Contains other representations or implications beyond those set forth in B below that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived; or
10. Implies the ability to influence any court, tribune, regulatory agency or similar body or any official thereof; or
11. Makes comparison with other CPAs.

8.1 No partnership or corporation whether domiciled within or without the State of Louisiana, shall practice the profession of public accounting in Louisiana unless all members or shareholders thereof who practice public accounting in Louisiana are holders of licenses issued by the Board and properly renewed. It is recognized that shareholders of Louisiana professional accounting corporations could, in some instances, be persons who are not certified public accountants; therefore, the reference to shareholders above refers to persons entitled to vote shares and participate in the corporate earnings.

9.2.2 Effective September 1, 1975:

A. All applicants for the CPA examination shall possess a baccalaureate degree, conferred by a university or college recognized by the Board.

B. Such degree shall carry with it adequate concentration in the area of accounting at either the undergraduate or graduate level, as follows:

	Hours	
Undergraduate Level	Semester	Quarter
Elementary Accounting	3	4
Intermediate Accounting	6	8
Advanced Accounting	3	4
Cost Accounting	3	4
Income Tax Accounting	3	4
Auditing	3	4
Accounting Elective	3	4
Commercial Law (As it affects accountancy)	6	8
Graduate Level		
Intermediate Accounting	3	4
Advanced Accounting	3	4

Cost Accounting	3	4
Income Tax Accounting	3	4
Auditing	3	4
Accounting Elective	3	4
Commerical Law (As it affects accountancy)	3	4

If the degree does not carry with it such concentration, the candidate shall have completed the courses prescribed above. Such courses shall be completed in a university, college, night or extension school of recognized standing and approved by the Board.

C. In the event that the degree does not carry with it the above concentration in accounting, the Board may, on good cause shown by the applicant, substitute other courses that in the Board's judgment meet the above requirements.

Cause for substitution shall be submitted by applicant in affidavit form sworn to by the applicant and a representative of the university, college or other educational institution where the course was taken. The affidavit shall contain a course description a comparison of the course content to that of the course for which substitution is requested.

D. If an applicant for the CPA examination has been in public practice on the professional staff of a CPA firm for four of the ten years immediately prior to the date of submitting the application, he will not be required to have met the requirements of Rule 9.2.2B above if

1. he has successfully completed at least one course in each of the areas listed in Rule 9.2.2B, and
2. if his courses were taken at the undergraduate level, he has successfully completed a total of 30 semester hours, or 40 quarter hours, in accounting and commercial law, and
3. each such course was completed in a university, college, night or extension school of recognized standing and approved by the Board.

10.2.2 The provisions of the above rule notwithstanding, if an applicant for a reciprocal certificate has been in public practice as a CPA and/or the professional staff of a CPA firm for four years in the ten years immediately prior to the date of submitting the application, he will not be required to have met the educational or conditional requirements for receiving a certificate in Louisiana.

11.2 After February 28, 1983, the one year of qualifying experience is increased to two years. When the two-year experience requirement becomes effective, a Master's degree with a concentration in accounting or a more advanced degree in accounting may be substituted for one year of experience. Concentration in accounting as used in this paragraph shall mean at least 15 hours in accounting courses (auditing, theory, practice, managerial, tax), the contents of which are at a level higher than the contents of the advanced accounting, basic cost accounting, basic income tax accounting, and basic auditing provided for the undergraduate level in Rule 9.2.2B. At least 3 of these 15 hours shall be in accounting theory and practice and at least 3 shall be in auditing.

15.2.1 Every certified public accountant who is registered with the Board and who is engaged in the practice of his profession on his behalf shall file annually with the Board a certification that he is practicing as an individual and that there are no partners or associates practicing with him.

15.2.2 Each firm of certified public accountants which has one or more offices located in Louisiana shall designate a resident licensee to actively supervise each office. One licensee may be so designated for more than one office. If such supervising licensee is not a partner or shareholder, the firm must have at least one partner or shareholder who is a licensee.

15.2.3 Each resident licensee shall file annually at the time

he applies for renewal of his license a list of all resident and non-resident partners or shareholders associated with him in the practice of public accounting and the location and resident partner, shareholder, or manager of each officer or branch office maintained in Louisiana. One annual listing by the senior or resident partner or shareholder of each firm will satisfy this requirement for all partners or shareholders of the firm, provided that each partner or shareholder gives adequate reference to this listing.

A. In the event that a firm with one or more offices in Louisiana has no partner or shareholder who is a resident licensee, the firm must designate a licensee partner to be responsible for the filing set forth above.

B. In addition to the information to be filed as set forth above, each professional accounting corporation practicing public accounting in the State of Louisiana shall designate which shareholders have and which do not have voting privileges. Such corporation shall furnish to the Board an insurance certificate evidencing that it carries professional liability insurance in the amount of \$50,000 for each voting shareholder and for each certified public accountant in its employ to a maximum of \$2,000,000.

15.2.4 At the time of the formation of a firm of certified public accountants, the opening of an office or an additional office in Louisiana, or the incorporation of a firm which previously operated as a partnership, information shall be filed with the Board which updates all information filed in accordance with Rule 15.2.3 and Rule 15.2.3B above in the most recent annual filing, if any, or sets forth all such information if no annual filing had been made as of the latest annual filing date.

15.2.5 An original letterhead must be attached to the statement referred to in Rules 15.2.1 and 15.2.3 above. Licensed employees or licensed associates may be shown on stationery but such names shall be separated from that of the individual practitioner or those of the partners or voting shareholders by an appropriate line. Deceased or retired partners or shareholders shall be appropriately identified.

15.2.6 An annual filing fee to be set by the Board, based on the total number of partners and/or shareholders in the firm who are not licensed to practice in Louisiana but not to exceed \$15 per partner/shareholder with a maximum of \$2,500 per firm, shall be paid by each firm that files in accordance with the provisions of Rule 15.2.3 above.

15.2.7 A filing fee, calculated in the same manner as the most recent annual filing fee provided in Rule 15.2.6 and prorated for the number of complete months remaining in the year, shall be paid by each firm that files in accordance with the provisions of Rule 15.2.4 above and that did not pay an annual filing fee for the immediately preceding filing period.

17.7 Any of the above provisions notwithstanding, the Board may suspend or revoke a certificate and/or license without a hearing for the following causes:

(1) Conviction of a felony or entry of a plea of guilty or nolo contendere to a felony charge under the laws of the United States or of any state;

(2) Conviction of any crime or entry of a plea of guilty or nolo contendere to any criminal charge an element of which is fraud or which arises out of such individual's practice of public accounting;

(3) The refusal of the licensing authority of another state to issue or renew a license, permit or certificate to practice public accounting in that state, or the revocation or suspension of or other restriction imposed on a license, permit or certificate issued by such licensing authority.

Interested persons may submit written comments on the proposed rules through December 7, 1981, to Mrs. Mildred M. McGaha, Executive Director, State Board of Certified Public

Bill W. Smith  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: 37-Chapter 2**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)**

There will be no increased implementation cost to this Agency because the changes will involve no staff time or other expenses in addition to that needed to administer the existing rules, including the change made by the U.S. District Court; which ruled that Louisiana Law does not permit the Board to require a partner or shareholder who does not practice in Louisiana to be a Louisiana licensee. There will be no savings to the Agency.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)**

\$28,000 increase over prior year, all stemming from the changes in Rule 15.2. No fees have been collected under the existing rule since January 1980, due to the ruling of the U. S. District Court.

The new rule provides for firm registration and enables the Board to have a list of all partners and/or shareholders of firms practicing in LA.

**III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)**

Ten large multi-national firms with 500 to 1000 partners each - \$2500 each.

Two intermediate size firms with less than 500 partners - approximately \$1000 each.

Numerous other firms each with only a few partners not licensed in Louisiana - \$1000 in the aggregate.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)**

The proposed Rule changes are not expected to affect competition or employment.

M. M. McGaha, C.P.A.  
Executive Director

Jean S. Perry  
Legislative Fiscal Analyst

**NOTICE OF INTENT**

**Department of Commerce  
Licensing Board for Contractors**

At a special called meeting held September 30, 1981, and at the regular meeting held October 13, 1981, the State Licensing Board for Contractors amended and re-enacted Rule I through Rule XXIX with the intention of adopting or rejecting same at a special meeting to be held in the Board's offices, 7434 Perkins Road, Baton Rouge, Louisiana 70808, on December 7, 1981, beginning at 1 p.m. All interested parties who wish to attend the meeting for the purpose of expressing their comments are invited to do so. Written comments will be received through December 4, 1981, address stated hereinabove.

RULES AND REGULATIONS WITH SUGGESTED CHANGES BY ATTORNEY BEFORE PERMANENT ADOPTION. SENTENCES MARKED BY \* WHERE CHANGES SUGGESTED.

I. A. 1. Under R.S. 37:2157 A, it is the Board's interpretation that a contractor is defined as any person, firm, partnership, co-partnership, association, corporation or other organization, or any combination thereof, who undertakes, attempts, or submits a bid or offer to construct, supervise, superintend, oversee, direct, or in any manner assume charge of the construction, alteration, repair, improvement, movement, demolition, putting up, tearing down or furnishing labor, material or equipment and installing same for any building, highway, road, railroad, sewer, grading, excavation, pipeline or public utility structure, project, development, housing or housing development, improvement, or any other construction undertaking. Additionally, it is the Board's interpretation that, under R.S. 37:2162 (b), a contractor is a person who contracts directly with the owner, a primary contractor, or a subcontractor as a subcontractor; also any Architect or Engineer who receives an additional fee for the employment or direction of labor, or any other work beyond the normal Architectural or Engineering services, shall be considered as a contractor.

2. It is the Board's interpretation that the provisions of R.S. 37:2157 shall apply but are not limited to any project, development, housing or housing development which exceeds \$50,000 in cost. The terms "development," and/or "housing development" are hereby defined to include multi-unit developments comprised of a number of units, no matter how many families each said unit is designed to house.

B. In addition to those specialty classifications listed as subclassifications in Section 2156.2, the definition also includes specialty work as follows, but is not limited thereto: Oil and gas well drilling and storage; directional drilling; X-ray of wells; water well drilling; cathodic protection; environmental control systems; solar energy, nuclear energy; mining; boat building; furnishing and installing permanent building fixtures; building restoration work; carpentry work; dumb waiters, elevators and escalators; glazing; site development; waterproofing; construction management; owner acting as own contractor which will be for rent, sale, public use or public assembly; public address systems; communication lines and systems; sound systems; alarm systems; control systems; instrumentation and calibration; industrial and commercial maintenance; demolition with or without explosives; industrial painting, coating and sandblasting; refractory work.

C. 1. A license shall not be required to bid on any projects funded in any amount by the Federal government designated for a particular project by an agency of the Federal government where a Federal regulation or law prohibits such requirement, provided said agency presents specific evidence of a Federal regulation or law prohibiting same in the bid documents. Should the agency fail to present such evidence, the bidder shall be required to have a license before bidding. Any successful bidder shall submit an application for a license completed in its entirety, pay the fee, and take and pass the required examination prior to commencement of work on Federal jobs. After meeting said requirements, a letter shall be issued to said successful bidder authorizing the commencement of work in accordance with R.S. 37:2157 D. \*Thereafter, the application shall be presented to the Board at its next regular meeting and following compliance with all remaining requirements including delay periods, a license shall be issued with an "F" restriction.

2. A license is not required by a public utility subject to regulation by the Louisiana Public Service Commission or the Council of the City of New Orleans or a contractor bidding on projects for said utility companies. \*However, contractors doing business for public utilities shall file an application for a license and pay the fee and take and pass the required examination prior to commencement of actual work. \*Thereafter, at the next regular meeting, the application shall be presented to the Board and a restricted license with an "R" restriction shall be issued immediately restricted to public utility projects only.

II. Application for contractor's licenses shall contain all information required on the firm which is available at the offices of the State Licensing Board for Contractors, 7434 Perkins Road, Baton Rouge, LA 70808. Application shall be time dated when received and considered at the next regular meeting of the Board, provided the application is complete with financial statement, references, fee, Federal Employer I.D. Number, properly notarized and examination requirements have been met.

No license will be issued until

A. Sixty days have elapsed from time of receipt in the Baton Rouge office;

B. All requirements of the statute and rules and regulations have been met and the application approved by the Board.

III. All licenses and renewals shall expire December 31 of the year they are issued and the license becomes invalid unless renewed; provided, however, that after a license has expired the person or firm to whom such license was issued shall have until the second Tuesday of January next, following the expiration date to renew the license without penalty and further examination. Any person or firm applying for renewal after this second Tuesday of January next following the expiration date will be required to pay a penalty of \$50. Any license not renewed within a period of one year from the date of expiration will be considered as a new application.

IV. The annual fee for renewal of licenses shall be \$100 for any one major classification or subdivision thereof and \$50 will be charged for each specialty, additional major classification or subdivision thereof. The maximum fee shall not exceed \$300. In addition there will be a \$25 charge for each examination and a \$25 charge for a structural change.

V. The license for which a person becomes the qualifying party belongs to the entity of the licensee, as: a corporate license belongs to the corporation, a partnership license belongs to the partnership and an individual license belongs to the individual regardless of the status of the qualifying party of the entity.

VI. A. All applicants shall be required to register a qualifying party or parties who shall successfully pass a written examination for the classification requested, unless otherwise provided by the Board.

B. The qualifying party or parties authorized to take the examination are:

1. Any individual contractor, co-partner or any corporate officer who was an organizer in the articles of incorporation, provided no person shall be allowed to be the qualifying party for more than one company and two subsidiaries. If more than two subsidiaries are formed or acquired by a parent company, a separate qualifying party shall be registered with the Board for each two additional subsidiary companies.

2. Any employee of said applicant who has been in fulltime employment for 120 consecutive days immediately preceeding. He shall be prepared to execute an affidavit furnished by the Board at the time he takes the examination giving his length of employment and Social Security number. If requested, he shall be prepared to show evidence of his eligibility by furnishing four cancelled payroll checks representing four preceeding months.

C. Additional Classification(s) may be obtained at any time by licensed contractors provided:

1. The request for additional classification(s) be in writing.

2. The required additional license fee of \$50 and a \$25 examination fee is paid; and the qualifying party as provided under sub-section (B) successfully passes a written examination.

3. The classification(s) will not become effective for 30 days following a request for same or until approved by the Board at a regular meeting, whichever is the lesser.

D. \*All initial applicants shall be required to take and successfully pass PART I of the Board's examination and PART II where there exists a written examination for same.

E. 1. A contractor who is a subsidiary of a currently licensed contractor and who is making application for a license in the same classifications as that of the currently licensed contractor, shall not be required to take an examination on the subject for which said subsidiary contractor is seeking a license, with the approval of the board, provided that the holders of a majority of the stock in the subsidiary contractor are the same as the holders of the majority of stock in the currently licensed company, and further provided that the individual who was designated as the qualifying party at the time a license was originally issued to the currently licensed contractor remains in the employ of the currently licensed contractor at the time of application for license by the subsidiary contractor.

2. A licensed firm, making application for a subsidiary license for the same classifications as those in which the licensed firm has qualified, may be exempt from the taking of an examination, provided that the qualifying party on record with the State Licensing Board for Contractors for the licensed firm making application for a subsidiary license is the same as that of the parent company, and further provided that no person shall be allowed to be the qualifying party for more than one company and two subsidiaries. If more than two subsidiaries are formed or acquired by a parent company, a separate qualifying party shall be registered with the board for each two additional subsidiary companies. It is further provided that any subsidiaries qualifying under the terms of this section shall not be permitted to assume the position of a parent company or firm for the purpose of forming additional subsidiaries.

F. A qualifying party making application for a license as an individual or stockholder of a corporation may be exempt from taking another examination for the same classification for which he has previously taken and passed subject to approval by the Board.

G. 1. Initial applicant requesting a specialty class where there is no written examination shall be examined by the Board on the experience shown on his application.

2. Licensed contractors requesting additional classification(s) of a specialty where there is no written examination shall submit no less than three jobs they have performed in the requested specialty field and be examined by the Board on experience.

VII. When the qualifying party terminates employment with the licensee, the State Licensing Board for Contractors must be notified in writing, by the qualifying party and the licensee, within 30 days of the disassociation and another party must qualify within 60 days or licensee will be subject to citation for suspension or revocation of license.

VIII. In the event an unlicensed contractor or licensed contractor without proper classification bids in violation of R.S.37:2150-2163, regardless of whether he is awarded the contract, action may be brought before the Board and/or court in accordance with the statutes rules and regulations, and laws of this State.

IX. Any application for a license for a subsidiary shall be considered as a new application and subject to all laws and rules and regulations governing same.

X. \*In the event of the dissolution of a partnership, the license may be retained by one of the partners provided that all partners agree by whom it shall be retained and further provided that any such agreement be made by affidavit.

XI. The Board, pursuant to R.S. 37:2161 may bring suit to enjoin violations of this Act and the Executive Director and/or his designated agent and/or the legal counsel for the Board is hereby authorized to institute such suit on behalf of the Board and to sign the verification of the petition for injunction and to do all things necessary in connection with the institution of such legal proceedings when so directed by the Board.

XII. Hearings may be conducted by the Board at regular or



**special meetings whenever deemed necessary. Written notice by certified mail shall be given to all parties at least five days prior to such hearings or special meetings. The Board members shall be notified at least three days prior to such hearings or special meetings. The notice shall include the time, place and purpose of the hearing or special meeting and may be held at any place within the State unless conducted at a special meeting and may be held in Baton Rouge, Louisiana. Hearings shall be governed by R.S. 49:951 et seq.**

XIII. Special meetings of the Board may be held at any place provided that the time, place and purpose of the meeting is specified in the notice to the members of the Board and to any parties involved in that particular special meeting.

XIV. It shall be the responsibility of licensed contractors to secure the current valid license number of any subcontractor who submits a bid to them or performs work in the amount of \$50,000 or more.

If any licensed contractor accepts a bid and/or awards a contract in the amount of \$50,000 or more to any unlicensed subcontractor, the license of the contractor may be suspended, revoked or rescinded after a hearing is conducted by the Board.

XV. Any change in officers, or address of a company, partnership, or corporation as reflected on the application shall be reported to the Board by written notification within 15 days after such change. Any change in the name of a contractor as it appears on the license certificate or any change from an individual to a partnership or corporation; or a partnership to an individual or corporation; or a corporation to an individual or partnership, shall be reported in writing to the Board within 15 days after such change. No change in the name or status of licensed firm shall be made until all documents and information as required by the board has been satisfactorily furnished.

XVI. A. All licensed contractors bidding in the amount of \$50,000 or more shall be required to have qualified for the classification in which they bid.

B. When two or more contractors bid as a joint venture on any project in the amount of \$50,000 or more, not in conflict with R.S. 37:2150 et seq., all parties are required to be licensed at the time the bid is submitted, within the applicable classification of the work of which each party is to perform.

XVII. All contractors shall bid and perform work in the name which appears on the official records of the State Licensing Board for Contractors for the current license. If a licensed contractor assigns a contract, or any portion of a contract, in the amount of \$50,000 or more to another contractor, the person or firm to which it is assigned, and who performs the work, must possess the proper current license. No unlicensed contractor shall be permitted to assign a contract, or any portion of a contract, in the amount of \$50,000 or more to a licensed contractor in circumvention of the laws of the State of Louisiana.

XVII. Under R.S. 37:2163 A. providing for certification and license number to be shown on the bid, and when the awarding authority requires bids to be submitted in sealed envelopes, the license number shall be required to appear only on the outside of the envelope. It shall not be a violation for the license number to appear on both the bid document and the outside of the envelope.

XIX. Any division of a contract into parts less than \$50,000 when combined is \$50,000 or more, will be treated as one contract totalling the amount of these parts when combined.

XX. Whenever a licensed contractor bids a project within the scope of this Act, and is awarded the contract, is unable or refuses to provide bonding and insurance coverage as required by the proposal bid for the execution of the project, the awarding authority or owner may file a complaint with the Board. The Board shall investigate such complaint and, after due hearing, may suspend or revoke the contractors' license, in accordance with R.S. 37:2150-2163 inclusive.

XXI. The classification under which a person must be licensed in order to bid a job or perform work on a job in accordance with R.S. 37:2159 shall be made by determining in which major classification or subclassification in R.S. 37:2156.2 the majority of the work falls.

A. On all jobs involving mechanical or electrical work, the Board shall consider the monetary value of the electrical or mechanical material and/or equipment furnished by the owner or builder, if any, in determining the amount of electrical or mechanical work involved.

B. The board takes cognizance of all local ordinances and codes regulating the licensing of electrical and mechanical contractors.

XXII. If a possible violation is known to the Board, the Board may correct it or take appropriate action without formal complaint.

XXIII. As provided by R.S.37:2150 after granting said license, the licensee shall at all times show his ability to serve the public economically, expediently and properly; possess the necessary qualifications of responsibility, skill, experience and integrity so that the licensee will not tear down standards of construction established within the industry, and shall continue to maintain the qualifications established in R.S. 37:2156.1.

If any licensed contractor refuses to sign a contract at his bid price and a complaint is filed with the Board, the Board shall investigate such complaint and, after due hearing, may suspend or revoke the contractor's license in accordance with R.S. 37:2150-2163 inclusive.

XXIV. It shall be the responsibility of any contractor who, voluntarily or involuntarily, is subjected to any provision of the laws of bankruptcy, to notify this Board immediately and to make available to this Board any and all information pertinent thereto.

A. Any contractor who is ordered by a competent court to cease operations or whose operations are closed due to operation of any law, shall notify this Board immediately and make available to this Board any and all information pertinent thereto.

B. Whenever an order issued by a competent court and/or referee in bankruptcy forces cessation of a contractor's business operations, a hearing shall be scheduled at the earliest feasible date, in accordance with the applicable laws and the rules and regulations of this Board, for the purpose of determining whether said contractor's license shall be suspended or revoked, and such an order by a competent court or referee shall create a presumption in favor of suspension or revocation.

C. If any contractor is ordered by a competent court to pay a final and executory judgment awarded against him in the operation of his business, for charges for labor, material, breach of contract, etc., and fails to pay said judgment immediately upon its becoming final and executory, a hearing may be scheduled by the Board for the purpose of determining whether said contractor's license shall be suspended or revoked.

XXV. All initial applicants are required to submit a financial statement, prepared by an independent auditor and signed by the applicant and auditor before a notary public, stating the assets of the person, firm, partnership, co-partnership or corporation; such assets shall include a net worth of at least \$10,000.

XXVI. It shall be unlawful and illegal for any primary contractor, contractor, owner, awarding authority, subcontractor, or any other person to contract or subcontract all or any portion of work involved herein, to any other contractor, or subcontractor unless said contractor or subcontractor was duly licensed by the Board as of the final date fixed for the submission of bids on said work from the primary contractor to the owner or awarding authority. This rule shall be subject to the provisions and limitations established by R.S. 37:2157 B and D.

If work is subcontracted as per this rule, and the subcontractor should default for any reason, the awarding authority shall

have the right to take bids from any subcontractor that is properly licensed at the time of this default.

XXVII. Any person, firm or corporation duly licensed under the provisions of R.S. 37:2150, et seq. who violates any provisions of the said Louisiana contractor's licensing law or any rule or regulation of this Board may, after due and proper hearing, have its license suspended or revoked by this Board. Prior to the Board's action on suspension or revocation of licenses as aforesaid, the licensee shall be given a hearing in accordance with the Louisiana Administrative Procedure Act.

XXVIII. In any instance where approval of an application has been withheld under the terms of R.S. 37:2157 D., a contractor shall have the right to apply to the Board for a hearing following which the Board may continue to withhold approval or grant its approval at its own discretion.

XXIX. Proper Notification under R.S. 37:2160 E., shall be five days notice. Notification shall constitute placing of said notice in the U.S. mail certified. The five days' notice shall commence to run on the date of the issuance of notification.

Robert A. Riley  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Contractors' Licensing  
Board Rules I - XXIX**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)  
There will be no costs to the agency. All responsibilities can be taken care of with existing staff.
- II. ESTIMATED EFFECT OF REVENUE COLLECTIONS - (Summary)  
There will be no effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)  
There will be no additional estimated costs or benefits to affected groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
There will be no effect on competition and employment.

Roy Yarborough  
Asst. Executive Director

Jean S. Perry  
Legislative Fiscal Analyst

**NOTICE OF INTENT  
Department of Commerce  
Racing Commission**

The Louisiana State Racing Commission does hereby give notice in accordance with law that it intends to amend its rule, LAC 11-6:20.24.

Copies of the amended rule, LAC 11-6:20.24 may be obtained by telephoning the Commission at Area Code 504, 568-5870, or by writing to 616 Baronne Street, Second Floor, New Orleans, Louisiana 70113.

The office of the Commission will be open from 9 a.m. to 4 p.m. and interested persons may call Alan J. LeVasseur during this time, holidays and weekends excluded, for a copy of this rule. All interested persons may submit written comments relative to this rule through December 4, 1981.

J. Melton Garrett  
Chairman

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: LAC 11-6:20.24**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVING) TO AGENCY - (Summary)  
There is no implementation cost to the agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)  
There is no effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)  
There is no cost to affected groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
There is no effect on competition and employment.

J. Melton Garrett  
Chairman

Jean S. Perry  
Legislative Fiscal Analyst

**NOTICE OF INTENT  
Department of Commerce  
Racing Commission**

The Louisiana State Racing Commission does hereby give notice in accordance with law that it intends to amend its Rule, LAC 11-6:23.11.

Copies of the amended Rule, LAC 11-6:23.11, may be obtained by telephoning the Commission at area code 504, 568-5870 or by writing to 616 Baronne Street, Second Floor, New Orleans, Louisiana 70113.

The office of the Commission will be open from 9 a.m. to 4 p.m. and interested persons may call Alan J. LeVasseur during this time, holidays and weekends excluded, for a copy of this Rule.

All interested persons may submit written comments relative to this Rule through December 4, 1981.

J. Melton Garrett  
Chairman

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: LAC 11-6:23.11**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)  
The estimated implementation cost to the Racing Commission is \$58,000, which will be covered by existing self-generated revenues.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)  
There is no effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)  
The benefits will be gained by those people who are excluded or ejected from racing associations, by providing a means for administrative hearings.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
There is no effect on competition or employment.

J. Melton Garrett  
Chairman

Jean S. Perry  
Legislative Fiscal Analyst

**NOTICE OF INTENT**  
**Department of Commerce**  
**Racing Commission**

The Louisiana State Racing Commission does hereby give notice in accordance with law that it intends to adopt a new rule, LAC 11-6:25.35.

Copies of the Rule LAC 11-6:25.35 may be obtained by telephoning the Commission at Area Code 504, 568-5870 or by writing to 616 Baronne Street, Second Floor, New Orleans, Louisiana 70113.

The office of the Commission will be open from 9 a.m. to 4 p.m. and interested persons may call Alan J. Le Vasseur during this time, holidays and weekends excluded for a copy of this rule. All interested persons may submit written comments relative to this rule through December 4, 1981.

J. Melton Garrett  
Chairman

**Fiscal and Economic Impact Statement**  
**For Administrative Rules**  
**Rule Title: LAC 11-6:25.35**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)  
There is no implementation cost to the agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)  
There is no effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)  
Benefits: The race-going public will be benefitted by restoring confidence in the integrity of racing by removing a cloud of doubt as to conflicts of interest and "inside information."
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
There is no effect on competition or employment.

J. Melton Garrett  
Chairman

Jean S. Perry  
Legislative Fiscal Analyst

**NOTICE OF INTENT**  
**Department of Commerce**  
**Racing Commission**

The Louisiana State Racing Commission does hereby give notice in accordance with law that it intends to amend its rule, LAC 11-6:45.1.

Copies of the amended rule, LAC 11-6:45.1 may be obtained by telephoning the Commission at Area Code 504, 568-5870 or by writing to 616 Baronne Street, Second Floor, New Orleans, Louisiana 70113.

The office of the Commission will be open from 9 a.m. to 4 p.m. and interested persons may call Alan J. LeVasseur during this time, holidays and weekends excluded, for a copy of this rule. All interested persons may submit written comments relative to this rule through December 4, 1981.

J. Melton Garrett  
Chairman

**Fiscal and Economic Impact Statement**  
**For Administrative Rules**  
**Rule Title: LAC 11-6:45.1**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)  
There is no implementation cost to the agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)  
The effect on revenue collections will be negligible. An estimated 100 people became horse owners under the present rule, which produced \$1,000 in revenue. The new rule will prohibit inexperienced race horse owners from claiming horses until they have obtained a license. Formerly, any person would qualify for claiming a horse by filing an application for a license (\$10 fee) and being granted a certificate. It is estimated that with the implementation of this rule, approximately \$1000 may be lost in revenues.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)  
Benefits: by permitting only knowledgeable and experienced owners to claim a horse in a race, the health and welfare of the animal will be protected. Thus, the entire racing industry will benefit by permitting only those who are aware of the ramifications of race horse ownership to claim a horse.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
There is no effect on competition or employment. However, it is limiting the market in claim races to only those persons who are already licensed in the business.

J. Melton Garrett  
Chairman

Jean S. Perry  
Legislative Fiscal Analyst

**NOTICE OF INTENT**  
**Board of Elementary and Secondary Education**

The State Board of Elementary and Secondary Education intends to adopt the following as policy:

1. Guidelines for Textbook Adoption, Pursuant to Act 872, 1981 R.S.
2. The Board approved Section 486 of Act 754 Regulations, Procedures for Application for State or Federal Funds for Special Education from Non-formula Distributed Revenue. (This was adopted as an Emergency Rule and appeared in the October Issue of the Louisiana Register.)

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., December 4, 1981, at the following address: State Board of Elementary and Secondary Education, Box 44064, Capitol Station, Baton Rouge, LA. 70804.

James V. Soileau  
Executive Director

**Fiscal and Economic Impact Statement**  
**For Administrative Rules**  
**Rule Title: Education**  
**Materials of Instruction & Textbook**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)  
Act No. 872 requires that nine regional libraries be established for the display of textbooks being considered for

adoption. It is estimated that an average of two visits to each location will be required after the libraries are established. The estimated implementation cost is \$1,800 per year. In 1981-82, this cost will be absorbed in the operating budget of the agency.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There is no estimated effect on revenue collections.

III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

The cost of providing samples to libraries to be borne by the publishers. The cost of maintenance of display areas to be borne by the local libraries.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There is no estimated effect on competition or employment.

George B. Benton, Jr.  
Deputy Superintendent

Jean S. Perry  
Legislative Fiscal Analyst

J. Reginald Coco, Jr.  
Chairman

**NOTICE OF INTENT**  
**Office of the Governor**  
**Tax Commission**

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:953), notice is hereby given that the Louisiana Tax Commission intends to hold a public hearing on Tuesday, December 22, 1981 at 10 a.m., in the Mineral Board Hearing Room, Natural Resources Building, Baton Rouge, Louisiana.

The purpose of the hearing is to adopt proposed Guidelines for Ascertainning the Fair Market Value of Business and Industrial Personal Property and the Guidelines for Ascertainning the Fair Market Value of Oil and Gas Producing Property.

The following changes will be made:

Repeal Pages 4 through 16 of the current Guidelines of the Louisiana Tax Commission and adopt new and comprehensive guidelines consisting of a minimum of 143 pages plus preface, table of contents and title sheets, all with respect to assisting the assessors and taxpayers in determining the Fair Market Value, as required by law, of business and industrial personal property and oil and gas producing property.

The following topics are included:

- A. Constitutional and Statutory Guides to Personal Property Taxation
- B. Personal Property Report Forms
- C. Definitions Pertaining to Personal Property
- D. Guidelines for Ascertainning the Fair Market Value of Loan and Finance Company Personal Property
- E. Guidelines for Ascertainning the Fair Market Value of Watercraft
- F. Guidelines for Ascertainning the Fair Market Value of Oil and Gas Property
- G. Guidelines for Ascertainning the Fair Market Value of Drilling Rigs and Related Equipment
- H. Guidelines for Ascertainning the Fair Market Value of Pipelines
- I. Guidelines for Ascertainning the Fair Market Value of Aircraft
- J. Guidelines for Ascertainning the Fair Market Value of Inventory

**K. Guidelines for Ascertainning the Fair Market Value of Leasehold Improvements**

**L. Guidelines for Ascertainning the Fair Market Value of Leased Equipment**

**M. Guidelines for Ascertainning the Fair Market Value of Insurance Companies**

**N. Guidelines for Ascertainning the Fair Market Value of Office Furniture and Equipment, Machines and Equipment, and Other Assets Used in General Business Activity**

The proposed changes to the Guidelines of the Louisiana Tax Commission are available in the office of the Commission, 215 Capitol Annex, Baton Rouge, Louisiana, between the hours of 8 a.m. and 4 p.m. Roy M. Sellers, Executive Secretary, is the person responsible for responding to inquiries concerning the intended action.

Those desiring to be heard will be given reasonable opportunity to make their presentations.

**Fiscal and Economic Impact Statement**  
**For Administrative Rules**  
**Rule Title: Personal Property**  
**Rules and Regulations**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)

Professional Services Contracts	\$20,000.00
Printing Cost	\$ 4,000.00

Estimated implementation costs for the Louisiana Tax Commission for F.Y. '81-82 are outlined above. These funds are included in the agency's budget and no further appropriation is required. It should be noted the Louisiana Tax Commission has spent \$50,000 in F.Y. '80-81 for reappraisal and reassessment.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There will be no effect on revenue collections for either the State or any local governments.

The rules, regulations and guidelines herein set forth merely provide background information on Fair Market Value. In no way may this document be used to increase local taxes except for provisions of objective data.

III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

There will be no overall costs to affected groups. Benefits accruing to affected groups will be reflected in fair and equitable personal property assessments based on the proper percentage of Fair Market Value.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There will be no identifiable effect on competition or employment.

J. Reginald Coco, Jr.  
Chairman

Jean S. Perry  
Legislative Fiscal Analyst

**NOTICE OF INTENT**  
**Department of Health and Human Resources**  
**Board of Nursing**

The Louisiana State Board of Nursing proposes to adopt an amendment to the Standards and Requirements for Educational Programs in Nursing.

The Louisiana Revised Statutes 37:911 as amended, Section 918, Duties of the Board, provided that the board shall; "B. Approve schools which meet the licensing requirements of the board: C. Provide for hearings for nurse educational programs when approval is denied withdrawn." The proposed amendment is to set a limit on the time a school may stay on conditional approval and to clarify the approval procedure as outlined in *Standard and Requirements for Educational Programs in Nursing*, R.N. 2.05, 2.06 and 2.078 2 G, as published in the *Louisiana Register*, April 20, 1977, on pages 185 and 188.

The proposed amendment reads as follows:

"When the Board has determined that a program in nursing education is not meeting the legal standards and requirements, the Board, after an evaluation or hearing, shall provide the nursing program with a written notice of a specific deficiency, or deficiencies, and place the program on conditional approval for a period of one year. A program has the right, at any time, to present evidence to the Board that the deficiency, or deficiencies has/have been corrected, and may petition the Board to restore full approval status to the nursing education program.

At the end of one year, from the date on which the program was placed on conditional approval, the program shall submit to the Board, a written report with a specific plan of action for removing the specified deficiency or deficiencies. If the program presents sufficient evidence that the deficiency, or deficiencies, has/have been corrected, the Board may restore full approval status. If a program presents substantive evidence that action is being taken to correct the specified deficiencies, the Board may, after an evaluation and hearing, continue the conditional approval status for another year. At the end of the second year, the program shall submit to the Board, a second written report of the progress made in correcting the deficiency or deficiencies.

At the end of three consecutive years of being on conditional approval, if after a hearing, it is determined that the program has not corrected the deficiency or deficiencies, the Board shall re-

move the program from the list of state approved school."

Written comments may be addressed to Merlyn M. Maillian, R. N., Executive Director, Louisiana State Board of Nursing, 907 Pere Marquette Building, 150 Baronne Street, New Orleans, Louisiana 70112, until 4:30 p.m., December 4, 1981.

Merlyn M. Maillian, R.N.  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Standards and Requirements  
For Educational Programs in Nursing**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)  
There would be costs and no savings to the Board of Nursing.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)  
Revenue would be affected only if a school lost full approval. The board charges a fee of \$50 per day for an onsite survey which covers two days. Therefore, only \$100 would be lost for each school losing full approval. Since it is not possible to estimate the number which would lose approval, the overall impact is unknown.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)  
There is no estimated cost of affected groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
There would be no effect on competition and employment.

Merlyn M. Maillian  
Executive Director

Jean S. Perry  
Legislative Fiscal Analyst

**NOTICE OF INTENT**

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

The Department of Health and Human Resources, Office of Family Security, has adopted a 9.8 percent increase in the Aid to Families with Dependent Children (AFDC) and General Assistance (GA) Need Standards.

Revised Statute 46:447 of the 1978 Legislature requires that the Office of Family Security establish AFDC and GA Need Standards and that those standards be adjusted each year effective January 1 to reflect the cost of living increase as reported in the Department of Labor's Consumer Price Index.

The current need standards are shown below. Using a 9.8 percent increase standard, the new AFDC and GA Need Standards are as follows:

Size of Household	NON-URBAN			
	Current Need Standard	Increased Need Standard	150% Need Standard (Current)	150% Need Standard (Increased)
1	\$ 159.00	\$ 175.00	\$ 238.50	\$ 262.50
2	296.00	325.00	444.00	487.50
3	419.00	460.00	628.50	690.00
4	522.00	573.00	783.00	859.50
5	621.00	682.00	931.50	1,023.00
6	712.00	782.00	1,068.00	1,173.00
7	805.00	884.00	1,207.50	1,326.00
8	895.00	983.00	1,342.50	1,474.50
9	979.00	1,075.00	1,468.50	1,612.50
10	1,067.00	1,172.00	1,600.50	1,758.00
11	1,160.00	1,274.00	1,740.00	1,911.00
12	1,256.00	1,379.00	1,884.00	2,068.50
13	1,358.00	1,491.00	2,037.00	2,236.50
14	1,456.00	1,599.00	2,184.00	2,392.50

Size of Household	NON-URBAN			
	Current Need Standard	Increased Need Standard	150% Need Standard (Current)	150% Need Standard (Increased)
15	1,557.00	1,710.00	2,335.50	2,565.00
16	1,657.00	1,819.00	2,485.50	2,728.50
17	1,757.00	1,929.00	2,635.50	2,893.50
18	1,857.00	2,039.00	2,785.50	3,058.50

For each additional person add \$119 to the Need Standard and \$178.50 to 150 percent of the Need Standard.

**URBAN-ORLEANS, JEFFERSON,  
EAST BATON ROUGE AND ST. BERNARD**

Size of Household	URBAN-ORLEANS, JEFFERSON, EAST BATON ROUGE AND ST. BERNARD			
	Current Need Standard	Increased Need Standard	150% Need Standard (Current)	150% Need Standard (Increased)
1	\$ 173.00	\$ 190.00	\$ 259.50	\$ 285.00
2	331.00	363.00	496.50	544.50
3	460.00	505.00	690.00	757.50
4	565.00	620.00	847.50	930.00
5	667.00	732.00	1,000.50	1,098.00
6	760.00	834.00	1,140.00	1,251.00
7	849.00	932.00	1,273.00	1,398.00
8	939.00	1,031.00	1,408.50	1,546.50
9	1,025.00	1,125.00	1,537.50	1,687.50
10	1,112.00	1,221.00	1,668.00	1,831.50
11	1,206.00	1,324.00	1,809.00	1,986.00
12	1,302.00	1,430.00	1,953.00	2,145.00
13	1,395.00	1,532.00	2,092.50	2,298.00
14	1,494.00	1,640.00	2,241.00	2,460.00
15	1,595.00	1,751.00	2,392.50	2,626.50
16	1,702.00	1,869.00	2,553.00	2,803.50
17	1,785.00	1,960.00	2,677.50	2,940.00
18	1,898.00	2,084.00	2,847.00	3,126.00

For each additional person add \$130 to the Need Standard and \$195 to 150 percent of the Need Standard.

Interested persons may submit written comments through December 4, 1981 to Mr. Michael S. Haddad, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, Louisiana 70804.

Size of Household	GA Need Standards
1	\$288 (262)
2	\$363 (331)

George A. Fischer  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Rule Title: AFDC/GA Need Standards Increase**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)**

A. The only cost of implementation is for the additional benefits due to the change in the AFDC Need Standard:

1981-82 (six months)	\$101,789 (Federal \$68,046/State \$33,743)
1982-83	207,118 (Federal \$138,458/State \$68,660)
1983-84	210,659 (Federal \$140,825/State \$69,834)

There is no additional cost in GA as the Need Standard is no longer used as it is related only to GA clients receiving Vocational Rehabilitation maintenance, which is no longer applicable. No new staff or additional administrative costs will be required as the number of applications will not increase, only the number of approved applications.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)**

There will be no effect on revenue collections. Funds have already been budgeted for this purpose for 1981-82. Federal funds receipts for each year total \$68,046, \$138,458 and \$140,825, respectively.

**III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)**

A. There will be no costs to affected groups.

B. It is estimated in FY 1981-82, 115 new families will receive \$101,789 in benefits; in FY 1982-83, 117 families will receive \$207,118 in benefits and in FY 1983-84, 119 families will receive \$210,659 in benefits.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)**

No effect on competition and employment is anticipated.

Michael S. Haddad  
Assistant Secretary

Jean S. Perry  
Legislative Fiscal Analyst

## 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 policy related to limitations on Long Term Care facility costs.

Reasonable cost limits are established as follows:

(1) **Salaries:** Allowable costs for salaries are limited to the maximum amount allowed by State Civil Service for the appropriate job requirements. Allowable salaries may be less than this limit based on the employee's actual duties. Refer to the Department of Civil Service Wage and Classification Plan.

(2) **Dues and Related Travel Expenses:** Travel expenses are allowable only as related to the administration of the facility and patient care. Out-of-state travel is allowable only as prior approved by OFS based on justification of benefit to patients or to the Program. Out-of-town travel within the state is allowable only for licensing requirements, continuing education, and that directly related to patient care. Compensation for such travel is limited to that allowable for state employees, both for mileage and per diem expenses. The Division of Administration publishes this criteria, and it is also published in the *Louisiana Register*. Vehicle expenses are allowable only as charged to license number of vehicles which are established for facility use.

Dues are not an allowable cost unless the organization to which dues are paid is audited and dues are established to be related to improvement of care and services.

(3) **Insurance:** Insurance rates must be reasonable. To assure reasonableness, evidence of competitive pricing must be available. Allowable cost is limited to the lowest price available for the coverage obtained. To be allowable, policies must be available for review by auditors and only ordinary and necessary coverage will be included.

(4) **Interest:** Interest is limited to that which can be specifically related to the purchase of an asset or is necessary for the operation of the facility. Working capitol notes must be documented. Cash flow statements are to be supported by accounting records.

Generally, necessary and proper interest on both current and capitol indebtedness is an allowable cost.

"Necessary" requires that interest: be incurred on a loan made to satisfy a financial need of the provider related to patient care AND be reduced by investment income.

"Proper" requires that interest be incurred at a rate not in excess of what a prudent borrower would have to pay AND be paid to a lender not related through control or ownership or personal relationship, to the provider. Exceptions are allowable only in accordance with HIM-15, Paragraph 218.22.

Mortgage interest is allowable only if it meets the above criteria. If mortgage interest is disallowed, the equity base must be adjusted.

(5) **Motor Vehicles:** The allowable cost or lease cost of vehicles is limited to statewide average cost of standard automobiles and vans (revised annually) and is to be expensed over a 36-month period. Leasing is to be pro-rated over a 36-month period not to exceed ownership costs. Lease costs must be documented and components, taxes, license, and interest entered into the correct accounts. All vehicles must be directly related to patient care. The following types of vehicles are specifically disallowed: recreational vehicles, including pickup trucks equipped for camping, motorized homes, etc., airplanes and boats.

(6) **Management Fees and Central Office Overhead:** Contracts for management services must specify exactly what services are covered by the fee. The cost allocation plan for the management firm must also be available for review and audit. The charges by a related management firm are limited to actual cost

which shall not exceed what the service would cost from unrelated management companies. Related management companies will be required to file a cost report and be subject to audit.

(7) **Director's Fees:** Director's fees are not an allowable cost.

(8) **Owner's Compensation:** All types of owner's compensation limits are based on the following criteria:

a. The position filled by the owner is normal to the industry.

b. The salary paid to the owner is in line with employee's salaries for similar positions limited as shown in Item 1.

c. Verification that the owner does perform the service for which he is being compensated. EXAMPLE: Owner's wife is Director of Nursing. Wife must meet criteria described in a and b above and show evidence of her current licensure. Signed time sheets must support that actual work is performed.

(9) **Rent:** a. Rental payments between related parties are limited to actual cost and may not exceed (b) below.

b. Rent paid to unrelated parties will be subject to the following:

i. Compare facility rental to regional per-bed average cost in semiannual report.

ii. If rental exceeds (i) above refer to state for individual determination.

iii. Sub-lease costs are allowable only when included with an approved certificate of need.

Interested persons may submit written comments on the proposed policy through December 5, 1981, at the following address: Mr. Michael S. Haddad, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, Louisiana 70804.

Mr. Haddad is the person responsible for responding to inquiries about this proposed rule.

George A. Fischer  
Secretary

### Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Limitations on LTC Facility Costs

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVING) TO AGENCY - (Summary)

No savings are projected for FY '81-82 because the proposed cost containment measures would be effective with rate setting for FY '82-83. Savings for FY '82-83 are \$1,683,540 and for FY '83-84 is \$1,776,135.

These totals are comprised of \$600,350 in state funds and \$1,083,190 in federal funds for 1982-83 and \$640,830 state and \$1,135,305 for 1983-84.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

This rule change will result in a savings in federal dollars of \$1,083,190 in 1982-83 and \$1,135,305 in 1983-84 and reflects a corresponding decrease in federal revenues to the state.

#### III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

The portion of this rule change relating to salaries may affect the ability of certain facilities to attract and maintain professional staff.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

No effect on competition and employment is anticipated.

Michael S. Haddad  
Assistant Secretary

Jean S. Perry  
Legislative Fiscal Analyst

**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 effective August 28, 1981, the following additional list of drugs for which Maximum Allowable Costs (MAC) are required by Federal Regulations published in the Federal Register dated July 14, 1981, Volume 46, Number 134.

The additional MACs that have been established are:

Glutethimide, oral tablet, 500 mg.	\$0.0432
Procainamide HCL, oral capsule, 250 mg.	0.0383
Procainamide HCL, oral capsule, 375 mg.	0.0505
Procainamide HCL, oral capsule, 500 mg.	0.0585
Propantheline Bromide, oral tablet, 15 mg.	0.0235

Interested persons may submit written comments through December 4, 1981 to Mr. Michael S. Haddad, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, Louisiana 70804.

George A. Fischer  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Rule Title: Maximum Allowable Costs (MAC)**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)**

The projected net savings to the agency resulting from the proposed rule amending the federally established Maximum Allowable Costs (MAC) on five drugs as follows:

- FY 81-82 (State 18,964; Federal 35,594) (10 Months)
- FY 82-83 (State 26,725; Federal 48,240)
- FY 83-84 (State 30,601; Federal 54,236)

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)**

Receipt of federal funds for the federal share of participation in the program is estimated to decrease by \$35,594 in 1981-82 (10 months), \$48,240 in 1982-83 and \$54,236 in 1983-84.

**III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)**

No cost or benefits to Title XIX recipients is estimated. However, those Title XIX providers which have been reimbursed for the drugs included in the rule change will be affected by a reduction in the reimbursement; this will total approximately \$54,558 for 1981-82, \$74,965 for 1982-83 and \$84,837 for 1983-84.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)**

There is no effect on competition and employment anticipated.

Michael S. Haddad  
Assistant Secretary

Jean S. Perry  
Legislative Fiscal Analyst

**NOTICE OF INTENT**

**Department of Health and Human Resources  
Office of Human Development**

The Department of Health and Human Resources, Office of Human Development, proposes to adopt the following rate increases in vendor payments to licensed day care centers and approved family day care homes, effective January, 1982 in accordance with the provisions of the 1981 Appropriations Act. Rate increases will be reflected in the February, 1982 payments.

**Rate Increases to Licensed Day Care Centers  
and Family Day Care Homes**

Licensed Day Care Centers	Approved Family Day Care Homes
---------------------------	--------------------------------

	Old Rate	New Rate	Old Rate	New Rate
Monthly	\$123.20	\$133.98	\$81.62	\$89.32
Daily	5.60	6.09	3.71	4.06
Hourly	.80	.87	.53	.58

The amount paid by the Office of Human Development to a day care center for a child's full-time care shall be the center's regular fee for day care and transportation but shall not exceed \$133.98 per month.

Interested persons may submit written comments on the proposed changes through December 5, 1981 at the following address: Mr. Arthur J. Dixon, Assistant Secretary, Office of Human Development, Box 44371, Baton Rouge, Louisiana 70821. Mr. Dixon is the person responsible for responding to inquiries about the proposed rule.

George A. Fischer  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Rule Title: Day Care Rate Increases**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)**

This rate increase in the Day Care program will cost an additional \$280,125 in F.Y. 81/82 . . . (\$210,093 - federal \$70,032 - state) which was included in the agency's 1981-82 appropriation. Also, the increase will result in an additional cost of \$672,300 in 1982-83 and 1983-84 (\$504,225 federal; \$168,075 - state).

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)**

The proposed rate increase will generate an additional \$210,093 in federal funds in 1981-82 and \$504,225 in 1982-83 and 1983-84.

**III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)**

The rate increase will benefit children in day care by allowing providers of day care services to maintain a consistent quality of care.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)**

This rate increase will lessen the likelihood of lay offs that might otherwise result if day care providers attempted to reduce overhead costs in order to cope with inflation.

Competition is not affected since private rates have risen with inflation.

Arthur J. Dixon  
Assistant Secretary

Jean S. Perry  
Legislative Fiscal Analyst



**NOTICE OF INTENT**

**Department of Health and Human Resources  
Office of Human Development**

In compliance with Act 575 of the 1981 Louisiana Legislature the Department of Health and Human Resources, Office of Human Development, proposes to adopt the following rule pertaining to eligibility in the Adoption Subsidy Program:

Whenever an eligible child has been available for adoption for at least six months and every reasonable effort has been made to place the child for adoption with Louisiana residents, adoptive parents from other states shall be eligible for a subsidy under the same conditions as Louisiana residents, except where the other state has a subsidized adoption program that is available to such non-resident parents.

Additionally, the income eligibility standard for the Adoption Subsidy Program is being revised to reflect adjustments in the Louisiana median income as computed by the U. S. Bureau of the Census. Persons adopting special needs children in the custody of the Department of Health and Human Resources whose family income is below that listed on the table below may apply for an adoption maintenance subsidy.

Family Size	Gross Annual Income	Family Size	Gross Annual Income
1	\$12,057.00	8	\$31,992.00
2	\$15,757.00	9	\$32,706.00
3	\$19,483.00	10	\$33,401.00
4	\$23,183.00	11	\$34,094.00
5	\$26,907.00	12	\$34,786.00
6	\$30,602.00	13	\$35,478.00
7	\$31,300.00	14	\$36,171.00

For each additional family member above 14 persons, add \$692.00 to the gross monthly income column.

Interested persons may submit written comments on this proposed rule through December 5, 1981 at the following address: Mr. Arthur J. Dixon, Assistant Secretary, Office of Human Development, Box 44371, Baton Rouge, Louisiana 70821. Mr. Dixon is the person responsible for responding to inquiries about the proposed rule.

George A. Fischer  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Extension of Adoption Subsidy  
Availability to Adoptive Parents in other States**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) HO AGENCY - (Summary)**

For each additional child that is adopted, there will be a savings of \$384 per year. The money saved is 50 percent federal and 50 percent state funds. The savings for 1981-82 is estimated to be \$2,688 for seven months implementation.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)**

This rule will cause a decline in federal revenues of \$1,355 in 1981-82, \$1,935 in 1982-83 and 1983-84. The amount for 1981-82 has already been appropriated.

**III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)**

It will add additional resources for permanent placements for children.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)**

There will be no effect on competition and employment.

Arthur J. Dixon  
Assistant Secretary

Jean S. Perry  
Legislative Fiscal Analyst

**NOTICE OF INTENT**

**Department of Health and Human Resources  
Office of Human Development**

As provided for in the Appropriations Act of 1981 Louisiana Legislature, the Department of Health and Human Resources, Office of Human Development proposes to adopt the following rule changes which increase (as shown) the fees or rates paid for the following Foster Care services:

1. Daily board rate for a foster child in Foster Family Care under age six - from \$5.24 per day (\$160 per month) to \$6.03 per day (\$180 per month).

2. Daily board rate for a foster child in Foster Family Care between the ages of six years and twelve years - from \$6.11 per day (\$185 per month) to \$7.03 per day (\$210 per month).

3. Daily board rate for a foster child in Foster Family Care ages thirteen and above - from \$6.98 per day (\$212 per month) to \$8.03 per day (\$240 per month).

4. Monthly subsidy for specialized foster care from \$700 per month to \$800 per month.

Interested persons may submit written comments on the proposed changes through December 5, 1981 at the following address: Mr. Arthur J. Dixon, Assistant Secretary, Office of Human Development, Box 44371, Baton Rouge, Louisiana 70821. Mr. Dixon is the person responsible for responding to inquiries about the proposed Rule.

George A. Fischer  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Foster Care Rate Increase**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)**

These estimates are for the period of 11/81 - 6/82 (8 months) and do not include implementation costs associated with the Emergency Rule which implemented these changes effective 9/81. Funds for 1981-82, which are already appropriated, total \$791,264 (\$398,639 federal and \$392,625 state). Increase in monthly foster care board - \$747,264 (increase from \$187.76 to \$210 average per month for 4200 children annually). Increase in subsidy for specialized foster family homes - \$44,000 (increase from \$700 to \$800 per month for 55 homes annually).

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)**

This rate increase will result in \$398,639 in additional federal funds in 1981-82. This amount has already been appropriated.

**III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)**

These rate increases will benefit both foster parents and foster children by bringing the payments for these services more in line with the actual cost of providing the service.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

These increases have no effect on competition and employment.

Arthur J. Dixon  
Assistant Secretary

Jean S. Perry  
Legislative Fiscal Analyst

**NOTICE OF INTENT**

**Department of Health and Human Resources  
Office of Human Development**

In compliance with Act Number 429 of the 1981 Louisiana Legislature the Department of Health and Human Resources, Office of Human Development, proposes to adopt the following rules relative to the Adoption Program:

(1) Within ninety days after the termination of all parental rights or abandonment, or voluntary surrender to a child-carrying agency, any child whose parents' rights have been so terminated and who has not been placed either in a private family home for the specific purpose of effecting an adoption or with a relative who expresses an intent to care for the child until majority, shall be registered with the Louisiana Adoption Resource Exchange. Upon request, the Department of Health and Human Resources, Office of Human Development, shall provide the forms necessary to effect said registration to all private child-caring agencies. Private child-caring agencies will be requested to include a recent 3" X 5" black and white photograph of each child registered.

(2) The Department of Health and Human Resources, Office of Human Development, will maintain a list of the children registered with the Louisiana Adoption Resource Exchange. The listing will be updated no less often than quarterly and will be made available to all licensed child placement agencies in Louisiana. The listing will include a photograph of each child, but will not include the surname of the child or otherwise reveal the identities of the blood parents of the child.

(3) As an effort to effect permanent placements by matching potential adoptive parents with available children, the Department of Health and Human Resources, Office of Human Development, will utilize media presentations for those children determined to be difficult to place. Subject to confidentiality requirements, such presentations will include newspaper, radio and television features depicting particular children, describing the adoption process, and explaining how persons interested in adoption may obtain information.

Interested persons may submit written comments on the proposed changes through December 5, 1981 at the following address: Mr. Arthur J. Dixon, Assistant Secretary, Office of Human Development, Box 44371, Baton Rouge, Louisiana 70821. Mr. Dixon is the person responsible for responding to inquiries about the proposed rule.

George A. Fischer  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Rule Title: Registration of child  
(parents rights have been terminated) on  
the La. Adoption Resource Exchange**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)

The only additional cost to the agency resulting from these rules will be in providing registration forms to private

child placing agencies, and postage and printing costs for a quarterly mailing of the exchange listing. This is estimated to be \$175 for the first year (3 quarters) and \$200 per year thereafter.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There will be no effect on agency revenue collections.

III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

Private child placing agencies will incur a cost of approximately \$15 per child for the photograph required for listing on the L.A.R.E.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There will be no effect on competition or employment.

Arthur J. Dixon  
Assistant Secretary

Jean S. Perry  
Legislative Fiscal Analyst

**NOTICE OF INTENT**

**Department of Health and Human Resources  
Office of Human Development**

In compliance with Acts 717 and 429 of the 1981 Louisiana Legislature the Department of Health and Human Resources, Office of Human Development, proposes to adopt the following rules relative to acts of voluntary surrender of a child to the Department of Health and Human Resources:

1. Persons who execute an act of legal surrender of a child to the Department of Health and Human Resources shall execute therewith a written statement of family history. That statement shall contain the following non-identifying information, if known; (1) ages of the biological parents, and (2) an explicit and extensive medical genetic history of the biological parents and their immediate families. This statement will be made part of the sealed adoption record and shall be given to the adoptive parents at the time of adoptive placement. Upon attaining the age of 18, the adoptee shall, upon request, be given a copy of the statement.

2. Within 15 days following an act of voluntary surrender of a child to the Department of Health and Human Resources, a copy of the surrender will be sent to the court exercising jurisdiction over the child.

Interested persons may submit written comments on this proposed rule through December 5, 1981 at the following address: Mr. Arthur J. Dixon, Assistant Secretary, Office of Human Development, Box 44371, Baton Rouge, Louisiana 70821. Mr. Dixon is the person responsible for responding to inquiries about the proposed rule.

George A. Fischer  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Rule Title: Requirement that persons  
surrendering children to DHHR provide  
certain background and medical information**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)

The implementation cost is estimated at under \$100 per year which will be absorbed in the operating budget of the agency.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There will be no estimated effect on revenue collections.

III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

Upon reaching the age of majority, children who were surrendered to the Department of Health and Human Resources will have access to vital genetic medical information on their biological parents.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There will be no estimated effect on competition and employment.

Arthur J. Dixon  
Assistant Secretary

Jean S. Perry  
Legislative Fiscal Analyst

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

The proposed rule will not affect revenue collections.

III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

The benefits to affected groups primarily consist of the development of small community-based residential programs for handicapped persons. This will stimulate housing where previously unmet needs existed.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

It will stimulate the number of jobs available at the local community.

Roger P. Guissinger  
Deputy Secretary

Jean S. Perry  
Legislative Fiscal Analyst

**NOTICE OF INTENT**

**Department of Health and Human Resources  
Office of the Secretary**

The Department of Health and Human Resources proposes to adopt procedures by which to administer the Community Residential Development Fund. This fund was established by Act 770 of the 1981 Louisiana Legislature to provide financial start-up assistance to non-profit organizations for small residential programs for handicapped persons. The Offices of Human Development, Mental Health and Substance Abuse, and Mental Retardation will jointly administer this funding program.

As a result of the length of the material proposed for adoption through this notice, copies of this material may be secured from any of the following: Dr. Billy Ray Stokes, Assistant Secretary, Office of Mental Retardation, 721 Government Street, Third Floor, Baton Rouge, Louisiana 70802; Dr. Thomas H. Brittain, Jr., Assistant Secretary, Office of Mental Health and Substance Abuse, 655 North Fifth Street, Baton Rouge, Louisiana 70802; Mr. A. J. Dixon, Assistant Secretary, Office of Human Development, 1755 Florida Blvd., Baton Rouge, Louisiana 70802.

Interested persons may submit written comments on the proposed rule through December 7, 1981 to the Assistant Secretaries of the Offices listed above. These Assistant Secretaries are responsible for responding to inquiries about the proposed rule.

George A. Fischer  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Community Residential  
Development Fund**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)

Act 770 of the 1981 Regular Session provided seed money in the amount of \$540,000 for the initiation of the program. The participants who borrow from this fund then have five years after the initial year of operation, to repay the state for the loan.

**NOTICE OF INTENT**

**Department of Health and Human Resources  
Office of the Secretary**

Effective January 1, 1982, the Department of Health and Human Resources, Office of the Secretary, Charity Hospital at New Orleans, and the Office of the Hospitals, proposes to adopt a revised Eligibility Standard and Sliding Fee Scale for care within the charity hospital system. The proposed revisions shall upgrade the existing Eligibility Standard and Sliding Fee Scale to meet projected inflationary trends and to satisfy the legislative mandate of Act 287 of the 1981 regular session. The Standard to be used shall follow the formula used by the Department to determine Title XX eligibility for social services programs.

Copies of this new Standard and Sliding Fee Scale may be secured from the Office of the Secretary, Department of Health and Human Resources, Box 3776, Baton Rouge, Louisiana 70821.

Interested persons may submit written comments on the proposed rule and its changes through December 4, 1981, to Daniel L. Lombardo, Executive Management Consultant. Mr. Lombardo, in conjunction with the Office of Hospitals and Charity Hospital at New Orleans, shall be responsible for responding to inquiries regarding the attached proposed Rule.

George A. Fischer  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Eligibility Standard**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)

The implementation of this rule change will effect a savings in the state general hospitals of approximately \$40,140 in fiscal year 1982. This savings is due to the reduction of the number of bills and statements to be mailed to patients.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

DHHR is unable to provide a detailed estimate of the impact of the new sliding scale on revenue collections; however, the department anticipates that any impact would be minimal.

Currently, collections cannot be made on many accounts billed for services under the existing eligibility standards. This new fee schedule is intended to bring billed charges more in line with ability to pay, and therefore, enhance the collection efforts by the department on actual billings.

III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

By implementing this rule change 45,150 more accounts will be eligible for free care, thereby reducing the number of bills and statements received by the indigent patients.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There is no impact on competition or employment as a result of this rule change.

R. P. Guissinger  
Deputy Secretary

Jean S. Perry  
Legislative Fiscal Analyst

**NOTICE OF INTENT**  
**Department of Labor**  
**Office of Labor**

The Office of Labor, Department of Labor, intends to adopt rules under the Administrative Procedure Act (R.S. 49:951, et seq.), for the administration of Private Employment Services within the State of Louisiana (R.S. 23:101, et seq.).

It will hold a public hearing thereon Tuesday, December 8, 1981 at 10 a.m. in the Office of Labor Conference Room, Room 40, 5360 Florida Boulevard, Baton Rouge, Louisiana, at which time all interested parties will be given an opportunity to be heard.

Copies of the proposed rules may be obtained from Mr. J. T. Armatta, Assistant Secretary, Office of Labor, Room 55, 5360 Florida Boulevard, Box 44094, Baton Rouge, Louisiana 70804, telephone 504-925-4246, on or before said hearing date.

J. T. Armatta  
Assistant Secretary

**Fiscal and Economic Impact Statement**  
**For Administrative Rules**  
**Rule Title: Labor Laws Relating to**  
**Private Employment Service**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)

The implementation cost of these regulations are the printing of 350 copies of these regulations at 56¢ per copy a total of \$196.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

The new definition for employment agencies will definitely increase the number of Private Employment Services since the new law covers every establishment which has anything to do with employment. A rough estimate of 10 such new establishments at a fee of \$450 (totally \$4,500) may be collected in a year.

III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

The fee estimate of \$4,500 will be incurred by the 10 newly affected establishments. Additionally, the Private Employment Services may experience a slight increase/decrease in revenues since the maximum fee charge schedule and

interest rate on the promissory note might allow some individual P.E.S. to charge more and require some P.E.S. to charge less.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

The implementation of these rules should have no affect whatever on competition and employment.

Neil Borel  
Undersecretary

Jean S. Perry  
Legislative Fiscal Analyst

**NOTICE OF INTENT**  
**Office of Conservation**  
**Department of Natural Resources**  
**Docket Number PL 81-290**

Pursuant to the provisions of La. R.S. 49:953, the Office of Conservation, Department of Natural Resources, gives notice that it proposes to amend Regulation 1 of the Regulations of the Commissioner of Conservation applicable to matters arising under the Natural Resources and Energy Act of 1973, as amended, at a hearing to be held in the Conservation Auditorium, first floor, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, Louisiana, at 9 a.m. on December 17, 1981.

The purpose of this amendment is to make the definition of "Gas" conform with the definition enacted in Act No. 108 of 1980. The amended definition will read as follows:

"Gas shall mean any gas derived from or composed of hydrocarbons, including synthetic gas which is produced from coal, lignite, or petroleum coke and the heat content of which synthetic gas does not exceed 800 BTUs per standard cubic foot."

All interested persons will be afforded a reasonable opportunity to submit data, views, or arguments, orally or in writing. Written comments prior to the hearing should be forwarded to: R. T. Sutton, Commissioner of Conservation, Box 44275, Baton Rouge, Louisiana 70804. RE: Docket No. PL 81-290

All parties having interest in the aforesaid shall take notice thereof.

By Order Of:  
R. T. Sutton  
Commissioner of Conservation

**Fiscal and Economic Impact Statement**  
**For Administrative Rules**  
**Rule Title: Gas Definition**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)

There is no implementation cost to the agency.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There is no effect on revenue collections.

III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

There are no costs or benefits to affected groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

No effect on competition and employment is anticipated.

R. T. Sutton  
Commissioner of Conservation

Jean S. Perry  
Legislative Fiscal Analyst

## NOTICE OF INTENT

### Department of Natural Resources Office of Environmental Affairs Environmental Control Commission

The Environmental Control Commission will hold a public hearing beginning at 9 a.m., December 17, 1981, in the State Land and Natural Resources Building, Mineral Board Hearing Room, 625 North Fourth Street, Baton Rouge, Louisiana and will consider adoption of a proposed revision to Section 17.13 of the Air Quality Regulations.

The person within the agency responsible for responding to inquiries about the proposed revisions is Mr. Gus Von Bodungen, Director, Air Quality Division, Box 44066, Baton Rouge, Louisiana 70804; telephone (504) 342-1206.

All interested persons are invited to submit written comments, speak at the public hearing, or both, about any of the actions proposed above. Comments, received in person or by mail, before the public hearing will be considered by the Commission before making the final decision on any of the proposed actions. All comments and requests to speak at the hearing should be submitted to Mr. B. Jim Porter, Assistant Secretary, Office of Environmental Affairs, Box 44066, Baton Rouge, Louisiana 70804. All documents relating to the actions on this notice are available for inspection at the following locations from 8 a.m. until 4:30 p.m.

Room 409, State Office Building, 325 Loyola Ave., New Orleans, La.

Reception area, sixth floor, State Land and Natural Resources Building, 625 North 4th Street, Baton Rouge, La.

Office of Environmental Affairs, 804 31st Street, Monroe, La.

State Office Building, 1525 Fairfield Ave., Shreveport, La.

Office of Environmental Affairs, 1155 Ryan St., Lake Charles, La.

B. Jim Porter  
Assistant Secretary

### Fiscal and Economic Impact Statement For Administrative Rules

#### Rule Title: 17.13 "Revise Section 17.13 Of the Air Quality Regulations"

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)

There are no estimated implementation costs or savings to the agency.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There is no estimated effect on revenue collection.

#### III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

Facilities will be required to submit only one report instead of two. The reports are merely computer data sheets so there will be minimal costs or benefits to the facility.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There is no estimated effect on competition and employment.

Jerry D. Hill  
Undersecretary

Jean S. Perry  
Legislative Fiscal Analyst

## NOTICE OF INTENT

### Department of Public Safety State Fire Marshal

Pursuant to Louisiana Revised Statutes 51:655 and 656, the State Fire Marshal hereby promulgates the following regulations and rules with regard to the shipping, sale, possession, and use of fireworks:

L.A.C. 17-4:18 Fireworks

L.A.C. 17-4:18.1 Public Display

Pursuant to Louisiana Revised Statutes 51:655, any person, firm or corporation or other legal entity desiring a permit for a public display may either apply to the Office of State Fire Marshal, 1033 North Lobdell Boulevard, Baton Rouge, Louisiana 70809 or to any certified local authority, which application shall contain the following information in the form of an affidavit sworn and subscribed by a duly licensed and qualified notary public:

1. The date, time and place of the public display including the length of time.

2. All fire prevention plans and provisions which will be present and in force and available to assure the public safety at the public display.

3. A copy of the license issued by the Office of State Fire Marshal licensing the manufacturer, importer, distributor or jobber who will be supplying and/or conducting the public display or sufficient detail on the individual firm, corporation or other legal entity who will be supplying and/or conducting the public display to assure the State Fire Marshal of his certified local authority that the fireworks and the actual presentation and conduct of the public display will not endanger the public safety; such facts required in lieu of a license include business history including length of time in business, representative clients, references from public officials in fire safety, educational background of employees, and any and all other types of information which would assure the Fire Marshal or his certified authority that the public display will not endanger the public safety.

L.A.C. 17-4:18.2 Licenses

Anyone applying for licenses under Louisiana Revised Statutes 51:656 shall set forth not only such information as may be required by the application attached hereto and made part hereof but all such information as shall be necessary for the Fire Marshal to determine that the manufacturing, importation, distribution and sale of the fireworks in question will not endanger the public safety; such facts shall include but are not limited to include business history including length of time in business, representative clients, references from public officials in fire safety, educational background of employees, and any and all other types of information which would assure the Fire Marshal or his certified authority that the public display will not endanger the public safety. All of the information both on the form and any additional information must be sworn and subscribed before a duly licensed and qualified notary public.

Anyone having any questions with regard to this proposed administrative ruling should contact Plauche F. Villere, Jr., Attorney for the State Fire Marshal, 500 Dufossat Street, New Orleans, Louisiana 70115, 504-895-6607. In his office, there will be a public hearing at 12 noon on Monday, December 7, 1981 at which time and place any interested person may present their views orally or in writing.

Carrol L. Herring  
State Fire Marshal

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Fireworks**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)**

The estimated implementation costs to the agency cannot be determined at this time.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)**

The effect on revenue collections will be dependent upon the fee charged to issue licenses and the number of licenses issued.

**III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)**

The cost to affected groups cannot be determined at this time. It will depend on the number of applicants for public display, and permits issued, and the associated time and paperwork involved.

The particular ruling does afford local political subdivisions who have been certified as local authorities by the Fire Marshal to handle their own licensing of public displays which would reduce the cost to the Fire Marshal, but place their workload on local political subdivisions.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)**

There would not appear to be any estimated effect on competition and employment.

Carrol L. Herring  
State Fire Marshal

Jean S. Perry  
Legislative Fiscal Analyst

**NOTICE OF INTENT**

**Department of the Treasury  
Board of Trustees**

**State Employees Group Benefits Program**

In accordance with the provisions of R.S. 49:951, et. seq., the Administrative Procedure Act, notice is hereby given that the Board of Trustees, at its regular monthly meeting on December 16, 1981, intends to adopt the following guidelines relative to the offering of HMO coverage to State employees:

Unless otherwise exempted by Section 1311 of Public Law 93-222 (Health Maintenance Organization Act of 1973), any health maintenance organization or other prepaid medical plan seeking to solicit the membership of employees of the State, its agencies or political subdivisions, shall be subject to the regulations and requirements as set forth below.

For purposes of these regulations the term "HMO" is defined as any legal entity which provides, either directly or through arrangements with providers or other persons, health care services, or arranges for the provision of such services to enrollees on the basis of a fixed prepaid sum.

**General Information**

The HMO shall furnish the following information:

(1) A list of the names and official positions of all members of the board of directors and the principal officers of the organization, which list shall contain a full disclosure of the extent and nature of any contractual or financial arrangements between them and the State, or any of its agencies or political subdivisions;

(2) If the HMO is sponsored by another organization, the foregoing information relative to the directors and principal officers of the sponsoring organization or parent company;

(3) Any changes in (1) or (2) above which may take place for the duration of the contract between the HMO and the State;

(4) A current balance sheet or income/expense statement;

(5) Evidence of protection for members in the event of insolvency or medical catastrophe; which evidence may be a demonstration of the HMO's capacity to produce a cash flow sufficient to cover normal operating expenses for a minimum of ninety days, or a contractual agreement with a third-party insurer indicating such protection; and which evidence shall be updated on an annual basis;

(6) A copy of the form of each booklet or certificate of coverage to be issued to the members, and any changes or amendments as may be made from time to time;

(7) A description of the proposed method of marketing the HMO benefits, including marketing material to be used and a list of current premium charges;

(8) An accurate comparison of benefits offered by the HMO and the State Employees Group Benefit Plan;

(9) A statement describing the HMO's service area;

(10) A description of complaint procedures the HMO utilizes for resolving grievances between a member and the HMO or any provider of services;

(11) If the HMO is a group or staff model, a description of the medical care facilities to include;

(a) location;

(b) hours of operation;

(c) provisions for after hours emergency services;

(d) on-site facilities such as x-ray, laboratory, pharmacy, etc.;

(12) For all models, a list of participating physicians, to include the area of practice or speciality of each;

(13) A statement indicating which person or persons are responsible for final medical adjudication of questioned claims.

The State of Louisiana shall have the right during the existence of the contract to audit from time-to-time fiscal records of the HMO as may pertain to the financial security of State employees enrolled as members.

If, for any reason, a provider fails or is unable to render services it has agreed to provide through a contract with the HMO, the HMO shall agree to pay benefits for services equivalent to those set for in its contract with the State while an individual continues to be a member.

The Board of Trustees of the State Employees Group Benefits Program shall not be held liable for claims for damages relating to any treatment rendered or arranged for by the HMO.

The HMO shall agree to hold the Board of Trustees of the State Employees Group Benefits Program harmless from all claims for damages relating to any act or omission by the HMO, including any claims relating to failure of the HMO to provide services as specified in its contract with the State of Louisiana due to financial hardship or insolvency.

**Initial Enrollment and Effective Date**

(1) The initial enrollment period shall be that ninety day period immediately following the approval of an HMO program. The initial effective date shall be the first day of the month next following the completion of this enrollment period.

(2) The State shall furnish the HMO with a list of agency personnel officers and their addresses to facilitate agency contact.

(3) The State shall provide a letter of introduction by the Executive Director to the personnel officers encouraging their cooperation with the HMO in scheduling meetings and making the offer to eligible employees.

(4) The State shall permit the HMO to use its enrollment form to enroll employees who are currently members of the State Employees Group Benefits Program.

(5) The HMO shall use the State Employees Group Benefits Enrollment Document if the employee is not a member of the State Plan at the time he elects HMO membership.

(6) All documents shall be processed at the State Employees Group Benefits office, including data entry into the billing and eligibility system.

(7) The HMO shall secure any information it may need which is not on the enrollment document independently of the State Employees Group Benefits Program.

#### Computer Interfacing

(1) The State shall provide the HMO with a monthly exception tape, detailing by agency: additions, deletions, and changes.

(2) The HMO shall maintain all billing records by agency billing codes as established by the State Employees Group Benefits Program.

(3) The HMO shall furnish utilization reports on a monthly basis, the format of which shall be mutually agreed on by the State and the HMO.

#### Premium Billing and Transfer

(1) The HMO shall bill membership fees in a regular monthly invoice, detailed by agency billing codes as established by the State Employees Group Benefits Program.

(2) The State shall transfer the reconciled membership fees to the HMO by the fifteenth of each month for the previous month's billing. Remittance will be itemized by agency.

(3) The State shall retain a monthly administrative fee for each individual contract, which fee shall be negotiated prior to the initial effective date of the master contract between the State and the HMO. Adjustment of the administrative fee will be made no more often than once a year and only on the annual re-enrollment date.

#### Rates

(1) The HMO shall charge membership fees that are divisible by a number as shall be set forth in the contract.

(2) Rates shall be guaranteed for no less than a 12 month period following initial enrollment and thereafter shall be increased no more often than once a year and only on the annual reenrollment date, unless otherwise approved by the Board of Trustees 90 days prior to the effective date of such increase.

(3) Notice of premium adjustments shall be given the State at least 90 days prior to the proposed effective date of such adjustment.

(4) Membership fees shall not be adjusted based on the utilization of health care services by State employees or their dependents. Rate adjustments shall be reflected in similar adjustments for other groups enrolled in the HMO service area.

(5) The HMO shall use a three-rate structure, with classifications compatible with those used by the State Employees Group Benefits Program.

#### Eligibility

(1) The HMO shall maintain identical eligibility regulations as the State Employees Group Benefits Program with the exception of sponsored adult dependents, who need not be eligible for membership.

(2) The HMO shall enroll new employees who choose membership during their initial period of eligibility for an effective date that is compatible with the eligibility requirements of the State Program.

(3) The HMO shall provide for continuation of membership for surviving spouses and dependents of deceased employees who are HMO members at the time of death.

#### Pre-existing Conditions

(1) The HMO shall impose no limits on coverage for pre-existing conditions for State employees electing membership during their initial period of eligibility.

(2) If a State employee fails to elect HMO membership for himself or his dependents during his initial period of eligibility, the

HMO shall impose limitations on coverage for pre-existing conditions as a requirement for membership, in accordance with the existing regulations of the State Employees Group Benefits Program.

#### Transfers and Terminations

(1) The HMO shall hold an annual re-enrollment each November for an effective date of January 1 for employees electing to enter or leave HMO membership. This shall include both active and retired employees.

(2) The HMO shall participate in any other open enrollments as shall be mandated by legislative action, if such action involves the HMO's service area.

(3) Transfer of coverage from the State Employees Group Benefits Program to the HMO or vice-versa shall be allowed only during the annual re-enrollment period, for an effective date of January 1. Transfer of coverage shall also be allowed as a consequence of the employees' being transferred into or out of the HMO service area, with an effective date of the first of the month following transfer.

(4) The HMO shall provide benefits up to but not beyond date of discharge in the event a member or his dependents are hospital confined at the time his membership terminates.

(5) The HMO shall allow individual conversions for a 30-day period following the end of the month during which an employee terminates his group membership. The conversion may be an individual HMO membership or fully-insured health contract, but shall be offered without regard to existing medical conditions and at the then-current rate for all other similar conversions. Termination of the group contract does not constitute individual termination for purpose of conversion.

(6) No individual membership shall be terminated by the HMO except for the following reasons:

- a. Termination of the group contract
- b. Termination of a member's employment with the State
- c. An employee's moving his domicile out of the HMO service area
- d. Failure of the individual to make required copayments to an HMO provider
- e. Statements made by an individual on applying for membership which are material and knowingly false relative to the eligibility of himself or any dependents; or, if applicable, relative to the health status of himself or any dependent
- f. Refusal of a member to cooperate with an HMO provider to such a degree as to render a satisfactory physician - patient relationship impossible.

(i) Should the member refuse to accept procedures or courses of treatment recommended by an HMO physician, the physician shall use his best efforts to render all necessary and appropriate professional services in a manner compatible with the members' wishes insofar as this can be done consistent with the physician's judgment as to the requirements of proper medical practice.

(ii) Should the member continue to refuse to cooperate with the provider, and the physician believes that no acceptable professional alternative exists, such member shall be so advised, and if upon being so advised, the member still refuses to follow the recommended treatment or procedure, then the HMO shall have the right to terminate that individual's membership.

(iii) Should the HMO elect to terminate or not renew the member's coverage due to the above provision, the HMO shall notify the employee in writing no less than 30 days prior to the termination date.

(iv) The employee shall have the right to appeal such termination of coverage to the Benefits Committee of the Board of Trustees, which committee shall refer its recommendation to the Board for final decision.

### Nonduplication of Coverage

(1) If a husband and wife are both State employees and both are eligible for family coverage under the State Employees Group Benefits Program, both must elect membership in the HMO or the State Program. Neither split contracts nor dual membership shall be allowed.

(2) If a husband and wife are both State employees and have elected single coverage, each may choose membership in either the HMO or the State Program.

(3) Regardless of any provision of the State Employees Group Benefits Program contract to the contrary, the following apply to any State employee or dependent enrolled in an HMO:

a. The person shall neither be a member of the State Program nor a qualified dependent covered under the State Program.

b. No benefits will be payable under the State Program with respect to charges for services and supplies furnished while the person is enrolled in the HMO.

### Benefit Structure

(1) The HMO shall provide basic and supplemental comprehensive health maintenance services which State employees and their dependents might reasonably require to be maintained in good health, without regard to the frequency or extent of services furnished to any particular enrollee except for allowable exclusions and limitations as noted herein.

(2) Basic comprehensive health maintenance services shall include, but need not be limited to:

a. Provisions for in-area emergency health care services which shall be available 24 hours a day, seven days a week and which shall be provided by physicians or other licensed medical personnel;

b. Coverage for out-of-area emergency services;

c. Preventive health services such as immunizations, routine physical examinations, and diagnostic studies;

d. In-patient hospital care, to include semi-private accommodations and other ancillary services for at least 120 days per confinement, restorable after 90 days following discharge;

e. In-patient physician services, for the period of time as specified in (d) above;

f. Out-patient health services.

(3) Supplemental comprehensive health maintenance services shall include, but need not be limited to benefits for:

a. Out-patient prescription medication.

b. Private-duty nursing prescribed by a physician.

c. Emergency ambulance services.

d. Durable medical equipment.

e. Prosthetic appliances.

f. Reasonable extension of in-patient hospital and physician services beyond the minimum requirement of the basic coverage.

(4) The HMO may impose reasonable limitations on and/or exclusions from such services as cosmetic surgery, dental treatment, custodial care, experimental procedures, home health care, services not medically necessary, personal convenience items, luxury accommodations, and services not rendered or prescribed by HMO physicians (except for out-of-area emergency care).

(5) The HMO may exclude from coverage those items as are normally and routinely considered excludable under group health coverage such as injuries or disease covered by workmen's compensation laws or veteran's benefits, self-inflicted injuries or those sustained as a result of war or civil disobedience.

(6) Treatment for mental and nervous disorders, and alcohol or other substance abuse may not be excluded, but may be limited. Coverage shall be provided to include at least:

a. In-Patient - hospital benefits and physicians services for a minimum of 30 days per year;

b. Out-Patient - physician services covered at least 50 percent for a minimum of 15 visits per year at no less than \$40 per visit.

(7) Basic comprehensive health maintenance shall have no lifetime maximum. Reasonable copayments may be placed on out-patient services and out-of-area services, but in no instance shall the copayment exceed 25 percent of the value of the service rendered.

(8) Supplemental comprehensive health maintenance services shall not be limited to less than \$250,000 in benefits available for the lifetime of a member and may contain provisions for a deductible, not to exceed \$100 per member per calendar year, with no more than 3 deductibles required per family. After satisfying the deductible, the member shall be eligible for payment of not less than 80 percent of covered charges (except as provided in (6) above), up to \$5,000 per calendar year. Thereafter, 100 percent of eligible charges shall be covered for that member for the balance of the calendar year.

### Disclosure

(1) The HMO shall issue to each employee a description of benefits to which he is entitled under the contract between the HMO and the State of Louisiana.

(2) The evidence of coverage shall contain a clear, concise and complete statement of:

a. The health care services and the insurance or other benefits, if any, to which the member is entitled;

b. Any exclusions or limitations on the services as benefits to be provided, including any deductibles and/or copayment provisions;

c. Where and in what manner information is available as to how services, including emergency and out-of-area services, may be obtained;

d. The HMO's method for resolving enrollee complaints;

e. Conditions of eligibility for employees and their dependents;

f. Conditions under which an individual's membership may be terminated.

Interested persons may submit their views and opinions to Dr. James D. McElveen, Executive Director, State Employees Group Benefits Program, Box 44036, Baton Rouge, Louisiana 70804, until 4:30 p.m. on December 7, 1981.

James D. McElveen  
Executive Director

### **Fiscal and Economic Impact Statement For Administrative Rules Rule Title:HMO Guidelines**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)**

There will be no additional costs to the Program if this HMO plan were adopted by the Board. All provisions for implementation, such as computer enhancement and accounting procedures, have been made. No additional personnel will be necessary.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)**

The Board would receive the premium contributions for this prepaid medical program from the various agencies. After deducting a \$3.00 per month administrative charge per contract, these funds would then be delivered to the prepaid medical plan. At this time, the estimated effect on revenue collections is considered to be negligible as there are very few prepaid medical plans in a position to offer coverage to state employees in any specific areas.



III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

The proposed HMO plan will be an alternative feature which will be available to all state employees. It is estimated that the cost to the employee would be comparable to the premiums charged by the Program for similar classes of coverage.

It should be noted, that, in general, the HMO plan member must use the physicians and facilities that are under HMO contract. A member of the the Group Benefits program may use the physician and facility of his choice.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

Because of the estimated small number that are expected to join HMO, it is expected that the effect on competition and employment will be negligible.

James D. McElveen  
Executive Director

Jean S. Perry  
Legislative Fiscal Analyst

## Potpourri

### POTPOURRI

#### Department of Agriculture Dairy Stabilization Board

##### Notice of Cancellation

Notice is hereby given that, at the request of petitioner, the public hearing scheduled on November 12, 1981, for consideration of an amendment to the Rules and Regulations of the Dairy Stabilization Board was cancelled and will be re-scheduled at a later date.

Bob Odom  
Commissioner

### POTPOURRI

#### Department of Agriculture Office of Agricultural and Environmental Sciences

##### Advance Notice of Intent

The Louisiana Legislature, by Act 391 of 1981, supplemented and amended Titles 3 and 36 of the Revised Statutes of 1950 and in so doing enacted the "Louisiana Pesticide Waste Control Law."

The "Louisiana Pesticide Waste Control Law" provides for the regulation of the storage, treatment, or disposal of pesticide waste and also provides for penalties for violations, for the administration of programs related to pesticide control, and otherwise provides for implementation of the Act.

The Louisiana Department of Agriculture, Office of Agricultural and Environmental Sciences, Division of Pesticide Waste Control, is considering the adoption of rules and regulations required by law to be adopted for purposes of implementing and

enforcing this Act. The rules and regulations being considered by the Louisiana Department of Agriculture, Office of Agricultural and Environmental Sciences, Division of Pesticide Waste Control, will relate to permitting procedures, design, construction, operational standards, record keeping and classification of facilities.

Anyone wishing to comment or offer suggestions pertaining to such rules and regulations should send the information to Roy Johnson, Program Director, Division of Pesticide Waste Control, Louisiana Department of Agriculture, Box 44153, Baton Rouge, Louisiana 70804.

Additional public notices will be given before formal rule or regulation adoption procedures begin.

Bob Odom  
Commissioner

### POTPOURRI

#### Department of Health and Human Resources Board of Veterinary Medicine

The National Veterinary Medicine examination will be given on December 8, 1981 at Louisiana State University School of Veterinary Medicine, LSU Campus, Baton Rouge, Louisiana. The exam will begin promptly at 9 a.m. Any applicant failing to appear timely will not be examined.

Allan R. Albritton, D.V.M.  
Secretary-Treasurer

### POTPOURRI

#### Department of Natural Resources Fishermen's Gear Compensation Fund Claims

In accordance with the provisions of the Fishermen's Gear Compensation Fund, Act 673 of 1979 and in particular Section 700.4 therefore; regulations adopted for the fund as published in the State Register on August 20, 1980; and also the rule of the Secretary of this Department, notice is hereby given that ten completed claims were received during the month of October, amounting to \$20,067.15. Public hearings on completed claims will be held as follows:

Wednesday, December 2, 1981 at 10:30 a.m. in the Police Jury Conference Room, 2201 West Judge Perez Drive, Chalmette, Louisiana, to consider the following claims against the fund: Claim No. 81-305

James Russell, while traveling to a fishing area in the vessel "Dreamboat" on June 30, 1981, encountered an unknown obstruction at approximately 7:30 p.m. in Black Bay south of Mozambique Point, St. Bernard Parish, causing damage to his vessel. Amount of claim: \$2,909.03.  
Claim No. 81-314

John G. Fabacher, while trawling in the vessel "Dixie Darling" on June 27, 1981, encountered an iron obstruction at approximately 10 a.m. in Lake Borgne approximately four miles east of Alligator Point and four miles south of an oil rig near Shell Point, St. Bernard Parish, causing damage to his 50 foot trawl and trawl boards. Amount of claim: \$658.68.  
Claim No. 81-324

Malcolm Assevado, while trawling in the vessel "Lady

Cynthia" on July 13, 1981, encountered an iron obstruction at approximately 3 p.m., one half mile south of Deadman Point, St. Bernard Parish, causing damage to his 75 foot trawl. Amount of claim: \$1,075.

Claim No. 81-340

Warren J. Thibodaux, while trawling in the vessel "Honey Sucker" on August 21, 1981, encountered a submerged tank at approximately 2 a.m. in Eloi Bay three-fourths of a mile south of Deadman Island, St. Bernard Parish, causing damage to his 55 foot trawl. Amount of claim: \$800.

Claim No. 81-345

Lester J. Evans, Jr., while trawling in the vessel "Swamp Rat" on September 5, 1981, encountered a submerged pipe and metal objects at approximately 12 noon, in Grassy Lake south of Stone Island, Plaquemines Parish, causing damage to his 56 foot trawl. Amount of claim: \$825.

Wednesday, December 9, 1981 at 10:30 a.m. in the Cooperative Extension Service Office, Greater Lafourche Port Commission Building, Highway 308, Galliano, Louisiana to consider payment of the following claims against the fund:

Claim No. 81-256

Joseph Billiot, while trawling in the vessel "Captain Ed" on May 22, 1981, encountered an unknown obstruction at approximately 1:30 p.m. in Bayou Andre north of Martigan Point, Jefferson Parish, causing damage to his vessel. Amount of claim: \$1,000.

Claim No. 81-315

Harry Champagne, Jr., while trawling in an unnamed Lafitte Skiff, Louisiana Registration Number LA-2891-AR, on July 16, 1981, encountered an unknown obstruction at approximately 2 p.m. in the Gulf of Mexico west of Belle Pass, Lafourche Parish, causing damage to his 46 foot trawl and trawl boards. Amount of claim: \$920.91.

Claim No. 81-316

Calvin A. Cheramie, while trawling in the vessel "Mr. Fox" on July 6, 1981, encountered an unknown obstruction at approximately 12 a.m. in Lake Borgne east of Le Petit Pass, St. Bernard Parish, causing damage to his trawl and related gear. Amount of claim: \$964.56. (Rescheduled)

Claim No. 81-327

Joseph Billiot, while trawling in the vessel "Captain Ed" on August 17, 1981, encountered an unknown obstruction at approximately 3:50 p.m. in Barataria Pass 600 feet from the Black Sea Buoy, Jefferson Parish, causing damage to his 50 foot trawl and related gear. Amount of claim: \$1,988.53.

Any written objections to these claims must be received by the close of business December 1, 1981 by the Secretary whose address is: Mr. Frank A. Ashby, Jr., Secretary, Department of Natural Resources, Box 44396, Capitol Station, Baton Rouge, Louisiana 70804.

At the hearings, any person may submit evidence on any phase of the claims.

Frank A. Ashby, Jr.  
Secretary

## POTPOURRI

### Department of Public Safety Municipal Police Officers Supplemental Pay

The next scheduled meeting of the Board of Review, Municipal Police Officers' Supplemental Pay, will be held in Room 218, State Police Headquarters, 265 South Foster Drive, Baton Rouge, Louisiana on Tuesday, December 15, 1981 at 10 a.m.

Larry A. Messina  
Secretary-Treasurer

# Errata

## ERRATA

### Department of Public Safety Office of State Fire Marshal

The rule which was published by the Department of Public Safety, Office of State Fire Marshal in Volume 7, Number 7 dated July 20, 1981 on page 344 contains two errors.

The first is in the title which reads LAC 17-41. That designation should read LAC 17-4:4 Plans and Specifications for a New Building.

The second paragraph should carry the designation LAC 17-4:2. General Provisions. Under that should be the designation 2.2 for the second paragraph.

Plauche F. Villere, Jr.  
Attorney for State Fire Marshal

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