

CONTENTS

I. EXECUTIVE ORDERS

EWE 87-49--Reductions in appropriations for certain budget units	3
--	---

II. EMERGENCY RULES

Civil Service Department:	
Civil Service Commission--Rate of pay on promotion	3
Commerce Department:	
Office of Financial Institutions--Judicial interest rate (1988)	4
Education Department:	
Board of Elementary and Secondary Education--Parent conferences	4
Governor's Office:	
Board of Tax Appeals--Rules of procedure and practice	4
Wildlife and Fisheries Department:	
Wildlife and Fisheries Commission--Prohibits the commercial harvest of red drum	6
Prohibits the harvest or possession of red drum by recreational fisherman	6
Shrimping season	7

III. RULES

Agriculture and Forestry Department:	
Office of Agricultural and Environmental Sciences--Horticulture Commission — Examination and licensure or permitting (LAC 7:XXIX. Chapter 151)	7
Office of Forestry and Tax Commission--Timber stumpage values (1988)	9
Commerce Department:	
Racing Commission--Bleeder medication (LAC 35:I.1501)	9
Real Estate Commission--Escrow Disputes (LAC 46:LXVII.2801)	9
Education Department:	
Board of Elementary and Secondary Education--Biology II curriculum guide	10
Bulletin 741--nonpublic school standards	10
Bulletin 1191--School transportation handbook	10
8(g) Policy and Procedure Manual (adoption)	10
8(g) Policy and Procedure Manual (amendment)	10
Nutrition education and training program state plan, FY 1988-89	11
Occupational and physical therapy eligibility	11
State superintendent qualifications	11
Vo-tech--Bus transportation	11
Vo-tech--student admission	11
Vo-tech--tuition fees	12
Environmental Quality Department:	
Office of Solid and Hazardous Waste--Solid Waste Division--Amends certain rules regarding the solid waste operator certification and training program	12
Governor's Office:	
Division of Administration--Office of State Planning--LCDBG Final Statement (FY-1988)	12
Health and Human Resources Department:	
Board of Examiners for Nursing Home Administrators--Examinations (LAC 46:XLIX.509)	23
Office of Family Security--MAP--Vehicle guidelines	24
Office of Preventive and Public Health Services--Family Co-pay system	24
Use of federal grant for AZT (LAC 48:V.12901)	26
Office of the Secretary--Hospital notification to those providing treatment or transportation of patients with infectious diseases (LAC 48:XI.4301 and 4302)	26
Division of Licensing and Certification--Licensing of board and care homes	27
Public Safety and Corrections Department:	
Office of Juvenile Services--Assignment/reassignment of juvenile offenders (LAC 22:I.308)	27
Juvenile offender custody and transfer (LAC 22:I.310)	30
Office of State Police--Hazardous Substances Control Section--Motor carrier safety and hazardous materials regulations for carriage by public highway (LAC 33:V Chapter 103)	31
Revenue and Taxation:	
Tax Commission, Timber Stumpage Values	9
Transportation and Development Department:	
Office of Highways--Outdoor advertising	32

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IV. NOTICES OF INTENT

Agriculture and Forestry Department:

Office of Animal Health Services--Livestock Sanitary Board--Admission of horses, mules, and asses to shows (LAC 7:XXI.11761) 34
Brucella abortus vaccine (LAC 7:XXI.11745) 34
Definitions (LAC 7:XXI.11701) 36
Equine infectious anemia; livestock auction market requirements (LAC 7:XXI.11765) 39
Health requirements governing admission of horses, mules, asses (LAC 7:XXI.11759) 40
Livestock auction market (LAC 7:XXI.11735) 41
Livestock dealer requirements (LAC 7:XXI.11711) 43
Movement of horses by dealers (LAC 7:XXI.11763) 43
Poultry admission-health requirements (LAC 7:XXI.11767) 44
Sale of cattle by livestock dealer (LAC 7:XXI.11737) 45

Civil Service Department:

Civil Service Commission--Scheduled hearing 46

Commerce Department:

Racing Commission--Coggins test (LAC 35:I.1304) 46
Twin trifecta (LAC 35:XIII.11201) 47

Culture, Recreation and Tourism Department:

Office of Cultural Development--Division of Archaeology's Grants Program (LAC 25:I. §§201-205) 48
Division of Black Culture--Grant guidelines (LAC 25:I. §§709-711) 48
Division of Historic Preservation Grant Program (LAC 25:I. §§1001-1011) 49
Office of Tourism--Litter Control and Recycling Commission--Litter receptacle placement (LAC 25:V. Chapter 3) 50

Education Department:

Board of Elementary and Secondary Education--Bulletin 741--Nonpublic school standards 52
Bulletin 741--School census 53
Bulletin 1794--Review of textbooks not on state approved textbook list 54

Governor's Office:

Division of Administration--Office of Telecommunications Management--Telephone use and repair (LAC 4:IX. §§901 and 2103) 54

Health and Human Resources Department:

Board of Examiners for Nursing Home Administrators--Programs of study; licenses (LAC 46:XLIX. §§901 and 1104) 55
Office of Family Security--Food stamp program--third party payments; loss-of-benefits; expedited service 56
Office of Human Development--Children's Trust Fund--Child abuse prevention state plan 57
Office of the Secretary--Ambulatory surgical centers 57
Division of Licensing and Certification--Trauma center licensure 59
Adult day care center licensing 59

Labor Department:

Office of Labor--Private employment service 60

Treasury Department:

Board of Trustees of the State Employees Group Benefits Program--Birth control medication restriction 60
Rate increase 61

V. COMMITTEE REPORTS

Commerce Department:

Real Estate Commission--Suspension/revocation of school certificate of authority; school advertising; certificate of authority; school director; escrow disputes; escrow disbursement order 62

VI. POTPOURRI

Agriculture Department:

Horticulture Commission--Examination schedule 62

Natural Resources Department:

Fishermen's Gear Compensation Fund--Claims 62

Urban and Community Affairs Department:

Public hearing notice 63

Executive Orders

EXECUTIVE ORDER EWE 87-49

WHEREAS, Governor-Elect Buddy Roemer has requested that certain reductions in appropriations for the current fiscal year be made;

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

Section 1: Appropriations for expenditures shall be reduced for the following budget units in the amounts as shown below:

Department of Commerce, Office of the Secretary
Budget Unit: 05-8251
Amount of Reduction: \$74,770

Department of Commerce, Office of Commerce and Industry
Budget Unit: 05-8252
Amount of Reduction: \$198,882

The Department of Commerce, Office of International Trade, Finance, and Development
Budget Unit: 05-8257
Amount of Reduction: \$24,646

Because the above reductions, when added to reductions already in force, equal the 10 percent reduction allowed by Act No. 814 of the 1987 Regular Session of the Legislature of Louisiana, the Office of the Secretary, Budget Unit No. 05-8251; the Office of Commerce and Industry, Budget Unit 05-8252; and the Office of International Trade, Finance, and Development, Budget Unit No. 05-8257 of the Department of Commerce are hereby exempt from the provisions of Executive Orders No. EWE 87-46, EWE 87-47, and EWE 87-48, said exemption to be effective as of the effective date of each respective order.

Section 2: The colleges and universities in higher education and their respective management boards shall reduce appropriations in the total amount of \$20,647,592, applying the reduction to the respective agencies as follows:

Board of Regents for Higher Education	\$ 142,882
Louisiana Universities Marine Consortium	55,894
Louisiana State University Board of Supervisors	119,983
Colleges and Universities in the LSU System	10,767,883
Southern University Board of Supervisors	55,998
Colleges and Universities in the Southern University System	1,067,006
Board of Trustees for State Colleges and Universities	53,445
Colleges and Universities in the Board of Trustees System	8,384,501

The system presidents shall recommend to the commissioner of administration the specific reductions among the colleges and universities within their systems. The reductions shall include set-aside funds to offset future budget reductions by the following institutions and in the following amounts, which amounts shall revert to the state general fund:

University of New Orleans	\$ 750,000
LSU Shreveport	46,000
LSU Agricultural Center	850,000
Paul M. Hebert Law Center	20,000
Nicholls State University	326,000

Louisiana Tech University	1,200,000
McNeese State University	170,000
Northwestern State University	150,000
University of Southwestern Louisiana	795,000

The recommendations of other specific reductions within each system shall be submitted to the commissioner of administration by January 8, 1988, unless the commissioner grants an extension. In the event that specific reductions are not provided as set forth herein, the commissioner of administration shall make specific reductions from the respective appropriations to each management board and each college or university.

Section 3: Any provision of any prior executive order which is inconsistent with the letter and spirit of this order is hereby rescinded.

Section 4: If any provision or item of this order or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this order which can be given effect without the invalid provision, item or application, and to this end the provisions of this order are hereby declared severable.

Section 5: This order shall be effective January 1, 1988.

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 22nd day of December, 1987.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

Emergency Rules

DECLARATION OF EMERGENCY

Department of State Civil Service

At its regular meeting on January 6, 1988 the State Civil Service Commission adopted an emergency rule to be effective January 20, 1988. Such adoption is according to the provisions of Civil Service 2.10(f).

The emergency rule is as follows: Amend and Reenact Rule 6.7 to read:

6.7 Rate of Pay on Promotion

(a) When an employee is promoted to a position in a higher grade, his pay shall increase by at least seven percent.

(b) When an employee is given a one grade promotion his pay shall increase by seven percent. When an employee is given a two grade promotion his pay may be increased in an amount not to exceed 10¹/₂ percent. When an employee is given a three or more grade promotion his pay may be increased in an amount not to exceed 14 percent. An employee shall not be paid below the minimum of the higher range.

(c) Eligibilities gained but not received at the time of pro-

motion may be given prospectively at any time within three years from the effective date of the promotion.

EXPLANATION

The purpose of this amendment is to apply a more conservative approach to promotional pay increases. It is less expensive than the previous emergency rule 6.7 which allowed up to a 14 percent increase for a two or more grade promotion. It retains certain flexibility for appointing authorities.

Rule 6.7 has undergone frequent change since the new rule became effective June 29, 1987. This is the third emergency rule change. Civil Service General Circulars #834 and #854 contain previous emergency rule amendments which were published in the *Louisiana Register*.

Persons interested in making comments relative to this declaration may do so by writing to the Director of State Civil Service at Box 94111, Baton Rouge, LA 70804-9111.

Herbert L. Sumrall
Director

DECLARATION OF EMERGENCY

Department of Commerce and Industry Office of Financial Institutions

The Office of Financial Institutions, Department of Commerce and Industry, hereby adopts, as an emergency rule to become effective January 1, 1988, the judicial interest rate which will be applicable for the calendar year 1988. This emergency adoption is pursuant to R.S. 49:953(B) and was made necessary by the narrow time frame established in Act 883 of 1987, amending La. C.C. art. 2924, for determining the judicial interest rate. Act 883 mandates that the commissioner of financial institutions determine the prime rate of interest established by four major banks in New York and California and which are in force on December 1. Act 883 further mandates that the effective judicial interest rate shall be one percentage point "above an average prime rate" which is determined by averaging the prime interest rate of the four banks enumerated in the Act. Because the notice requirements and time limitations set out in R.S. 49:953(A) cannot be complied with because of the mandated December 1 computation date, an emergency exists.

No fiscal impact statement is required because the foregoing rule is being adopted as an emergency rule. R.S. 49:953(B).

The commissioner of financial institutions has directed letters to the governor and the attorney general of Louisiana, informing each of them that an emergency exists and the reason for that finding, thus asking for dispensation from notice or hearing requirements of R.S. 49:953(A).

The text of the rule and the authority for its adoption are stated as follows:

Title 10 BANKS AND SAVINGS AND LOANS

Pursuant to the authority granted by La. Civil Code article 2924(B)(3), as added by Act 883 of 1987, the commissioner of financial institutions has determined the rate of judicial interest for the period beginning January 1, 1988 and ending December 31, 1988 in accordance with the formula mandated by Act 883 of 1987, as follows:

The terms "prime rate" and "reference rate" shall be

deemed synonymous for purposes of this rule. Prime rate is the rate of interest established by a bank for its most favored corporate clients in commercial loan transactions.

The "prime rate" or "reference rate" was 8.75 percent on December 1, 1987 for each of the banks enumerated in Subsection (B)(3) of Article 2924 of the Civil Code. The effective date of the prime rate fixing is stated in parentheses following the name of each bank, as follows: Chase Manhattan Bank, N.A. (November 5, 1987); Manufacturers Hanover Trust Company of New York (November 12, 1987); Morgan Guaranty Trust Company of New York (November 5, 1987); and Bank of America National Trust and Savings Association, a wholly owned subsidiary of BankAmerica Corporation, a holding company (November 5, 1987); and Citibank, N.A., a subsidiary of Citicorp, a holding company (November 5, 1987).

Act 883 of 1987 mandates that the rate of judicial interest shall be "one percentage point above an average prime rate" and that "[t]he average prime rate shall be computed by taking the average of the prime rates established by [the banking associations listed in the preceding paragraph] for their most favored corporate clients.

The effective judicial interest rate for the calendar year beginning on January 1, 1988 shall be 9.75 percent.

Fred C. Dent, Jr.
Commissioner

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Amend Standard 1.009.16 of Bulletin 741

The State Board of Elementary and Secondary Education, at its meeting of December 17, 1987, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act, R. S. 49:953B and approved the addition of the following procedural blocks under Standard 1.009.16, page 10 of Bulletin 741 relative to the counting of parental conferences as co-curricular activities:

Two or more partial days may be combined to meet the minimal school year requirement of 175 days of 330 minutes of instructional time.

The class schedule must be abbreviated in order to ensure that all classes are taught during partial days.

This emergency adoption is necessary in order to allow the school systems to schedule their parent conferences at the end of the semester. Effective date of this emergency rule is January 20, 1988.

Dr. James Meza, Jr.
Executive Director

DECLARATION OF EMERGENCY

Office of the Governor Board of Tax Appeals

The Board of Tax Appeals has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953 (B) to adopt and promulgate the following rules of procedure and

practice. Authority for these regulations is contained in R.S. 47:1413, to wit:

RULES OF PROCEDURE AND PRACTICE

Rule 1. Persons Authorized to practice before the Board of Tax Appeals

As provided in R. S. 47:1414

Rule 2. Business hours

The board's office will be open each business day except days of public rest and legal holidays.

Rule 3. Pleadings in General

An original and six conformed copies of all pleadings shall be filed. All pleadings are to be signed by the individual filing them, and the capacity in which he is acting. The signer's mailing address and telephone number shall be stated below the signature. A copy of the assessment (if applicable) shall be attached to each copy of the petition.

Persons filing petitions under R.S. 47:1431, or claims for refund under R.S. 47:1481 must pay a filing fee as follows:

AMOUNT OF ASSESSMENT/ REFUND AMOUNT OF CLAIM AGAINST THE STATE	FILING FEE
\$ -0- - - - - \$300	\$10
\$300 - - - - 2,000	\$25
\$2,000 - - - - -	\$100

If a person certifies to the board that he is impecunious and unable to pay such filing fee, such person may provide a sworn statement stating such, and the board may elect to waive the filing fee. If the board determines that a person is able to pay the filing fee, it shall be paid within 15 days or the petition or claim will be dismissed.

Rule 4. Filings

Petitions or claims shall be considered filed pursuant to R.S. 47:1431 or R.S. 47: 1481 when such petition or claim is RECEIVED in the office of the Board of Tax Appeals and must be filed or presented within the time periods allowed by law.

Rule 5. Pleadings shall bear the following heading.

BOARD OF TAX APPEALS
STATE OF LOUISIANA

Petitioner
vs. B.T.A. Docket No. _____
Secretary, Revenue and Taxation
Respondent:

Rule 6. The Petition

The petition must be prepared by use of numbered paragraphs setting forth clear and concise assignment of errors attributed to the secretary of the Department of Revenue and Taxation, the tax involved, the tax period and the amount of tax. The petition should end with a prayer for the relief sought. The clerk of the board shall within five days of receipt of any petition send a certified copy thereof to the secretary of the Department of Revenue and Taxation indicating the date of filing and date of service.

Rule 7. The Answer

The allegations of the petition must be categorically answered with particularity in numbered paragraphs corresponding to those of the petition within 30 days of receipt of petition. The answer shall contain a signed certificate stating that a copy of the answer has been mailed to the party filing the petition.

If the answer is not filed within 30 days from the date of service, the petitioner may notify the secretary of the Depart-

ment of Revenue and Taxation by certified or registered mail with return receipt requested that the petitioner intends to take a judgment by default. If the secretary does not file and answer within 10 days from date shown on return receipt, the petitioner may take a judgment by default against the secretary upon presentation to the board evidence satisfactory to the board that the petitioner is entitled to the relief sought.

Rule 8. Motions and Exceptions

Motions and exceptions shall be made in writing. The original and four copies shall be sent to the office of the board and a copy shall be served on opposing counsel and contain a signed certificate of service.

Rule 9. Service

All pleadings filed, except petitions will be served on the opposing party by the party initiating said pleading by certified or registered mail.

Rule 10. Hearings

Hearings will be held at the board's offices in Baton Rouge or at such other place that may be designated by the board. All parties will be notified of the date and place of hearings at least 15 days prior thereto.

The rules of evidence and trial procedure generally followed by the district courts of the state will be followed in hearings before the board. Any exhibits to be introduced into the record shall be accompanied by a copy which shall be substituted for the original.

Rule 11. Stipulations

Where pertinent facts are in dispute, the parties will be required to make a diligent effort to agree upon a stipulation of facts to be used in lieu of taking testimony.

Rule 12. Subpoenas

Any party wishing to subpoena a witness for hearing or deposition shall prepare and file with the board a subpoena and check for the witness fee and mileage fee as required by R.S. 47:1409 and provide proper mailing address of the party to be subpoenaed. The board shall issue the subpoena by certified mail with return receipt requested.

Rule 13. Pretrial Memoranda

Unless otherwise specified by the board, all parties shall file with the board no less than 10 days prior to the date of the hearing a memorandum of fact and law and serve a copy on the opposing party.

Rule 14. Pretrial Conference

The board may hold a pretrial conference prior to the hearing of any matter before it on its own motion or at the request of any party before the board.

Rule 15. Briefs

If the board requests post trial briefs from the parties such briefs shall be filed with the board within the time specified by the board.

Rule 16. Judgments

Unless otherwise specified by the board, judgments shall be prepared, within 15 days, by the party designated by the board. Certified copies of judgments will be mailed by the board to all parties and will become final as provided by R.S. 47:1438.

Rule 17. Review of Board's Decision

Review of decisions of the Board of Tax Appeals shall be in accordance with R.S. 47:1434 et seq.

with any supporting evidence, official transcript(s), and affidavit(s) as may be necessary, and with the fee required under Rule 5.2 [renumbered LAC 7:15109(B)], at the Commission's State Office in Baton Rouge no later than 4:30 p.m. on the deadline date established for applying for examination, which date shall be published in a prior issue of the *Louisiana Register*.

2. Any applicant for licensure as a landscape architect who successfully completes one or more of the six phases of the examination but does not successfully complete all six phases of the examination will not be required to submit to re-examination in any phase which was successfully completed. In such cases, the applicant may apply to re-take only the phase(s) of the examination which were not successfully completed.

D...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3801, R.S. 3:3807, and R.S. 3:3808.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Horticulture Commission, LR 8:184 (April 1982).

§15109. Fees for License or Permit and Renewal Thereof

A...

B. Landscape Architect

1. The fee for complete examination for licensure as a landscape architect shall be as follows:

- 1988 - \$270
- 1989 - \$285
- 1990 - \$295
- 1991 - \$305

2. The fee for examination or re-examination in the various sections of the examination for landscape architect shall be as follows:

	1988	1989	1990	1991
Section 1	\$16	\$18	\$19	\$20
Section 2	\$22	\$25	\$26	\$28
Section 3	\$88	\$91	\$93	\$96
Section 4	\$79	\$81	\$84	\$86
Section 5	\$50	\$55	\$58	\$60
Section 6	\$15	\$15	\$15	\$15

C...

D...

E...

F...

G...

H...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3806, R.S. 3:3805, and R.S. 3:3801.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Horticulture Commission, LR 8:184 (April 1982).

§15113. Examination Schedule

A...

B. Landscape Architect

1. The examination for licensure as a landscape architect shall be given by the Commission on the date selected for administration of the examination nationally by the Council of Landscape Architects Registration Board.

2. The Commission shall publish the time and location selected by the Council of Landscape Architects Registration Board for administration of the examination for landscape architect in an issue of the *Louisiana Register* to be published prior to the scheduled examination date and will disseminate information concerning the scheduled examination to all interested applicants.

3. The Louisiana section of the examination for landscape architect shall be given on the date selected for administration of the examination nationally by the Council of Landscape Architects Registration Board and at no more than one other time during the year, if deemed necessary by the Commission based on the number of applicants desiring to take the Louisiana section.

C...

D...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3807, and R.S. 3:3801.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Horticulture Commission, LR 8:185 (April 1982).

§15117. Required Standards of Practice

A...

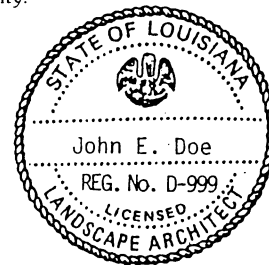
B. General requirements of Landscape Architect

1. Without good cause, all designs must make use of plant materials commonly found growing in Louisiana or which are suitable for growth in Louisiana's growing conditions.

2. Licensees must meet the standards established by the Council of Landscape Architects Registration Board.

3. Each landscape architect must obtain a seal of the design authorized by the Commission. The seal shall be placed on all professional documents, including contracts, maps, plans, designs, drawings, specifications, estimates and reports, issued by a licensed landscape architect for use in this state.

a. The seal required shall be circular and one and five-eighths (1 5/8) inches in diameter. The words "State of Louisiana" shall be along the top circumference and the words "Licensed Landscape Architect" shall be along the bottom circumference. The individual's name shall be placed horizontally in the center of the field with his registration number below. Letters and figures shall be as shown on the example printed herein to insure uniformity.



b. A rubber stamp facsimile, which conforms to the official design of the seal described in subparagraph (a) above, may be obtained and used in place of the seal by a licensed landscape architect.

c. The licensee shall sign his or her legal name on each document and shall then affix his or her seal over that signature. The presence of one's seal over the signature on any document constitutes proof that he or she accepts all legal and professional responsibility for the work accomplished. The seal shall be used only by the licensee responsible to this Commission for authorship of the documents thus identified. No person other than the licensee represented shall use or attempt to use the prescribed seal, and no unlicensed person shall be authorized to use the prescribed seal. Authorized use of the prescribed seal is an individual act whereby the licensee must personally inscribe the seal over his or her signature. The licensee is responsible for the security of the seal when not in use.

C...

D...

operate a real estate school after a determination has been made by its Education Division that the applicant has met all requirements of certification.

1. Anyone desiring to purchase, lease or otherwise obtain a certificate of authority issued by the Louisiana Real Estate Commission, must obtain the prior approval of the commission, and further must comply with all the regulations herein as an original applicant before the commission can consider or approve the transfer.

§6508. School Director

Each approved school shall designate an individual as director of the school who shall be in responsible charge of all its operations and the specific courses of education to be conducted.

Anna-Kathryn Williams
Executive Director

RULE

Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published October 20, 1987 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:
Rule 3.01.51.aa(1)

The board adopted the Biology II Curriculum Guide. (Copies of the guide may be seen in its entirety in the Office of the State Board of Elementary and Secondary Education.)

Dr. James Meza, Jr.
Executive Director

RULE

Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published October 20, 1987 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:
Rule 4.01.50(5)

Revisions to nonpublic school standards:

1. On page 8, standard 6.037.10 - change 360 minutes to 330 minutes, and change 180 minutes to 165 minutes.
2. On page 8, standard 6.037.11 - change 360 minutes to 330 minutes.
3. Add the following standard:

Each school may include in its calendar, a provision for dismissal of senior students prior to the end of the school year. This provision is not to exceed 10 days of instructional time (effective 1987-88 school year).

4. Add the following to the nonpublic program of studies (Bulletin 741): Publications course offerings shall be as follows:

Course Title	Units
Publications I (yearbook)	1

Course Title	Units
Publications II (yearbook)	1

Publications I is a prerequisite to Publications II
Teachers in the areas of Journalism, English, and/or Business Education are qualified to teach Publications I and II, effective date: 1987-88 school year.

Dr. James Meza, Jr.
Executive Director

RULE

Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published October 20, 1987 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:
Rule 9.00.50.e

The board adopted revisions to Bulletin 1191, *School Transportation Handbook*. (See page 594 of the October, 1987 issue of the *Louisiana Register* for complete text of revisions.)

Dr. James Meza, Jr.
Executive Director

RULE

Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published October 20, 1987 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:
Rule 1.10.00

The board adopted the 8(g) Policy and Procedure Manual for Louisiana Quality Education Support Fund (8g) for elementary, secondary and vocational-technical education. (Copies of the document may be seen in the Office of the Board of Elementary and Secondary Education.)

Dr. James Meza, Jr.
Executive Director

RULE

Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published October 20, 1987 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:
Rule 1.10.00.a

The board adopted the following revisions to the 8(g) Policy and Procedure Manual:

- Section 101
- Sections A-D - - Change the word *designee* to *vice-*

chairman

Section E - - - Delete the State Superintendent of Education

Dr. James Meza, Jr.
Executive Director

RULE

Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published October 20, 1987 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:
Rule 3.01.05

The board adopted the State Plan for the Nutrition Education and Training Program, FY 1988-89.

Dr. James Meza, Jr.
Executive Director

RULE

Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published October 20, 1987 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:
Rule 7.02.04(2)

The board adopted the recommendations of the Department on the Occupational Therapy and Physical Therapy Eligibility Criteria as an addendum to Bulletin 1508. (See page 599 of the October, 1987 issue of the *Louisiana Register* for complete text of criteria.)

Dr. James Meza, Jr.
Executive Director

RULE

Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published November 20, 1987 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:
Rule 6.00.15

QUALIFICATIONS FOR THE APPOINTED STATE SUPERINTENDENT OF EDUCATION

GENERAL

1. Advanced degree in public administration, education or related area;
2. Background in the formulation and implementation of public policy, and
3. Strong academic background.

EXPERIENCE

1. Proven record of success in administration;
2. Demonstrated ability to achieve positive results;
3. Credibility in his/her current profession;
4. Proven record of team building.

PROFESSIONAL SKILLS

1. Proven decision-making;
2. Proven leadership skills;
3. Ability to work effectively with the Legislature and executive branches of the government, education, business and civic organizations;
4. Outstanding interpersonal and communication skills.

SALARY

The board established a salary range of \$70,000 to \$80,000, exclusive of related benefits for the State Superintendent of Education.*

* NOTE: At its meeting in November, 1987, the board increased the salary of the state superintendent to \$100,000 plus related benefits and adopted this salary change as an emergency rule, effective November 20, 1987.

Dr. James Meza, Jr.
Executive Director

RULE

Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published October 20, 1987 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:
Rule 4.03.62

Vocational-technical schools are allowed to contract to provide bus transportation subject to board approval of the contract.

Dr. James Meza, Jr.
Executive Director

RULE

Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published October 20, 1987 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:
Rule 4.03.49

The board adopted the following policy for student admission under special provisions presented by the Trade and Industrial Education Bureau, State Department of Education and the Vocational Technical Directors' Association:

STUDENT ENROLLMENT
(Special Scheduling Provisions)

It shall be the policy of the Board of Elementary and Secondary Education to accommodate students who are employed, and whose work schedule does not permit attendance at a vocational technical school within the existing policies of the board, to

attend under a special scheduling provision. This special scheduling shall be left to the discretion of the local vocational technical school director. Judgement shall be used in this scheduling process to maximize student contact hours. Tuition shall be collected within the existing policy and shall not be less than tuition charged for a half-time student. Veterans wishing to receive VA benefits shall comply with the attendance requirements established by the Veterans' Administration.

Dr. James Meza, Jr.
Executive Director

RULE

Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published October 20, 1987 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:

Rule 4.03.48

The board adopted the following amendments to Board Policy 4.03.48: Under Item 1, add the following:

d. Each vocational technical director may recommend for the board's consideration, changes in the established fee schedule in order to establish night courses and to fund current and new courses.

e. Changes in tuition fees are subject to board approval. Under Item 12, change to read:

Any funds derived from fees collected by a school may be expended by that school for operational and capital needs of the school subject to approval of BESE and in compliance with state law.

Dr. James Meza, Jr.
Executive Director

RULE

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

Under the authority of the Louisiana Solid Waste Operators Certification and Training Program Act, R.S. 37:3151 et seq. and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Louisiana Board of Certification and Training for Solid Waste Disposal Operators (board) adopted amendments to the rules of procedure for the Solid Waste Operator Certification and Training Program (rules).

Amendments occur throughout the rules. The revisions add specific language to clarify the meaning or intent of the rules to provide more precise regulations. Provisions have been added to the rules regarding the maintenance of board records, adoption of rules, and petitions for exemption from the rules. In addition, the educational requirements have been eliminated for level B and C operators in all classes.

The board initiated rulemaking procedures to adopt this rule on October 20, 1987. Prior to final adoption by the board, these amendments were forwarded to the Joint Committee on

Natural Resources.

Persons requesting copies and/or further information concerning the amendments may contact Joan Lee, Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, Box 44307, Baton Rouge, LA 70804.

John Koury
Board of Certification

RULE

Division of Administration Office of State Planning

Louisiana Community Development
Block Grant (LCDBG) Program
FY 1988 Final Statement

I. PROGRAM GOALS AND OBJECTIVES.

The LCDBG Program, as its primary objective, provides grants to units of general local government in nonentitlement areas for the development of viable communities by providing decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income. Consistent with this objective, not less than 60 percent of the aggregate of fund expenditures shall be for activities that benefit low and moderate income persons.

Each activity funded must meet one of the following two national objectives:

A. Principal benefit (at least 60 percent) to low-moderate income persons.

B. Elimination or prevention of slums and blight. In order to justify that the proposed activity meets this objective, the following must be met. An area must be delineated by the grantee which:

1. meets the definition of slums and blight as defined in Act 570 of the 1970 Parish Redevelopment Act, Section Q-8 (See Appendix 1); and

2. contains a substantial number of deteriorating or dilapidated buildings or improvements throughout the area delineated.

The grantee must describe in the application the area boundaries and the conditions of the area at the time of its designation and how the proposed activity will eliminate the conditions which qualify the area as slum/blight.

To accomplish these national objectives, the state has established the following goals:

A. strengthen community economic development through the creation of jobs, stimulation of private investment, and community revitalization, principally for low and moderate income persons,

B. benefit low and moderate income persons,

C. eliminate or aid in the prevention of slums or blight, or

D. provide for other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community where other financial resources are not available to meet such needs.

II. GENERAL

A. APPLICATION PROCESS

This statement sets forth the policies and procedures for the distribution of LCDBG funds. Grants will be awarded to eligible applicants for eligible activities based on a competitive selec-

tion process to the extent that funds are available. The state shall establish deadlines for submitting applications and notify all eligible applicants through a direct mailing. The applications submitted for FY 1988 funds for housing and public facilities will be rated and ranked and funded to the extent that monies are available. The ranking under the FY 1988 program will also be used to determine the grants selected for funding under the FY 1989 LCDBG Program. In other words, the top ranked applications to the extent that monies are available will be funded in FY 1988; the next highest ranked applications will be funded in FY 1989 to the extent that monies are available. Only one application for housing or public facilities can be submitted; that same application will be considered for funding in FY 1988 and FY 1989. No new applications for housing and public facilities will be accepted in FY 1989. Only new applications for economic development and demonstrated needs will be accepted for FY 1989.

B. ELIGIBLE APPLICANTS

Eligible applicants are units of general local government, that is, municipalities and parishes, excluding the following areas: Alexandria, Baton Rouge, Bossier City, Terrebonne Parish Consolidated Government, Jefferson Parish (including Grand Isle, Gretna, Harahan, Jean Lafitte, and Westwego), Kenner, Lafayette, Lake Charles, Monroe, New Orleans, Shreveport, Slidell and Thibodaux. Each eligible applicant may only submit an application on its own behalf. Two or more eligible applicants may submit a joint application for activities of mutual need of each eligible applicant. Joint projects shall necessitate a meeting with state staff prior to submitting the application to determine who would be the appropriate applicant. All local governing bodies involved must be eligible according to the threshold criteria.

C. ELIGIBLE ACTIVITIES

An activity may be assisted in whole or in part with LCDBG funds if the activity meets the provisions of Title 24 of the U. S. Code of Federal Regulations, Subpart C, as provided in Appendix 2. For application purposes, eligible activities are grouped into the program areas of housing, public facilities, economic development or demonstrated need.

D. TYPES OF GRANTS

The state will only accept applications for single purpose grants. A single purpose grant provides funds for one need (water or sewer or housing, etc.,) consisting of an activity which may be supported by auxiliary activities. Single purpose economic development grants are for one project, consisting of one or more activities.

E. DISTRIBUTION OF FUNDS

Approximately \$24,000,000 (subject to federal allocation) in funds will be available for the FY 1988 LCDBG Program. Figure 1 shows how the funds available will be allocated between the various program categories. Of the total CDBG funds allocated to the state, up to \$100,000 plus two percent will be used by the state to administer the program.

FIGURE 1

TOTAL FUNDS ALLOCATED TO LOUISIANA

Administration	\$100,000 + 2%
Demonstrated Needs Fund	\$1,500,000

Remaining LCDBG Funds	
Economic Development	Housing and Public Facilities
25%	75%
Housing _____ % *	Public Facilities _____ % *

* The percentage distribution among the housing and public facilities program categories will be based upon the number of applications received and amount requested in each category. Half of the funds will be distributed based on percentage of applications received in each category and half on the basis of amount of funds requested in each category. However, the dollar amount allocated for housing will be no more than ten percent of the total funds available for housing and public facilities. Three subcategories (water, sewer, and other) will be established under public facilities. The dollar amount for each of these subcategories will be distributed based upon the percentage of applications submitted and amount of funds requested in each subcategory.

In addition, \$1,500,000 will be set aside for the Demonstrated Needs Fund. Since creation and retention of permanent jobs is so critical to the economy of the state of Louisiana, 25 percent of the remaining LCDBG funds will be allocated specifically for economic development type projects. Only economic development applications will compete for these funds. Economic development applications and demonstrated needs proposals will be accepted on a continual basis within the time frame designated by the state. Public facilities and housing applications will be funded with the remaining LCDBG funds. There will be one funding cycle for housing and public facilities applications. This fund will be divided into two program categories as identified in Figure 1; the exact distribution of these funds will be based upon the number of applications received and amount of funds requested in each program category as established under the FY 1988 LCDBG Program. Half of the money will be allocated based on the number of applications received in each category and half based on the amount of funds requested in each category with a maximum of 10 percent of the funds allocated to housing. The public facility category will be allocated in the same manner, by number and dollar amount of applications for sewer, water, and other type projects.

F. SIZE OF GRANTS

1. Ceilings. The state has established a funding ceiling of \$550,000 for single purpose housing grants and \$600,000 for single purpose public facilities grants with the exception of sewer grants which have a funding ceiling of \$750,000. The state has established a funding ceiling of \$600,000 for economic development projects.

Within the ceiling amounts, the state allows administrative costs not to exceed the following: housing rehabilitation - 12 percent of total housing costs, public facilities - 7 percent of public facilities project costs, and economic development - the greater of \$12,000 or maximum of four percent of the LCDBG funds requested for project costs. For public facilities, housing and demonstrated needs, projects for which the total project cost is less than \$200,000, the state will make the final determination as to the appropriate allowable administrative cost.

Engineering fees are also allowed within the ceiling amounts. The amounts charged for engineering fees must be in

compliance with those established by the American Society of Civil Engineers and/or Farmer's Home Administration.

2. Individual grant amounts. Grants will be provided in amounts commensurate with the applicant's program. In determining appropriate grant amounts for each application, the state shall consider an applicant's need, proposed activities, and ability to carry out the proposed program.

G. RESTRICTIONS ON APPLYING FOR GRANTS

1. Each eligible applicant may apply for one housing or public facilities grant; that application will be considered for funding under the FY 1988 and FY 1989 LCDBG Program years. Any eligible applicant may apply for an economic development project or demonstrated needs fund grant, even those applicants previously funded under the housing and public facilities components. The number of demonstrated needs grants which an eligible applicant may receive during each program year is limited to one.

2. Capacity and performance: threshold considerations for grant approval. No grant will be made to an applicant that lacks the capacity to undertake the proposed program. In addition, applicants which have previously participated in the Block Grant Program must have performed adequately. Performance and capacity determinations for FY 1988 will be made as of the deadline date for submittal of the application and may be the basis for rejecting an application from further consideration. Performance and capacity determinations for FY 1989 will be made as of the date the state receives its executed grant agreement from HUD. In determining whether an applicant has performed adequately, the state will examine the applicant's performance as follows.

In order to be eligible for a grant award in FY 1988, the following thresholds must have been met:

(a) Units of general local government will not be eligible to receive funding unless past LCDBG programs awarded by HUD have been closed out.

(b) Units of general local government will not be eligible to receive funding unless past LCDBG programs (FY 1982, FY 1983 (including Jobs Bill Programs), FY 1984, FY 1985, FY 1986, and FY 1987) awarded by the state have been at least conditionally closed out.

(c) Audit and monitoring findings made by the state or HUD have been cleared.

(d) All required reports, documents, and/or requested data have been submitted within the timeframes established by the state.

In order to be eligible for a grant award in FY 1989, the following thresholds must have been met:

(a) Units of general local government will not be eligible to receive funding unless past LCDBG programs awarded by HUD have been closed out.

(b) Units of general local government will not be eligible to receive funding unless past LCDBG programs (FY 1982, FY 1983 (including Jobs Bill Programs), FY 1984, FY 1985, FY 1986, FY 1987 and FY 1988) awarded by the state have been conditionally closed out.

(c) Audit and monitoring findings made by the state or HUD have been cleared.

(d) All required reports, documents, and/or requested data have been submitted within the timeframes established by the state.

All applications will be rated upon receipt. Any applications that are determined to be ineligible for FY 1988 funding will be re-evaluated for eligibility for FY 1989 funding. The state

is not responsible for notifying applicants as to their performance status. No waivers to the thresholds will be given by the state except for economic development projects and for requests under the Demonstrated Needs Fund. All requests for waivers must be submitted in writing to the state prior to the submittal of the application. There shall be no waiver granted if funds are due to HUD or the state unless a satisfactory arrangement for repayment of the debt has been made and payments are current.

H. DEFINITIONS. For the purpose of the LCDBG Program or as used in the regulations, the term:

1. *Unit of general local government* means any municipal or parish government of the state of Louisiana.

2. *Low-moderate Income Persons* are defined as those having income within the Section 8 income limits as determined by the Department of Housing and Urban Development. (See Appendices 3 and 4.)

3. *Auxiliary Activity* means a minor activity which directly supports a major activity in one program area (housing, public facilities). Note: The state will make the final determination of the validity (soundness) of such auxiliary activities in line with the program intent and funding levels and delete if deemed appropriate.

4. *Slums and Blight* is defined as in Act 590 of the 1970 Parish Redevelopment Act, Section Q-8. (See Appendix 1.)

5. *Division* refers to the Division of Administration.

III. METHOD OF SELECTING GRANTEEES

The state has established selection and rating systems which identify the criteria used in selecting grantees.

A. DATA.

1. *Low-Moderate Income.* The low-moderate income limits are defined as being within the Section 8 income limits as established by HUD. In order to determine the benefit to low-moderate income persons for a public facility project, the applicant must utilize either census data (if available) or conduct a local survey. A local survey must be conducted for housing activities and must involve 100 percent of the total houses within the target area. Local surveys which have been conducted within 12 months prior to the application submittal date will be accepted, provided the survey conforms to current program requirements.

(a) *Census Data.* If 1980 census data on income is available by enumeration district, then the state will calculate the applicant's low-moderate income percentage. If the applicant chooses to utilize census data, the low-moderate income levels as shown in Appendix 4 will be followed. However, the applicant must request this data prior to submittal of the application.

(b) *Local Survey.* If the applicant chooses to conduct a local survey, the survey sheet in the FY 1988 application package must be used. Local surveys *must* be conducted for all housing activities.

The annual income limits for low-moderate income persons (regardless of family size) when conducting a survey are shown in Appendix 3. If the applicant chooses to determine low-moderate income based on family size, the following sliding scale must be used:

# OF PERSONS IN HOUSEHOLD	% OF PARISH/MSA* MEDIAN INCOME
1	50
2	64
3	72
4	80
5	85
6	90

# OF PERSONS IN HOUSEHOLD	% OF PARISH/MSA* MEDIAN INCOME
7	95
8 or more	100

*MSA = Metropolitan Statistical Area

When a local survey, rather than census data, is used to determine the low-moderate income benefit, a random sample which is representative of the population of the entire target area must be taken. There are several methodologies available to insure that the sample is random and representative. The methodology used must be stated in your application. If you have questions on the methodology to use, you should contact the state for assistance. The appropriate sample size varies with the total number of households in the target area, and is determined by using the following formula:

$$n = .9604 \times N \div (.0025N + .9579)$$

Where n = required number of households in sample

Where N = total number of occupied households in target areas
If the situation arises where it must be determined as to whether or not the sample taken was indeed random, then standard statistical tests at the appropriate geographical level will be used.

B. PROGRAM OBJECTIVES

Each activity must address one of the two national objectives previously identified under Section I. Program Goals and Objectives.

C. RATING SYSTEMS

All applications submitted for housing, public facilities, and economic development will be rated according to the following criteria established for each program category. Each housing and public facilities activity will be rated/ranked against all similar activities in the appropriate program category/subcategory.

1. HOUSING (Total of 100 points)

All units which will be rehabilitated or replaced must be occupied by low/moderate income persons. Also, the number of housing target areas may not exceed two. In delineating the target areas, it must be kept in mind that the boundaries must be coincident with visually recognized boundaries such as streets, streams, canals, etc.; property lines cannot be used unless they are also coincident with visually recognized boundaries.

All houses rehabilitated within the FEMA one hundred year flood plain must comply with the community's adopted flood damage prevention ordinance, where applicable.

(a) PROGRAM IMPACT (Maximum Possible Points - 25)

This will be determined by dividing the total number of owner occupied units to be rehabilitated and/or replaced plus vacant units to be demolished in the target area by the total number of owner-occupied substandard units in need of rehab and/or replacement plus vacant units in need of demolition in the target area.

$$\frac{\# \text{ of owner-occupied units to be rehabbed and replaced} + \# \text{ of vacant units to be demolished inside target area.}}{\# \text{ of owner-occupied substandard units including those in need of demolition and replacement} + \text{vacant units in need of demolition inside the target area.}} = \text{RAW SCORE}$$

The raw scores will be ranked and the top ranked applicant(s) will receive 25 points. All other applicants will receive points based on how they score relative to that high score:

$$\text{Program Impact Points} = \frac{\text{applicant's score}}{\text{highest score}} \times 25$$

No activity will be funded that meets less than 75 percent of the identified need. Rental units which are occupied by low-

moderate income persons are eligible as long as the number of rental units to be treated does not exceed 10 percent of the total owner occupied units proposed for rehab; the rehab of rental units will not affect the impact score in any way. All units must be brought up to at least the Section 8 Existing Housing Quality Standards and HUD's Cost Effective Energy Conservation Standards.

(b) NEEDS ASSESSMENT (Maximum Possible Points- 25)

This will be determined by comparing the total number of owner-occupied and vacant units to be treated in the target area to the overall needs of the target area.

$$\frac{\# \text{ of owner-occupied and vacant units to be treated in target area}}{\# \text{ of units in need of treatment in target area}} = \text{Raw Score}$$

The raw scores will be arrayed and the top ranked applicant(s) will receive 25 points.

$$\text{Needs Assessment Points} = \frac{\text{applicant's score}}{\text{highest score}} \times 25$$

(c) PROJECT FEASIBILITY (Maximum Possible Points- 50)

This will be rated based upon the project's cost effectiveness and overall needs of the area including housing as well as infrastructure.

2. PUBLIC FACILITIES (Total of 120 Points)

For the purpose of ranking public facilities projects, three separate subcategories will be established (sewer, water, and other)

(a) PROGRAM IMPACT (Maximum Possible Points - 50) Maximum Impact - 50 points

The proposed project would completely remedy existing conditions that are in violation of a state or federal standard promulgated to protect public health and safety. The existing conditions and the standard being violated must be documented by cognizant state or federal agencies.

Moderate Impact - 25 points

The proposed project would result in substantial progress being made towards improving existing conditions that are in violation of a state or federal standard promulgated to protect public health and safety. The existing conditions and the standard being violated must be documented by cognizant state or federal agencies.

Minimal Impact - 0 points

The project would improve a community's infrastructure but would not address a violation of state or federal standard promulgated to protect public health and safety or the conditions in violation of the standard inadequately documented.

(b) BENEFIT TO LOW-MODERATE INCOME PERSONS (Maximum Possible Points - 10)

Projects consisting of more than one activity which involve different numbers and percentages of beneficiaries for each activity must specifically identify the numbers and percentages for each activity.

Percent of Low-Moderate Income (Maximum Possible Points - 5)

The percentage of low-moderate income persons benefitting will be calculated by dividing the number of low-moderate income persons benefitting (as defined by the state) by the total persons benefitting. Points for percentage of low-mod benefitting will be assigned according to the following ranges:

- greater than 85% - 5 points
- greater than 70 to less than 85% - 4 points

greater than 60 to less than 70% - 3 points
Number of Low-Moderate Income (Maximum Possible

Points - 5)
Points for the number of low-moderate income persons benefitting will be assigned according to the following ranges:

greater than 500 - 5 points
greater than 200 to less than 500 - 4 points
less than 200 - 3 points

(c) COST EFFECTIVENESS (Maximum Possible Points - 10)

Cost estimates per person benefitting will be carefully evaluated. The cost per person benefitting will be calculated for all projects. All applicants for the same type project (water, sewer, and natural gasline or other) will be grouped, and each of these groups will then be grouped by whether the project is for a new system or for repair to an existing system. Once all of these separate groups are established, they will each be separated into categories based on the number of persons benefitted. An average cost per person benefitting will be determined for each of these categories. Each applicant in a given category will then be scored relative to that average cost per person figure determined for that given category. An average cost project will receive five points, a project with lower than average cost per person benefitted will receive more than five points (a maximum of 10), and a project with higher than average cost per person will receive fewer than five points. The following formula will be used to determine the cost effectiveness points for each applicant in each grouping:

$$\text{CE Points} = \frac{\text{Average Cost per Person Benefitted} \times 5}{\text{Applicant Cost per Person Benefitted}}$$

If the calculation yields more than 10, it will be revised downward to the 10 point maximum. This will allow all applications for new sewer systems, sewer system repairs, new water systems, water system repairs, etc., to be rated against similar type projects. It also allows those projects benefitting many people and those benefitting few people to be rated against other projects helping a similar number of persons.

(d) PROJECT SEVERITY (Maximum Possible Points - 50)

This will be rated based upon the severity of the problem and extent of the effect upon the health and welfare of the community. Priority will be given to water, sewer, and gas systems.

In assigning points for project severity, the following general criteria will be critiqued for type of project proposed.

Gas Systems - the percentage of unaccounted for gas, the amount and magnitude of leaks, the type of material used in the distribution system, and the number of customers served. Water Systems primarily for fire protection purposes - well capacity, reliability of supply, amount of water stored, extent of hydrant coverage or spacing, and water pressure and volume for fire fighting.

Water systems addressing potable water and sewer systems - the existence of conditions in violation of those provisions of the State Sanitary Code that most directly safeguard public health, and the adequacy of the proposed improvements to eliminate such conditions. The assessment will be based upon the problem as documented by DHHR records, the relative degree of risks to human health posed and the number of persons most directly affected.

Problems that are generally attributable to a lack of routine operation and maintenance will result in a less favorable evaluation. The proposed actions to eliminate verified problems

will be evaluated in terms of the direct applicability of the solution; superfluous or inadequate solutions will result in a lowering of the overall rating.

3. ECONOMIC DEVELOPMENT (Total of 100 Points)

The economic development loan set aside is to be used to provide loans to businesses for job creation or retention projects. The LCDBG-ED funds go from the state to the local unit of government to the private developer. A three way agreement (contract) is signed by these three participants, and other parts of the application are reviewed by them, to ensure a complete understanding by the three parties of the planned development, the expected number of jobs to be created or retained, the sources and uses of all funds to be committed to the project, the payback arrangements for all funds borrowed, the security assigned to each loan granting institution or agency, the financial and other reporting requirements of the developer and the local unit of government to the state, and all other obligations of the developer, the local governmental unit and the state.

A minimum of 60 percent of the FY 1988 LCDBG-ED funds will be targeted to expansions of currently operating businesses and a maximum of 40 percent to start-up businesses. Depending on the number and quality of applications received in each category, these targeted percentages may be changed by the state. Should the state of Louisiana ever officially designate particular types of businesses/industries as its targeted businesses/industries for diversification, the LCDBG-ED program rules will reflect that needed initiative immediately.

An application for LCDBG-ED funds may be submitted at any time during the year, may not exceed \$600,000, may not request more than \$12,500 per job created or retained, and must be for a project which will create or retain a minimum of 10 jobs.

The term "developer" shall mean the corporate identity as well as the individual investors, stockholders, and owners of the applicant business. As an example of the effect of this definition, an LCDBG-ED loan to Company A cannot be used to purchase equipment, land, etc., from Company B, when both Company A and Company B are substantially owned by one or more of the same individuals.

The state will recoup 100 percent of the payback of LCDBG-ED loans (program income to the state) unless the local governing body will utilize the payback for expansion of the originally funded development. These program income funds received by the state will be placed in an Economic Development Revolving Loan Fund which will be used for economic development projects under the same guidelines then in use for Economic Development Projects.

The interest rate charged on the LCDBG-ED loan depends on the financial and cash flow projections of the applicant business. This rate will be determined in the application review.

In some instances it may be necessary and appropriate for a local unit of government to receive a grant for infrastructure improvements needed by a specific developer before his proposed job creation project can be fully implemented. This economic development grant could be used by the local unit of government to provide sewer, water, and street/road access on public property to the industrial/business site. It cannot be used for general industrial park projects created with the hope that a business client will then be attracted. It must be tied to a specific developer creating a specific number of jobs for low to moderate income people. It must be a "but for" situation, where the business cannot locate or expand at that site unless the particular

infrastructure is provided. The developer must show why this location, which lacks proper infrastructure, must be used instead of another site which already has proper infrastructure. The developer must provide sufficient financial and other statements, projections, etc., to establish that the business is likely to be successful, and will create the appropriate number of jobs at the site in a specified time frame.

Certain assurances by the developer, related to the timing of his development on the site, will be required. Other agreements between the local governing body and the developer/property holder, relative to public rights of way, availability of site to local governing body upon failure or change in operation by the developer, etc., will be required as needed on an individual project basis.

The maximum amount available to the local governing body for an infrastructure type project grant is \$5000 per job created or retained, with a \$250,000 limit on any single project. Any funds used as grant funds, in a situation where the grant is combined with a loan, decreases the amount available as a loan to the developer on a dollar for dollar basis. For example, if \$200,000 is used as grant funds, then only \$400,000 is available as loan funds to the developer.

The following five requirements must be met by all economic development applicants:

A. A firm financial commitment from the private sector will be required upon submission of the application. The private funds/public funds ratio must not be less than 1:1. Private funds must be in the form of a developer's cash or loan proceeds. Revenues from the sale of bonds may also be counted if the developer is liable under the terms of the bond issue. Previously expended funds will not be counted as private funds for the purpose of this program, nor will private funds include any grants from federal, state or other governmental programs, nor any recaptured funds.

The value of land, buildings, equipment, etc., already owned by the developer, and which will be used in the new or expanded operation, will not be considered as private match. Personal endorsement from all principals of corporations, partnerships, or sole proprietorships shall be required on the LCDBG loan documents. The principals shall: 1) endorse the LCDBG loan to the corporation and 2) guarantee the payment and fulfillment of any obligation of the corporation. These endorsements will be made jointly to the local government and state of Louisiana. Normally, a principal is defined as owning five percent or more of the business.

B. If cost per job created or retained exceeds \$12,500 for the LCDBG monies, applications will not be considered for funding.

C. A minimum of 10 jobs created or retained is required for LCDBG-ED assistance.

D. A minimum of 60 percent of the employment will be made available to people who at the time of their employment are living in households whose total income is below the low to moderate income limit for the parish where the development occurs (See Appendix 3).

E. The application must include documentation showing that the project is feasible from the management, marketing, financial and economic standpoints. Management feasibility has to do with the past experience of the developer in managing the type project described in the application, or other similar managerial experience. Marketing feasibility deals with how well the market for the product has been documented at the application stage - the best case being that the developer has verifiable com-

mitments substantiating the first year's sales projection. A typical market study includes a detailed analysis of competition, the expected geographical sales plan, and letters of intent to buy, specifying quantity and price. Economic feasibility relates to whether or not the developer has realistic projections of revenues and variable costs, such as labor and cost of materials, and whether they are consistent with industry value added comparisons. An assessment will be made of the industry sector performances for the type industry/business described in the project application. Financial feasibility has to do with the ability of the firm to meet all its financial obligations in the short and long run, determined by a cash flow analysis on the financial history and projections of the applicant business. In analyzing the financial feasibility of a project, the state may suggest alternatives in the timing of expenditures, the amount and proposed use of public and private funds, as well as other financial arrangements proposed in the application. To be funded, a project must score a minimum of 60 points. Applications will be scored in the areas of internal rate of return of the project, cost effectiveness, and leverage ratio.

The total points are delineated according to the following categories:

(a) INTERNAL RATE OF RETURN OF THE PROJECT (Maximum Possible Points - 35)

This will be calculated by dividing the discounted present value of the project cash flow over the term of the LCDBG loan by the grant amount less administration (the loan amount), and multiplying the ratio by 35. If the ratio is greater than 1, the maximum 35 points will be allowed.

$$\text{Internal Rate of Return Points} = \frac{\text{Discounted PV of Project Cash Flow}}{\text{Grant Amount Minus Administration}} \times 35$$

For start-up projects, the state retains the right to use industry standard data or other verifiable sources.

(b) COST EFFECTIVENESS (Maximum Possible Points - 30)

This will be calculated by dividing the \$12,500 maximum by the LCDBG funds cost per job and multiplying this number by the ratio of the industry multiplier to 2.8.

$$\text{Cost Effectiveness Points} = \frac{\$12,500}{\text{LCDBG cost/job}} \times \frac{\text{Industry Multiplier}}{2.8} \times 12$$

(c) LEVERAGE RATIO (Maximum Possible Points - 35)

The maximum points will be awarded by dividing the actual project leverage ratio by the corresponding leverage scale ratio as shown below:

$$\text{Leverage Points} = \frac{\text{Actual Project Leverage Ratio}}{\text{Target Private/LCDBG Funds Ratio}} \times 35$$

\$ Amount of LCDBG Funds Requested	Target Private/LCDBG Funds Ratio
0-200,000	1.00
200,001-300,000	1.50
300,001-600,000	2.00

DEFAULT: The local governing body shall be ultimately responsible for repayment of the contract funds which were provided to the local governing body by the state.

The state shall look to the local governing body for repayment of all funds disbursed under this contract, and default by the developer shall not be considered as just cause for non-payment by the local governing body.

In case of a default by the local governing body in the repayment of contract funds to the state, in accordance with the terms and conditions of the contract, the full sum remitted to the local governing body shall become due and payable to the state upon demand, without the need of putting the local governing

body in default.

The state shall deem the local governing body in default, regardless of the fact that the default was precipitated by the developer, to the extent that the local governing body failed to perform its contractual obligations in good faith.

D. DEMONSTRATED NEEDS FUND.

A \$1.5 million reserve fund will be established to alleviate critical community needs.

A proposal cannot be submitted for consideration under this fund if the same application is currently under consideration for funding under any other LCDBG program category.

(a) Criteria for Determining Eligibility

Each proposed activity must address one of the national objectives and must address a critical need which can be verified by an appropriate authority (cognizant state or federal agency) other than the applicant as having developed within six months prior to submittal of proposal.

Proposed activities must be eligible under Section 105(a) of the Housing and Community Development Act of 1974, as amended (see Appendix 2).

(b) Proposal Requirements

Communities must request funds by submitting a written proposal to the division. If funded, a full application as described in Section E. must be submitted.

The proposal must include:

- (1) A detailed description of the proposed project;
- (2) Documentation to support that a national objective will be met;
- (3) An explanation as to how the proposed project and its funding will remedy the documented need;
- (4) A detailed cost estimate signed by a licensed architect or engineer for the monies requested;
- (5) Documentation that the citizen participation requirements of Section E.(10) have been met;
- (6) A map which meets the requirements identified in Section E.(3).

E. SUBMISSION REQUIREMENTS.

Applications shall be submitted to the division on forms provided by the division and shall consist of the following:

(1) Community Development Plan. A description of the applicant's community development and housing needs, including those of low and moderate income persons; and a brief description of the applicant's community development and housing needs to be served by the proposed activity.

(2) Program Narrative Statement. This shall consist of:

- i. Identification of the national objective(s) that the activity will address.
- ii. A detailed description of each activity to be carried out with LCDBG assistance. The description of each activity must clearly identify the target area or areas by street names, highway names or numbers for each street serving as a boundary of the target area. The written description must clearly and exactly conform to the designated area or areas on the map(s). A detailed cost estimate is also required for each activity. If the proposed activity is dependent on other funds for completion, the source of funds and the status of the commitment must also be indicated. If the applicant is applying for a public facilities project, the description must specifically describe what means will be taken by the applicant to ensure that adequate revenues will be available to operate and maintain the proposed project; the description must identify the source of and estimated amount of funds that will be generated for this purpose.
- iii. A statement describing the impact the activity will have

on the problem area selected and on the needs of low and moderate income persons, including information necessary for considering the program impact.

iv. A statement on the percent of funds requested that will benefit low and moderate income persons. The statement should indicate the total number of persons to be served and the number of such persons that meet the definition of low and moderate income.

(3) Maps. A map of the local jurisdiction which identifies by project area:

- i. census tracts and/or enumeration districts by number;
- ii. location of concentrations of minorities, showing number and percent by census tracts and/or enumeration districts;
- iii. location of concentrations of low and moderate income persons, showing number and percent by census tracts and/or enumeration districts;
- iv. boundaries of areas in which the activities will be concentrated;
- v. specific location of each activity.

(4) Program Schedule. Each applicant shall submit, in a format prescribed by the state, a listing of dates for major milestones for each activity to be funded.

(5) Title VI Compliance. All applicants shall submit, in a form prescribed by the state, evidence of compliance with Title VI of the Civil Rights Act of 1964. This enables the state to determine whether the benefits will be provided on a nondiscriminatory basis and will achieve the purposes of the program for all persons, regardless of race, color, or national origin.

(6) Certification of Assurances. The certification of assurances required by the state, relative to federal and state statutory requirements, shall be submitted by all applicants; this certification includes, but is not limited to, Title VI, Title VIII, and affirmatively furthering fair housing. In addition, each recipient should target at least 15 percent of all grant monies for minority enterprises. All assurances must be strictly adhered to; otherwise, the grant award will be subject to penalty.

(7) Certification to Minimize Displacement. The applicant must certify that it will minimize displacement as a result of activities assisted with LCDBG funds. In addition to minimizing displacement, the applicant must certify that when displacement occurs reasonable benefits will be provided to persons involuntarily and permanently displaced as a result of the LCDBG assistance to acquire or substantially rehabilitate property. This provision applies to all displacement with respect to residential and nonresidential property not governed by the Uniform Relocation Act.

(8) Certification to Promote Fair Housing Opportunities. Applicants are required to certify that they will make every effort to further fair housing opportunities in their respective jurisdictions.

(9) Certification Prohibiting Special Assessments. The applicant must submit a certification prohibiting the recovery of capital costs for public improvements financed, in whole or in part, with LCDBG funds through assessments against properties owned and occupied by low and moderate income persons. The prohibition applies also to any fees charged or assessed as a condition of obtaining access to the public improvements.

(10) Certification of Citizen Participation. Applicants shall provide adequate information to citizens about the Community Development Block Grant Program. Applicants shall provide citizens with an adequate opportunity to participate in the planning and assessment of the application for Community Development Block Grant Program funds. One public hearing must be held

prior to application submittal in order to obtain the citizen's views on community development and housing needs. A notice must be published informing the populace of the public hearing. Citizens must be provided with the following information at the hearing:

- i. the amount of funds available for proposed community development and housing activities;
- ii. the range of activities that may be undertaken, including the estimated amount proposed to be used for activities that will benefit persons of low and moderate income;
- iii. the plans of the applicant for minimizing displacement of persons as a result of activities assisted with such funds and the benefits to be provided to persons actually displaced as a result of such activities.
- iv. if applicable, the applicant must provide citizens with information regarding the applicant's performance on prior LCDBG programs funded by the state.

A second notice must be published *after* the public hearing has been held but *before* the application is submitted. The second notice must inform citizens of the proposed objectives, proposed activities, the location of the proposed activities and the amounts to be used for each activity. Citizens must be given the opportunity to submit comments on the proposed application. The notice must further provide the location at which and hours when the application is available for review. The notice must state the submittal date of the application. Applicants must submit notarized proofs of publication of each public notice.

All recipients of LCDBG funds must develop a detailed written citizen participation plan which:

- i.) provides for and encourages citizen participation,
- ii.) provides citizens with reasonable and timely access to local meetings, information, and records,
- iii.) provides for technical assistance,
- iv.) provides for public hearings,
- v.) provides for timely responses to written complaints and grievances, and
- vi.) accommodates the needs of non-English speaking residents in public hearings.

(11) Local Survey Data. Those applicants who conduct a local survey to determine specific data required for the application must include one copy of all completed survey forms.

(12) Submission of Additional Data. Only that data received by the deadline established for applications will be considered in the selection process unless additional data is specifically requested, in writing, by the state. Material received after the deadline will not be considered as part of the application, unless requested by the state.

F. APPLICATION REVIEW PROCEDURE

(1) The application must be mailed or delivered prior to any deadline dates established by the division. The applicant must obtain a "Certificate of Mailing" from the Post Office, certifying the date mailed. The division may require the applicant to submit this Certificate of Mailing to document compliance with the deadline, if necessary.

(2) The application submission requirements must be complete.

(3) The funds requested must not exceed the ceiling amounts established by the division.

(4) Review and notification. Following the review of all applications, the division will promptly notify the applicant of the actions taken with regard to its application.

(5) Criteria for conditional approval. The division may make a conditional approval, in which case the grant will be

approved, but the obligation and utilization of funds is restricted. The reason for the conditional approval and the actions necessary to remove the condition shall be specified. Failure to satisfy the condition may result in a termination of the grant. Conditional approval may be made:

- i. where local environmental reviews have not yet been completed;
- ii. where the requirements regarding the provision of flood or drainage facilities have not yet been satisfied;
- iii. to ensure the project can be completed within estimated costs;
- iv. to ensure that actual provision of other resources required to complete the proposed activities will be available within a reasonable period of time.

(6) Criteria for disapproval of an application. The division may disapprove an application if:

- i. based on field review of the applicant's proposal or other information received, it is shown that the information was incorrect, the division will exercise administrative discretion in this area;
- ii. the Division of Administration determines that the applicant's description of needs and objectives is plainly inconsistent with facts and data generally available. The data to be considered must be published and accessible to both the applicant and state such as census data, or recent local, areawide, or state comprehensive planning data;
- iii. other resources necessary for the completion of the proposed activity are no longer available or will not be available within a reasonable period of time;
- iv. the activities cannot be completed within the estimated costs or resources available to the applicant;
- v. any of the items identified under E. SUBMISSION REQUIREMENTS are not included in the application.

G. PROGRAM AMENDMENTS FOR LCDBG PROGRAM

The division may consider amendments if they are necessitated by actions beyond the control of the applicant. Recipients shall request prior division approval for all program amendments involving new activities or alteration of existing activities that will change the scope, location, or objectives of the approved activities or beneficiaries.

A. New or altered activities are considered in accordance with the criteria for selection applicable at the time the original application was reviewed and the policy, current at that time, regarding amendments.

B. All amended activities must receive environmental clearance prior to construction.

C. The state will ascertain as to whether or not the proposed activity is an integral part of the originally approved project and is necessary to complete the project as originally approved. The state will also review the site location of the proposed activity in relation to the originally approved target area. As a general rule, activities which are not an integral part of the originally approved project and which are not located within the boundaries of the originally approved target area will not be approved.

IV. STATE'S PAST USE OF FUNDS

Federal regulations require the state to provide a description of the past use of funds within the Final Statement. The description includes FY 1982, FY 1983, FY 1984, FY 1985, FY 1986, and FY 1987 state-awarded grants. Appendix 5 provides:

A. a description of the use of funds under each previous allocation;

B. an assessment of the relationship of the use of funds to the community development objectives identified by the state in each prior Final Statement; and

C. an assessment of the relationship of the use of funds to the requirements of Section 104 (b) (3) of the Act, as they existed at the time of the certification.

V. ADMINISTRATION

Rule for Policy Determination. In administering the program, while the division is cognizant of the intent of the program, certain unforeseeable circumstances may arise which may require the exercise of administrative discretion. The division reserves the right to exercise this discretion in either interpreting or establishing new policies.

VI. REDISTRIBUTION OF FUNDS

Any monies awarded by the state that are later recaptured by or returned to the state will be reallocated in accordance with the division's policy, then in effect. The sources of these funds may include, but not be limited to, program income, questioned costs, disallowed expenses, recaptured funds from loans, unallocated monies, previously awarded funds not spent by grant recipients, etc.

With the following exceptions, the monies as defined above will be placed in the current program year's public facilities category and will be used to fund the project with the highest score that was not initially funded. This policy will govern all such monies as defined herein from the FY 1982, FY 1983, FY 1984, FY 1985, FY 1986, FY 1987 and FY 1988 LCDBG Program years as well as subsequent funding cycles, until later amended. One exception to this rule is that funds recaptured from economic development loans which were not spent by the grant recipients will initially be transferred to the current economic development program category. Those monies remaining in the economic development program category, at the end of the FY 1988 program year will be transferred to the public facilities category for distribution as described above. Another exception is that all funds recaptured by the state from the payback of economic development loans will be placed in an economic development revolving loan fund which will be used for economic development projects under the guidelines then in effect.

These regulations are to be effective on January 20, 1988, and are to remain in force until they are amended or rescinded.

APPENDIX 1

Act 590 of the 1970 Parish Redevelopment Act - Section Q-8

(8) *Slum area* means an area in which there is a predominance of buildings or improvements, whether residential or non-residential, which by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open space, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or an area of open land which, because of its location and/or platting and planning development, for predominantly residential uses, or any combination of such factors is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime, and is detrimental to the public health, safety, morals or welfare.

(i) *Blighted area* means an area which by reason of the presence of a substantial number of slum, deteriorated or deteri-

orating structures, predominance of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors substantially impairs or arrests the sound growth of the municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, morals, or welfare in its present condition and use; but if the area consists of any disaster area referred to in Subsection C (5), it shall constitute a "blighted area."

APPENDIX 2

COMMUNITY DEVELOPMENT BLOCK GRANTS

Eligible Activities

Sec. 105.(a) Activities assisted under this title may include only—

(1) the acquisition of real property (including air rights, water rights, and other interests therein) which is (A) blighted, deteriorated, deteriorating, undeveloped, or inappropriately developed from the standpoint of sound community development and growth; (B) appropriate for rehabilitation or conservation activities; (C) appropriate for the preservation or restoration of historic sites, the beautification of urban land, the conservation of open spaces, natural resources, and scenic areas, the provision of recreational opportunities, or the guidance of urban development; (D) to be used for the provision of public works, facilities, and improvements eligible for assistance under this title; or (E) to be used for other public purposes;

(2) the acquisition, construction, reconstruction, or installation (including design features and improvements with respect to such construction, reconstruction, or installation that promote energy efficiency) of public works, facilities (except for buildings for the general conduct of government), and site or other improvements;

(3) Code enforcement in deteriorated or deteriorating areas in which such enforcement, together with public improvements and services to be provided, may be expected to arrest the decline of the area;

(4) clearance, demolition, removal, and rehabilitation (including rehabilitation which promotes energy efficiency) of buildings and improvements (including interim assistance, and financing public or private acquisition for rehabilitation, and rehabilitation, of privately owned properties and including the renovation of closed school buildings);

(5) special projects directed to the removal of material and architectural barriers which restrict the mobility and accessibility of elderly and handicapped persons;

(6) payments to housing owners for losses of rental income incurred in holding for temporary periods housing units to be utilized for the relocation of individuals and families displaced by activities under this title;

(7) disposition (through sale, lease, donation, or otherwise) of any real property acquired pursuant to this title or its retention for public purposes;

(8) provisions of public service, including but not limited to those concerned with employment, crime prevention, child care, health, drug abuse, education, energy conservation, welfare or recreation needs, if such services have not been provided by the unit of general local government (through funds raised by

such unit, or received by such unit from the state in which it is located) during any part of the twelve-month period immediately preceding the date of submission of the statement with respect to which funds are to be made available under this title, and which are to be used for such services, unless the secretary finds that the discontinuation of such services was the result of events not within the control of the unit of general local government, except that not more than 15 per centum of the amount of an assistance to a unit of general local government under this title may be used for activities under this paragraph unless such unit of general local government used more than 15 percent of the assistance received under this title for fiscal year 1982 or fiscal year 1983 for such activities (excluding any assistance received pursuant to Public Law 98-8), in which case such unit of general local government may use not more than the percentage or amount of such assistance used for such activities for such fiscal year, whichever method of calculation yields the higher amount;

(9) payment of the non-federal share required in connection with a federal grant-in-aid program undertaken as part of activities assisted under this title;

(10) payment of the cost of completing a project funded under Title I of the Housing Act of 1949;

(11) relocation payments and assistance for displaced individuals, families, businesses, organizations, and farm operations, when determined by the grantee to be appropriate;

(12) activities necessary (A) to develop a comprehensive community development plan, and (B) to develop a policy-planning-management capacity so that the recipient of assistance under this title may more rationally and effectively (i) determine its needs, (ii) set long-term goals and short-term objectives, (iii) devise programs and activities to meet these goals and objectives, (iv) evaluate the progress of such programs in accomplishing these goals and objectives, and (v) carry out management, coordination, and monitoring of activities necessary for effective planning implementation;

(13) payment of reasonable administrative costs and carrying charges related to the planning and execution of community development and housing activities, including the provision of information and resources to residents of areas in which community development and housing activities are to be concentrated with respect to the planning and execution of such activities, and including the carrying out of activities as described in Section 701(e) of the Housing Act of 1954 on the date prior to the date of enactment of the Housing and Community Development Amendments of 1981;

(14) activities which are carried out by public or private nonprofit entities, including (A) acquisition of real property; (B) acquisition, construction, reconstruction, rehabilitation, or installation of (i) public facilities (except for buildings for the general conduct of government), site improvements, and utilities, and (ii) commercial or industrial buildings or structures and other commercial or industrial real property improvements; and (C) planning;

(15) grants to neighborhood-based nonprofit organizations, local development corporations or entities organized under Section 301(d) of the Small Business Investment Act of 1958 to carry out the neighborhood revitalization or community economic development or energy conservation project in furtherance of the objectives of Section 101(c), and grants to neighborhood-based nonprofit organizations, or other private or public nonprofit organizations, for the purpose of assisting, as part of neighborhood revitalization or other community development, the development of shared housing opportunities (other

than by construction of new facilities) in which elderly families (as defined in Section 3(b)(3) of the United States Housing Act of 1937) benefit as a result of living in a dwelling in which the facilities are shared with others in a manner that effectively and efficiently meets the housing needs of the residents and thereby reduces their cost of housing;

(16) activities necessary to the development of comprehensive community-wide energy use strategy, which may include items such as —

(A) a description of energy use and projected demand by sector, by fuel type, and by geographic area;

(B) an analysis of the options available to the community to conserve scarce fuels and encourage use of renewable energy resources;

(C) an analysis of the manner in, and the extent to, which the community's neighborhood revitalization, housing, and economic development strategies will support its energy conservation strategy;

(D) an analysis of the manner in, and the extent to, which energy conservation objectives will be integrated into local government operations, purchasing and service delivery, capital improvements budgeting, land use planning and zoning, and traffic control, parking, and public transportation functions;

(E) a statement of the actions the community will take to foster energy conservation and the use of renewable energy resources in the private sector, including the enactment and enforcement of local codes and ordinances to encourage or mandate energy conservation or use of renewable energy resources, financial and other assistance to be provided (principally for the benefit of low- and moderate-income persons) to make energy conserving improvements to residential structures, and any other proposed energy conservation activities;

(F) appropriate provisions for energy emergencies;

(G) identification of the local governmental unit responsible for administering the energy use strategy;

(H) provision of a schedule for implementation of each element in the strategy; and

(I) a projection of the savings in scarce fossil fuel consumption and the development and use of renewable energy resources that will result from implementation of the energy use strategy;

(17) provision of assistance to private, for-profit entities, when the assistance is necessary or appropriate to carry out an economic development project; and

(18) the rehabilitation or development of housing assisted under Section 17 of the United States Housing Act of 1937.

(b) Upon the request of the recipient of assistance under this title, the secretary may agree to perform administrative services on a reimbursable basis on behalf of such recipient in connection with loans or grants for the rehabilitation of properties as authorized under Subsection (a)(4).

(c)(1) In any case in which an assisted activity described in Paragraph (14) or (17) of Subsection (a) is identified as principally benefitting persons of low and moderate income, such activity shall —

(A) be carried out in a neighborhood consisting predominantly of persons of low and moderate income and provide services for such persons; or

(B) involve facilities designed for use predominantly by persons of low and moderate income; or

(C) involve employment of persons, a majority of whom are persons of low and moderate income.

(2) In any case in which an assisted activity described in

Subsection (a) is designed to serve an area generally and is clearly designed to meet identified needs of persons of low and moderate income in such area, such activity shall be considered to principally benefit persons of low and moderate income if (A) not less than 51 percent of the residents of such area are persons of low and moderate income; or (B) in any metropolitan city or urban county, the area served by such activity is within the highest quartile of all areas within the jurisdiction of such city or county in terms of the degree of concentration of persons of low and moderate income.

(3) Any assisted activity under this title that involves the acquisition or rehabilitation of property to provide housing shall be considered to benefit persons of low and moderate income only to the extent such housing will, upon completion, be occupied by such persons.

- 3 Includes Terrebonne and Lafourche Parishes.
- 4 Includes St. Martin and Lafayette Parishes.
- 5 Includes Calcasieu Parish only.
- 6 Includes Ouachita Parish only.
- 7 Includes Jefferson, Orleans, St. Tammany, St. Bernard, St. John the Baptist and St. Charles Parishes.
- 8 Includes Caddo and Bossier Parishes.

Source: Section 8 Median Income Data, provided by HUD Area Office, February 6, 1987

APPENDIX 4

1980 Median Family Income
By Parish and MSA

Parish	1980 Median Family Income	LOW/MOD INCOME LIMIT		LOW INCOME LIMIT	
		Families	Unrelated Individuals	Families	Unrelated Individuals
Acadia	\$ 15,792	\$12,634	\$ 8,844	\$ 7,896	\$ 5,527
Allen	15,685	12,548	8,784	7,842	5,489
Ascension	21,572	17,258	12,080	10,786	7,550
Assumption	17,334	13,867	9,707	8,667	6,067
Avoyelles	11,987	9,590	6,713	5,994	4,196
Beauregard	17,417	13,934	9,754	8,709	6,096
Bienville	13,850	11,080	7,756	6,925	4,848
Bossier	See MSA-Shreveport				
Caddo	See MSA-Shreveport				
Calcasieu	See MSA-Lake Charles				
Caldwell	12,624	10,099	7,069	6,312	4,418
Cameron	20,562	16,450	11,515	10,281	7,197
Catahoula	12,770	10,216	7,151	6,385	4,470
Claiborne	14,538	11,630	8,141	7,269	5,088
Concordia	15,208	12,166	8,516	7,604	5,323
DeSoto	14,887	11,910	8,337	7,494	5,211
E. Baton Rouge	See MSA-Baton Rouge				
East Carroll	10,388	8,310	5,817	5,194	3,636
East Feliciana	16,184	12,947	9,063	8,092	5,664
Evangeline	12,540	10,032	7,022	6,270	4,389
Franklin	11,937	9,550	6,685	5,969	4,178
Grant	See MSA-Alexandria				
Iberia	19,268	15,414	10,790	9,634	6,744
Iberville	17,340	13,872	9,710	8,670	6,069
Jackson	13,919	11,135	7,795	6,960	4,872
Jefferson	See MSA-New Orleans				
Jefferson Davis	17,657	14,126	9,888	8,829	6,180
Lafayette	See MSA-Lafayette				
Lafourche	19,947	15,958	11,170	9,974	6,982
LaSalle	15,250	12,200	8,540	7,625	5,338
Lincoln	16,660	13,328	9,330	8,330	5,831
Livingston	See MSA-Baton Rouge				
Madison	10,679	8,543	5,980	5,340	3,738
Morehouse	12,949	10,359	7,251	6,475	4,533
Natchitoches	13,343	10,674	7,472	6,672	4,670
Orleans	See MSA-New Orleans				
Ouachita	See MSA-Monroe				
Plaquemines	19,884	15,907	11,135	9,942	6,959
Pointe Coupee	14,913	11,930	8,351	7,457	5,220
Rapides	See MSA-Alexandria				
Red River	12,482	9,986	6,990	6,241	4,369
Richland	12,112	9,690	6,783	6,056	4,239
Sabine	13,519	10,815	7,571	6,760	4,732
St. Bernard	See MSA - New Orleans				
St. Charles	\$23,223	\$18,578	\$13,005	\$11,612	\$8,126
St. Helena	11,370	9,096	6,367	5,685	3,980
St. James	21,044	16,835	11,785	10,522	7,365
St. John Baptist	21,818	17,454	12,218	10,909	7,636
St. Landry	13,893	11,114	7,780	6,947	4,863
St. Martin	16,612	13,290	9,303	8,306	5,814
St. Mary	20,688	16,550	11,585	10,344	7,241
St. Tammany	See MSA - New Orleans				
Tangipahoa	14,315	11,452	8,016	7,158	5,011
Tensas	10,447	8,358	5,850	5,224	3,657
Terrebonne	20,918	16,734	11,714	10,459	7,321
Union	14,027	11,222	7,855	7,014	4,910
Vermillion	16,951	13,561	9,493	8,476	5,933
Vernon	12,951	10,361	7,253	6,476	4,533
Washington	13,641	10,913	7,639	6,821	4,775
Webster	See MSA - Shreveport				
West Baton Rouge	See MSA - Baton Rouge				
West Carroll	10,807	8,646	6,052	5,404	3,783
West Feliciana	14,289	11,431	8,002	7,145	5,002
Winn	12,445	9,956	6,969	6,223	4,356
MSA-Metropolitan Statistical Areas					
Alexandria, LA ¹	\$15,741	\$12,593	\$8,815	\$7,871	\$5,510
Baton Rouge, LA ²	21,301	17,041	11,929	10,651	7,456
Lafayette, LA ³	21,472	17,178	12,024	10,736	7,515
Lake Charles, LA ⁴	21,316	17,053	11,937	10,658	7,461
Monroe, LA	17,140	13,712	9,598	8,570	5,999
New Orleans, LA ⁵	19,196	15,357	10,750	9,598	6,719
Shreveport, LA ⁶	18,158	14,526	10,168	9,079	6,355

FOOTNOTES

- 1 Includes Rapides and Grant Parishes
- 2 Includes East Baton Rouge, West Baton Rouge, Livingston and Ascension Parishes
- 3 Includes Lafayette Parish Only
- 4 Includes Calcasieu Parish Only
- 5 Includes Ouachita Parish Only
- 6 Includes Jefferson, Orleans, St. Bernard and St. Tammany Parishes

APPENDIX 3

1987 Median Family Income
By Parish and MSA

Parish	1987 Median Family Income	Low/Moderate Income Limit	Low Income Limit
Acadia	\$ 21,600	\$ 17,300	\$ 10,800
Allen	22,600	18,100	11,300
Ascension	See MSA - Baton Rouge		
Assumption	27,200	21,750	13,600
Avoyelles	17,600	14,100	8,800
Beauregard	25,100	20,100	11,800
Bienville	21,000	16,800	10,500
Bossier	See MSA - Shreveport		
Caddo	See MSA - Shreveport		
Calcasieu	See MSA - Lake Charles		
Caldwell	19,200	15,350	9,600
Cameron	29,600	23,700	13,900
Catahoula	18,700	14,950	9,350
Claiborne	22,600	17,600	11,000
Concordia	22,300	17,850	11,150
DeSoto	22,500	18,000	11,250
East Baton Rouge	See MSA - Baton Rouge		
East Carroll	15,800	12,950	8,100
East Feliciana	26,800	21,450	12,500
Evangeline	18,700	14,950	9,350
Franklin	18,200	14,550	9,100
Grant	20,100	16,800	10,500
Iberia	27,400	21,900	13,700
Iberville	28,700	22,950	12,500
Jackson	21,200	16,950	10,600
Jefferson	See MSA - New Orleans		
Jefferson Davis	25,400	20,300	11,950
Lafayette	See MSA - Lafayette		
Lafourche	See MSA - Houma-Thibodaux		
LaSalle	22,300	17,850	11,150
Lincoln	25,200	20,150	12,600
Livingston	See MSA - Baton Rouge		
Madison	16,200	12,950	8,100
Morehouse	19,800	15,850	9,900
Natchitoches	20,200	16,150	10,100
Orleans	See MSA - New Orleans		
Ouachita	See MSA - Monroe		
Plaquemines	28,100	22,500	14,050
Pointe Coupee	24,700	19,750	11,800
Rapides	See MSA - Alexandria		
Red River	18,900	15,100	9,450
Richland	18,400	14,700	9,200
Sabine	\$ 20,500	\$ 16,400	\$ 10,250
St. Bernard	See MSA - New Orleans		
St. Charles	See MSA - New Orleans		
St. Helena	18,800	15,050	9,400
St. James	33,000	26,400	15,600
St. John the Baptist	See MSA - New Orleans		
St. Landry	20,700	16,550	10,350
St. Martin	See MSA - Lafayette		
St. Mary	29,400	23,500	14,700
St. Tammany	See MSA - New Orleans		
Tangipahoa	22,100	17,700	11,050
Tensas	15,900	12,950	8,100
Terrebonne	See MSA Houma - Thibodaux		
Union	21,400	17,100	10,700
Vermilion	23,500	18,800	11,750
Vernon	18,000	14,400	9,050
Washington	21,000	16,800	10,500
Webster	21,800	19,500	12,200
West Baton Rouge	See MSA - Baton Rouge		
West Carroll	16,500	13,200	8,250
West Feliciana	23,600	18,900	11,800
Winn	18,200	14,550	9,100

MSA - Metropolitan Statistical Areas

MSA Alexandria, LA ¹	24,900	19,900	12,450
MSA Baton Rouge, LA ²	30,100	24,100	15,050
MSA Houma-Thibodaux, LA ³	28,400	22,720	14,200
MSA Lafayette, LA ⁴	31,300	25,050	15,650
MSA Lake Charles, LA ⁵	31,700	25,350	15,850
MSA Monroe, LA ⁶	24,900	19,900	12,450
MSA New Orleans, LA ⁷	30,900	24,700	15,450
MSA Shreveport, LA ⁸	28,500	22,800	14,250

Footnotes:

- 1 Includes Rapides Parish only.
- 2 Includes East Baton Rouge, West Baton Rouge, Livingston, and Ascension Parishes.

⁷Includes Bossier, Caddo and Webster Parishes

Source: 1980 Census and Formula provided by U. S. Department of Housing and Urban Development.

APPENDIX 5

Allocation of LCDBG Funds in Relation to Category and National and State Objectives

The following chart reflects the allocation of LCDBG funds by category for FY's 1982, 1983, 1984, 1985, 1986 and 1987. A portion of the funds are currently unallocated due to cancellation of some grants and the fact that all FY 1987 grants have not yet been awarded.

CATEGORY	FY 1982		FY 1983		FY 1984		FY 1985		FY 1986		FY 1987	
	\$	%	\$	%	\$	%	\$	%	\$	%	\$	%
Prior Year Commitment	15,322,146	49.67	6,469,506	23.28	-0-	.00	-0-	.00	-0-	.00	-0-	.00
Economic Development	962,500	3.12	902,000	3.25	3,017,463	11.16	4,508,400	16.81	2,344,250	9.99	1,500,000	6.38
Housing	2,136,810	6.93	4,432,474	15.95	4,011,405	14.83	4,545,451	16.95	3,946,365	16.82	4,148,701	17.63
Public Facilities	8,939,919	28.98	11,117,082	40.01	15,512,908	57.37	14,770,380	55.07	12,020,173	51.23	12,693,219	53.95
Planning	196,767	.64	-0-	.00	-0-	.00	-0-	.00	-0-	.00	-0-	.00
Imminent Threat	1,695,376	5.50	2,053,888	7.39	-0-	.00	-0-	.00	-0-	.00	-0-	.00
Innovative Housing	-0-	.00	1,100,000	3.96	-0-	.00	-0-	.00	-0-	.00	-0-	.00
Administration	616,967	2.00	555,740	2.00	640,820	2.37	636,460	2.37	569,220	2.43	570,560	2.43
Unallocated	225,519	.73	114,052	.41	154,684	.57	359,954	1.34	2,264,471	9.65	4,615,520	19.62
Demonstrated Needs	752,369	2.44	1,042,258	3.75	3,703,720	13.70	2,002,355	7.46	2,316,521	9.87	-0-	.00
TOTAL	30,848,373	100.00	27,787,000	100.00	27,041,000	100.00	26,823,000	100.00	23,461,000	100.00	23,528,000	100.00

The applicants selected for funding in FY's 1982, 1983, 1984, 1985, 1986, and 1987 were required to meet one or more of the national objectives. The national objectives for those years were:
 1. Elimination of slums and blight and the prevention of blighting influences.
 2. Elimination of conditions which are detrimental to health, safety, and public welfare.
 3. Benefit to low-moderate income persons.

The following table presents a breakdown of the total grants for FY's 1982, 1983, 1984, 1985, 1986, and 1987 as they apply to each national objective. Each recipient's administrative monies are not included with the exception of FY 1986.

NATIONAL OBJECTIVES AND FUNDING

NATIONAL OBJECTIVE	FY 1982		FY 1983		FY 1984		FY 1985		FY 1986		FY 1987	
	\$	%	\$	%	\$	%	\$	%	\$	%	\$	%
Elimination of Slums and Blight	323,698	1.20	93,132	.37	75,045	.32	77,000	.32	43,265	.24	59,600	.37
Conditions detrimental to health, safety and public welfare	695,616	2.57	316,263	1.27	-0-	.00	-0-	.00	-0-	.00	-0-	.00
Benefit to Low-Mod	26,036,153	96.23	24,561,793	98.36	23,401,114	99.68	23,887,700	99.68	18,288,045	99.76	16,170,640	99.63
TOTAL	27,055,467	100.00	24,971,188	100.00	23,476,159	100.00	23,964,700	100.00	18,331,310	100.00	16,230,240	100.00

A State objective has also been included each year to strengthen economic development through the creation of jobs, stimulation of private investment, and community revitalization. That State objective was met through the funding of economic development grants. The economic development grants also met the national objective of benefit to low and moderate income persons and are therefore shown under that national objective.

Brian E. Kendrick
Commissioner

RULE

**Department of Health and Human Resources
Board of Examiners for Nursing Home Administrators**

In accordance with the notice of intent published in the November 1987, *Louisiana Register*, the Louisiana Board of Examiners for Nursing Home Administrators announces the amendment of LAC 46:XLIX.509, effective January 20, 1988:

**Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part XLIX. Nursing Home Administrators**

Chapter 5. Examinations

§509. Subjects for Examination and Continuing Education

- A. ...
- B. ...
- C. The board may periodically conduct courses on nursing home administration, especially designed for licensure applicants, when the demand is sufficient to defray expenses. Applicants who desire this course will pay up to \$15 per hour of instruction.

Winborn E. Davis
Executive Director

RULE

Department of Health and Human Resources Office of Family Security

The Medical Assistance Program is adopting the following rule which was published as a notice of intent in the *Louisiana Register* Vol. 13, No. 11, dated November 20, 1987.

Effective January 20, 1988, transportation providers who operate from multiple bases (service areas) shall assure that a van-type vehicle with windows and wheelchair capability is available at each base (service area). Currently certified Title XIX transportation providers shall meet these requirements by the next annual recertification, February 28, 1988, to continue participation in the Title XIX program. This requirement shall not apply to the individual class of transportation providers who provide transportation to one other individual.

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

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

RULE

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

The Department of Health and Human Resources (DHHR), Office of Preventive and Public Health Services (OPPHS) has adopted the following policies and procedures in the operation of the Handicapped Children's Services Program (HCSP) in accordance with the Administrative Procedure Act R.S. 46:950-970.

These policies and procedures relate to the establishment of a fee system for charging parents or legal guardians a percentage of the cost of all services provided by the HCSP.

Presently, children found to be financially and diagnostically eligible for the HCSP receive all services free of charge, unless they have a third party payor, such as Medicaid or private insurance.

This rule establishes a formula to be used by HCSP staff to determine the eligible parent's or legal guardian's capability to pay a percentage of the costs of the services the child receives.

The purpose of this rule is to establish fee collection system in the HCSP so that parents or guardians, who are able, will pay a portion of the costs of the medical rehabilitation services rendered to their handicapped child. This rule clarifies the procedures by which the HCSP staff will determine financial eligibility and set the family's rate of payment. It also outlines the accounts receivable system necessary to implement the system and related other fiscal opportunities derived from such a system.

DEFINITIONS

FAMILY - A family is a group of two or more persons residing together who are related through birth, marriage, or adoption or through a "common law marriage" or concubinage; all such related persons are considered as members of one family.

FAMILY INCOME - Refers to total annual cash receipts

before taxes from all sources. (Income data for a part of a year may be annualized in order to determine eligibility—for instance, by multiplying by four the amount of income received during the most recent three months). Income includes money, wages and salaries before any deductions, but does not include food or rent received in lieu of wages. Income also includes regular payments from social security, railroad retirement, unemployment compensation, strike benefits from union funds, veterans' benefits, public assistance (including Aid to Families with Dependent Children, and Supplemental Security Income), training stipends, alimony, child support, and military family allotments or other regular support, from an absent family member or someone not living in the household; private pensions, government employee pensions, and regular insurance or annuity payments; and income from dividends, interest, rents, royalties, or periodic receipts from estates or trusts.

Income includes tax refunds, lump sum inheritance, one time insurance payments, or compensation for injury.

Excluded are noncash benefits, such as employer or union paid health insurance or other fringe benefits, food or rent received in lieu of wages, the value of food produced and consumed on farms.

FAMILY SIZE - For the purposes of this financial determination a family's size shall be defined as the number of persons living together, under one roof, who are dependent upon a mutual income. A person with an individual income living within the household should be included only if some portion of that income is utilized to meet the needs of the defined household. Foster parents are not to be counted as family members. If a child is in a foster placement and is in the custody of the Department of Health and Human Resources, he shall be considered a family of one.

HCS MEDICAL CATEGORY NUMBER - is a value of 1, 5 or 10 used in the financial determination formula to reflect the relative weight of the costliness of the medical condition of the child. This value enables the family with the highest medical costs or larger family to be allowed a lower percentage rate of payment.

All parents or guardians of children now being served by the HCSP and all those newly eligible in the future will be interviewed to ascertain their ability to pay a portion of the costs of the HCSP services their child will receive.

Those found to have Medicaid eligibility in force shall not be required to make additional co-payments.

All other families shall have a further financial eligibility determination according to a formula for identifying the percentage of the cost of care the family is expected to pay. The formula uses the size of the family and numerical values for family income (Table I) and cost of treatment (Table II) to calculate a number which identifies the percentage (Table III) as follows: Family income minus family size plus expense of treatment = number on which percentage is based.

If the number equals 10 or above, the percentage of charges owed is calculated in increments as shown in Table III.

Example: The formula for a family of six with an income of \$15,000 and a child with a very costly handicapping condition would be:

$15 - 6 + 1 = 10$ and $10 = 1\%$ of charges (see Table III)
The following tables shall be used to determine the numerical values to be used in the formula.

FAMILY INCOME-FORMULA NO. DETERMINATION

TABLE I

FAMILY INCOME	FORMULA NO.
1,000 - 1,999	1
2,000 - 2,999	2
3,000 - 3,999	3
4,000 - 4,999	4
5,000 - 5,999	5
6,000 - 6,999	6
7,000 - 7,999	7
8,000 - 8,999	8
9,000 - 9,999	9
10,000 - 10,999	10
11,000 - 11,999	11
12,000 - 12,999	12
13,000 - 13,999	13
14,000 - 14,999	14
15,000 - 15,999	15
16,000 - 16,999	16
17,000 - 17,999	17
ETC.	ETC.

**TABLE II
HCSP MEDICAL CATEGORY NUMERICAL DETERMINATION**

HCSP MEDICAL CATEGORY	PHASE OF TREATMENT	NUMBER 1 = High cost 5 = Moderate cost 10 = Least costly
AUDIOLOGY	Diagnosis Testing	5
	Aud. Appliances and mold	5
	Follow up visits	5
AMPUTEE	New/change prosthesis	1
	Therapies only(outpatient)	5
	M.D. recheck	10
ARTHRITIS	Active treatments	1
	Inactive - Remission	10
CARDIOLOGY	Surgery	1
	Diagnostic tests(outpatient)	5
	Follow up visits	10
CEREBRAL PALSY	Active treatments	1
	Minor ortho devices	5
	Follow up only	10
CLEFT PALATE & LIP	Surgery	1
	Orthodontic treatment	1
	Follow-up only	10
CLEFT LIP ONLY	Surgery	1
	Recheck	10
CONGENITAL ANOMALIES	Surgery	1
	Diagnostic evaluations(otpt.)	5
	Follow up visits	10
CYSTIC FIBROSIS	Treatments	1
LEARNING DISABILITIES	Follow Along	10
NEUROLOGY	Hospitalizations	1
	Diagnostic)	5
	or) Drugs only)	5
	Follow-up visits	10

HCSP MEDICAL CATEGORY	PHASE OF TREATMENT	NUMBER 1=High cost 5=Moderate cost 10=Least costly
NEUROSURGERY	Surgery	1
	Follow-up visits	10
OPHTHALMOLOGY	Surgery	1
	Glasses/treatment	5
	Follow-up visits	10
ORTHOPEDIC	Hospitalization	1
	Diagnostic Evaluation Studies(otpt.)	5
	Follow-up	10
OTOLOGY	Surgery	1
	Drugs	5
	Follow-up only	10
PLASTIC SURGERY	Surgery	1
	Evaluation Studies (outpatient)	5
	Follow-up	10
SCOLIOSIS	Surgery, Bracing	1
	Diagnostic & evaluation studies (X-ray, etc.) (outpatient)	5
	Follow-up	10
SPINA BIFIDA	Active Treatments	1
	Follow-up	10
SPINAL CORD INJURY	Active Treatment	1
	Follow-up	10
UROLOGY, NEPHROLOGY	Hospitalization	1
	Outpatient Active Treatments	5
	Follow-up	10

If a child has multiple conditions in mixed levels of activity the lesser value shall be chosen.

If 2 handicapped children of one family have varying levels of severity the lower of those values shall be chosen.

TABLE III

**PARENT OR GUARDIAN'S FINANCIAL RESPONSIBILITY
FOR COST OF SERVICES RENDERED**

DECISION NO.	% OF TOTAL CHARGES OWED
0 - 9	free
10	1
11	2
12	3
13	4
14	5
15	6
16	7
<hr/>	
17	9
18	11
19	13
20	15
21	17
22	19
23	21
<hr/>	
24	24
25	27
26	30
27	33
28	36
29	39
30	42
<hr/>	
31	46
32	50
33	54
34	58
35	62
36	66
37	70
<hr/>	
38	75
39	80
40	85
41	90
42	95
43	100

No parent or legal guardian shall be required to pay over 20 percent of their annual income in any one calendar year.

For new patients this formula shall be calculated at the time of establishing eligibility for the program and annually thereafter, or whenever major changes in any portion of the formula occur, i.e. salary raises, unemployment, additions or deletions of family members from the home, or drastic changes in the diagnostic category such as unexpected hospitalization.

To initiate this process for children already on the program, this determination will be made as they receive their first service from the HCSP following rulemaking.

Families will be notified of the findings at the time of the calculations and shall sign agreement to pay this rate. Family or staff may appeal individual cases by documenting the extenuating circumstances such as other outstanding medical bills for other family members. This documentation shall be sent to the program administrator for final decision.

Based on the use of this formula parents or legal guardians shall pay bills by check or money order either at the time of clinic or by mail.

Delinquent bills with no payment made over three months period, will be sent to DHHR's collection agency in the Office of Management and Finance for collection.

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

RULE

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

State residents who are low income individuals who are not covered under the state Medicaid program or another third party payor, or whose state Medicaid program does not provide this coverage, shall be targeted as recipients of state purchased Azidothymidine (AZT). The Department of Health and Human Services has given Louisiana a grant of \$301,076. The grant also gave Louisiana the latitude to define low-income for purposes of this program and to establish medical eligibility criteria for potential recipients of the drug. In order to develop these eligibility criteria, the state health officer established a review board consisting of experts in the AIDS field to establish financial and medical criteria and to grant approval status to applicants. The review board has met and established the following criteria for use in determining potential recipients of AZT.

Title 48

PUBLIC HEALTH GENERAL

Part V. Preventive Health Services

Subpart 47 - Epidemiology Services

Chapter 129. AIDS Drug Reimbursement Program

§12901. Eligibility

A. Criteria For Patient Eligibility For Federally Funded Azidothymidine (AZT).

1. The patient must have been diagnosed with AIDS or Advanced AIDS Related Complex (ARC).

2. The patient must be ineligible for any non-placebo controlled AZT study. Eligibility for current studies may be determined by calling (504) 584-3605, the number of the LSU-Tulane AIDS Treatment and Evaluation Unit in New Orleans.

3. The patient must be willing to be followed as felt necessary by his/her physician. Poor patient compliance can be reason for discontinuing medication.

4. The patient's financial status is within the definition of 200 percent of the federal poverty level as follows:

1 person household \$ 900/mo.

2 person household \$1233/mo.

3 person household \$1530/mo.

4 person household \$1867/mo.

5. The patient must have no other financial means for access to AZT.

B. Program Referral Procedures

All referrals of potential recipients shall be directed to the program review board by the patient's physician. The referring physician shall assure that the patient meets *all* of the above stated eligibility criteria.

A referral form for use by the referring physician has been developed and will be distributed through the parish health units or by calling the Office of Preventive and Public Health Services Epidemiology Section, at (504) 568-5005. The referral form contains instructions for proper completion and routing to the review board for their consideration for program participation.

The review board shall review all applications on a first come first serve basis using the above criteria to determine eligibility for approved participation in the program at no cost to patients. This program to purchase AZT is totally dependent upon federal funds and will continue as long as funds are available under the limited award of \$301,076. The state does not guarantee funding beyond that of this awarded amount or the grant expiration date of 9/30/88, whichever occurs first.

AUTHORITY NOTE: Promulgated in accordance with Public Health Services Act, Section 319, PL. 100-71.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Preventive and Public Health Services, LR 14: (January 1988).

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

RULE

Department of Health and Human Resources Office of the Secretary

Title 48

PUBLIC HEALTH GENERAL

Part XI. Hospitals

Subpart XVII. Hospital Notification

Chapter 43. Infectious Disease Notifications

§4301. Introduction

A. Each hospital is required to notify and consult with any person who has provided emergency treatment or transportation of a patient who is subsequently diagnosed as having certain infectious diseases.

B. In accordance with the above, DHHR defines hospital to mean any public or private health care facility which is primarily operated for the purposes of diagnosis, treatment or care of persons admitted for health care services. This definition expressly includes emergency rooms and outpatient clinics operated in connection with said health care facilities. In addition, R.S. 40:1099 B requires notification to and by nursing homes.

C. The following infectious diseases are subject to notification and consultation procedures of this rule:

1. untreated pulmonary tuberculosis

2. acute meningococcal meningitis

3. acute hepatitis virus B infection (or diagnosed carriers of chronic hepatitis B)

4. human immunodeficiency virus (HIV) infection or acquired immune deficiency syndrome (AIDS)

§Section 4302. Requirements

A. The following notification and consultation procedures shall be carried out in each hospital:

1. Each hospital shall maintain a registry or sign in log which shall include the name, address and telephone number of the person(s) who provided emergency treatment and/or transportation of the patient, when the provider is someone other than an ambulance transportation service provider (transporting ambulance providers shall continue to use the existing ambulance transportation log). The log shall later be referred to in the event that it becomes necessary to identify and notify such providers of the exposure to a patient who is subsequently diagnosed and confirmed as having one of the above listed infectious diseases.

2. Each hospital shall post a visible sign to advise the public that Louisiana law requires the hospital to notify, within 48 hours after diagnosis confirmation, any person who has provided emergency treatment or transportation of a patient who is later diagnosed to have infectious diseases as listed above in §4301. In order to comply with this law, anyone transporting a patient into the hospital must register in the hospital log book. Transporting ambulance service providers, however, will con-

3. The hospital's Infection Control Officer (ICO) or other administratively designated staff person shall be promptly notified of all cases involving confirmed diagnoses of the above listed infectious diseases. The ICO shall confidentially contact the listed person(s) or transporting ambulance firm to advise of the exposure to a confirmed case of an infectious disease. The notification, which shall be done within 48 hours of confirmation of patient diagnosis, must include a statement that the transporting individual contact a designated hospital staff person for necessary consultation. The hospital must document that the required notification and consultation, if held, has taken place.

B. It is further required that a physician who has actual knowledge of his patient's infectious disease as listed above shall notify the hospital or nursing home of his patient's disease upon admission. Furthermore, whenever a patient with a listed infectious disease is transferred from a nursing home to a hospital or vice versa, the transferor shall follow the same notification procedures.

C. Hospitals and nursing homes must assure that their policies and procedures on confidentiality are updated to include these mandated notification/consultation procedures.

D. In addition, the existing reporting requirements of Chapter II of the State Sanitary Code shall continue to be met.

Authority Note: Promulgated in accordance with R.S. 40:1099.

Historical Note: Promulgated by the Department of Health and Human Resources, LR 13: (January, 1987).

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

RULE

Department of Health and Human Resources Office of the Secretary Division of Licensing and Certification

Effective upon publication, the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification will implement the rules for the licensing of board and care homes.

This rule is to implement R.S. 40:2151-2163 which defines a board and care home as a publicly or privately operated residence that provides personal assistance, lodging and meals for compensation to five or more adults who are unrelated to the residence licensee, operator or administrator.

For a fee, a copy of these rules for board and care homes may be obtained by writing the Division of Licensing and Certification, Box 3767, Baton Rouge, LA 70821.

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

RULE

Department of Public Safety and Corrections Office of Juvenile Services

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that

the Department of Public Safety and Corrections, Office of Juvenile Services has amended LAC 22:I. Chapter 3. This rule adds Section 308, as follows:

Title 22 CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT Part I. Corrections

Chapter 3. Adult and Juvenile Services Subchapter A. General

§308. Juvenile Offender Custody, Classification and Assignment

A. Purpose

To establish procedures for the assignment and reassignment of juvenile offenders disposed by the juvenile court to the custody of the Department of Public Safety and Corrections.

B. General

1. The assignment of juvenile offenders in the custody of the Department of Public Safety and Corrections shall be based upon a classification of the risks and needs presented by the offender. This classification shall be based upon ascertainable events and behaviors and shall be provided for all juvenile offenders in the custody of or supervised by the Department of Public Safety and Corrections, Office of Juvenile Services.

2. The reassignment of offenders in agency custody shall be clearly based upon the documented needs of the offender and the risks presented and *not* solely upon the established duration of the treatment program.

3. The offenders and the offender's family or guardian shall be informed of the alternatives and outcomes of the assignment or reassignment and be included in the treatment/service plan.

4. Offender assignments and reassignments shall be accompanied by the offender classification, staffing and due process procedures specified below.

5. At all times the services provided the offender shall be part of a written treatment/service plan. Each offender's treatment/service plan shall be regularly reviewed as per OJS policy, to assure that the most appropriate services are being provided, within the least restrictive setting available.

C. Definitions

The following definitions apply within the context of this document.

1. *Administrative Review* - the process by which custody offenders reassigned to a higher level of non-secure care may request a second level review of the reassignment.

2. *Appeal* - the process by which custody offenders may initiate a further review of the assignment decision to secure custody.

3. *Assessment* - the process of gathering the necessary social, legal, psychological, behavioral, and educational information about the juvenile offender to indicate the appropriate level of care and custody.

4. *Assignment* - the process of placing the custody offender in the available treatment program most appropriate to his/her indicated needs and risks.

5. *Case Review* - the process of reconsideration or verification that the custody offender's treatment is appropriate to meet the identified needs.

6. *Classification* - the process by which the juvenile offender is assessed relative to needs and risks presented.

7. *Custody Offender* - those juvenile offenders disposed to the custody of Department of Public Safety and Corrections

by a court of juvenile jurisdiction.

8. *Due Process Hearing* - those administrative hearings conducted at the time of a custody offender's reassignment to secure levels of custody from previous non-secure custody settings.

9. *Levels of Care* - the range of treatment services and programs available for custody offenders arranged on a scale from least restrictive to most restrictive.

10. *Non-Secure Custody* - includes services and program's available to custody offenders at all levels of care less restrictive than those provided in a secure custody setting.

11. *Petition for Second Review by the State Level Review Panel* - the process by which an offender in secure custody, whose referral for early release has been denied by the state level review panel, may request a second review by that panel.

12. *Reassignment* - the authorized move of a custody offender from one treatment program to another.

13. *Reclassification* - the process by which juvenile offenders have their needs and risk assessments reviewed and re-scored based upon observable events and behavior.

14. *Release* - the termination, either by court order or expiration of a court order, of Department of Public Safety and Corrections, custody of a juvenile offender.

15. *Secure Custody* - that highest of the levels of care indicating a maximum (within law) restriction of a juvenile offender's rights, or freedoms.

16. *Staffing* - the process by which a team of professionals reviews, discusses, and plans, along with the offender, for best meeting the offender's identified needs.

17. *State Level Review Panel* - a multi-disciplinary team charged with the responsibility of reviewing requests from an offender's release from a juvenile correctional institution to a less restrictive placement and subsequently issuing a report indicating confirmation or rejections of the recommendation.

D. Minimal Procedural Requirements

1. Predispositional or disposition modification recommendations to the court concerning Department of Public Safety and Corrections custody of offenders.

In all cases, Office of Juvenile Services staff recommendations to the court for an offender to be placed in the custody of the Department of Public Safety and Corrections shall be preceded by a case staffing. Documentation of the staffing proceedings and final recommendations shall be maintained in the offender's case record. Recommendations for Department of Public Safety and Corrections custody of offenders not currently or previously having received services in the community shall be supported only by the most stringent circumstances of risk and/or need. The final committee recommendations shall be fully supported by information presented at the staffing and be included in the report to the court.

2. Offender Classification and Assessment

a. If the initial case staffing supports a recommendation for Department of Public Safety and Corrections custody, then the committee shall also conduct a classification staffing in order to determine the appropriate level of custody necessary to conduct a full assessment of the offender's risk and needs. The level of custody may be secure or non-secure. All offenders served by the Office of Juvenile Services are classified as to their level of risk and need. This custody level decision shall be supported by the offender's risk and needs classification, by the available social and behavioral history, as well as by any previous history of treatment or supervision. Results of the classification staffing should be submitted to the court along with the earlier recommendation

for custody.

b. For those offenders disposed to Department of Public Safety and Corrections custody without prior study and recommendation by Office of Juvenile Services staff, the classification staffing shall be held within 15 working days of disposition and receipt of all available information from the court, and except in cases of emergency before assignment of the offender to a program of treatment/services. In these cases a confirmation of the need for Department of Public Safety and Corrections custody must be considered in staffing prior to determining whether the offender requires a secure or non-secure setting for assessment.

c. Offenders determined to require non-secure custody for assessment, shall have diagnostic and evaluative information sought in the community. Diagnostic and evaluative assessment for offenders classified for secure custody will be provided at the Juvenile Reception and Diagnostic Center for males and at the Louisiana Training Institute at Ball for females. Upon completion of this assessment, an assignment staffing is held at the OJS Regional Office (for non-secure) or at JRDC/LTI-Ball (for secure) in order to determine the need for a secure or non-secure, setting for treatment. The location of the assessment, i.e., secure or non-secure, shall in no way limit the assignment of offenders to either secure or non-secure treatment settings.

3. Offender Assignment

a. Offenders in the custody of Department of Public Safety and Corrections whose classification and assessment indicate need for treatment services in a non-secure custody setting shall be referred for placement at treatment facilities and programs appropriate to the level of care indicated. Assignment of offenders needing non-secure care may be to facilities or programs ranging from in-home services to residential care and to hospitalization as treatment needs indicate. In all cases, assignment will be made to the least restrictive environment available and appropriate to address offender needs and risks as determined by a case staffing.

b. Following assessment at either JRDC (males) or LTI-Ball (females) the offender is assigned to the secure custody facility most appropriate to meet the offender's needs and risks. If following assessment, a clinical staffing at either of the diagnostic facilities determines that a secure custody setting is not able to address the offender's needs, a referral may be made to the director of the Division of Evaluation and Placement for placement in an alternate setting.

c. An appeal of a secure custody assignment is available as per procedures that follow this rule.

4. Case Review and Reclassification

a. All offenders disposed to Department of Public Safety and Corrections custody shall as a function of the case management process have developed an individual case plan. This case plan is developed in conjunction with the offender, his family and other resources to address those needs identified in the classification staffing. Periodic review of the case plan shall be provided as per OJS policy and procedure. As a function of this case review, the offender shall be reclassified. As a result of reclassification and staffing, the current assignment to a program for services at a particular level of care or custody may be changed. The offender could also be determined to be eligible for a recommendation for release from custody.

b. Case review and reclassification of custody offenders shall be accompanied in all instances by a staffing. Offenders being provided supervision by OJS staff and for whom reclassification indicates that agency custody should be pursued must be staffed and, if indicated, brought to court for action on this rec-

ommendation. Only the court can assign an offender to agency custody. Case review and reclassification of offenders in custody and assigned to non-secure programs may result in a recommendation for release from custody. Such recommendation shall be made to the court for consideration and disposition. No offender shall be released from agency custody except by court order.

c. Offenders in agency custody and assigned to secure custody facilities may also be recommended for release following reclassification and staffing. In these cases, the recommendations for release shall first be made to the state level review panel (SLRP) for their concurrence. If the SLRP concurs with release recommendation, the assistant secretary must then approve making such a recommendation to the court.

d. Offenders considered for release but denied by the state level review panel may petition the panel for another review within 20 days of the denial if additional evidence/information is available to address the concerns reported by the panel. The petition for review must be signed by the superintendent. The OJS regional manager is notified of the petition for review.

e. Custody offender reassignments to higher or lower levels of custody and care may be undertaken by the agency following reclassification and staffing. The offender, family, court and other involved parties shall be notified of the reassignment within five working days of the reassignment. Such transfers shall be fully supported by information included in the reclassification and staffing and be documented in the case record. Reassignment of offenders in agency custody to a higher level of care in non-secure custody settings may be effected by the agency upon the final staffing recommendations. The offender may petition the director of the DEP for administrative review of these transfers by submitting a request in writing within 72 hours of the notice of reassignment. The director of Division of Evaluation and Placement shall assign a staff member to fully review the case for recommendation to him within 10 working days. The director's decision is final. A face to face contact may be included in the administrative review at the discretion of the director.

f. Delinquent offenders in agency custody may be reassigned from non-secure to secure custody settings based upon documented findings of reclassification and staffing. In all such cases, the offender shall be provided a full due process hearing as per departmental regulation within five working days of arrival at JRDC (males) or LTI-Ball (females).

E. Processes of Appeal and Review

1. Appeal of Custody Level

a. available to offenders assigned to secure custody following assessment UNLESS:

i. the presenting offense is classified among those of the HIGHEST severity in the OJS classification system; or

ii. the offender's initial classification custody score indicates a need for Maximum Custody;

b. offender must notify the superintendent of the request for appeal in writing, within five working days of assignment;

c. superintendent notifies OJS Headquarters of the appeal request and schedules an appeal hearing;

d. a hearing officer assigned by OJS conducts an appeal hearing at the facility;

e. the offender is allowed to present information in his behalf and may be represented by someone of his choice; or will have a representative appointed by the superintendent;

f. the hearing officer considers the offender's statements and information as well as the information presented in the offender's case record and classification documents;

g. the hearing officer's decision is issued to the offender,

his representative and the superintendent within five working days of the appeal hearing;

h. a second level appeal is available to the offender by submitting written notice of this request to the assistant secretary of OJS.

2. Administrative Review of Level of Care

a. available to all offenders disposed by the court to the custody of the Department of Public Safety and Corrections, who, following a reclassification and staffing, are to be reassigned to a higher non-secure level of care;

b. upon receipt of written notice of the reassignment, the offender may choose to request an administrative review of that decision by:

i. submitting written notice of that request to the director of the Division of Evaluation and Placement (by way of the regional manager), within 72 hours;

ii. the director, upon receipt of the request for review, shall assign a member of his staff to fully review the case, the reclassification, and the reassignment decision;

iii. the director will issue his final decision to the offender and the regional manager within 10 working days of the receipt of the request for review, and his decision is final.

3. Due Process Hearings

a. available to all offenders disposed by the court to the custody of Department of Public Safety and Corrections, who following a reclassification and staffing are:

i. recommended for reassignment from secure custody to the juvenile adjustment center; or

ii. recommended for reassignment to SECURE custody from a non-secure program or facility;

b. for offenders in secure custody, upon receipt of the notice of a recommendation for reassignment to the juvenile adjustment center, the offender has a right to due process as provided in departmental regulation;

c. for offenders in non-secure custody, a due process hearing as per departmental regulation shall be provided at JRDC (males) or LTI-Ball (females) within five working days of arrival following reassignment to secure custody.

4. Petition for Second Review by State Level Review Panel

a. available to all offenders disposed by the court to the custody of Department of Public Safety and Corrections and residing in secure custody facilities/programs, who have had a recommendation for early release denied by the panel;

b. upon receipt of the state level review panel's decision to deny a recommendation for early release, the offender may petition the panel for a second review by:

i. submitting the request for a second review to the chair of the state level review panel within 20 days; IF:

(a) there is additional information available which directly relates to the reasons for denial cited by the panel in their decision; and

(b) the superintendent supports the petition and notifies the regional manager;

ii. the state level review panel will process second reviews within the constraints of established procedures and time-frames established for the panel.

C. Paul Phelps
Secretary

RULE
Department of Public Safety and Corrections
Office of Juvenile Services

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Public Safety and Corrections, Office of Juvenile Services, has amended LAC 22:1. Chapter 3. This rule adds Section 310, as follows:

Title 22
CORRECTIONS, CRIMINAL JUSTICE AND LAW
ENFORCEMENT

Part I. Corrections

Chapter 3. Adult and Juvenile Services

Subchapter A. General

§310. Payment for Feeding and Maintenance of Juveniles

A. Purpose

To provide for the terms, rate and method of payments by the Department of Public Safety and Corrections to local governing authorities for the care and feeding of juveniles who are adjudicated delinquents and placed in the legal custody of the Department of Public Safety and Corrections and held in a local facility or institution due to the department's inability to accept physical custody.

B. Definitions

1. *Local governing authority* is defined as the public body responsible for funding the local institution or facility which feeds and maintains adjudicated delinquents who have been placed in the custody of the department, pending the juvenile's acceptance by the department.

2. *Legal custody* is defined as the legal obligation of the Department of Public Safety and Corrections to provide all necessary and appropriate care for a child adjudicated delinquent.

3. *Local institution or facility* is defined as a building or part thereof designated and operated by the local governing authority for the purpose of providing lawful and secure care and treatment of juveniles and which is in compliance with all applicable federal, state, local statutory requirements and department requirements relative to this type of facility or institution.

4. *Feeding and maintaining* shall include, but is not limited to, providing a balanced diet, suitable clothing, shelter, 24-hour supervision.

C. Criteria and Applicability

1. Local governing authorities requesting reimbursement for feeding and maintaining juveniles in the legal custody of the Department of Public Safety and Corrections shall only be entitled to reimbursement under the following terms and conditions:

a. The juvenile for which payment is requested must be committed to the legal custody of the Department of Public Safety and Corrections by valid order of the court of competent authority.

b. The juvenile must be housed in an appropriate secure facility and legally held in accordance with the Code of Juvenile Procedure.

c. The juvenile is being held in a local institution or facility because of the inability of the Department of Public Safety and Corrections to accept physical custody of the juvenile.

d. The juvenile is not being held by valid order of the committing judge for constructive contempt of court, as defined by Art. 83, Juvenile Code, or direct contempt of Court, as defined in LA CCrP Art. 21.

e. The juvenile is not being held in a local institution or facility pending disposition on any charge.

f. The juvenile must be physically housed at the local institution or facility for which payment is claimed.

D. Certification of Eligible Facilities

1. In order to be reimbursed for the care and feeding of juveniles under Act 171, local governing authorities must submit the following documentation to the agency at least 10 days prior to the first of the period for which initial reimbursement is claimed:

a. Letter of intent directed to the Assistant Secretary, Office of Juvenile Services, in the form of a resolution, or other official communication, designating the name of the individual authorized to verify and sign official documents in regard to billing and receipt of payments. Said individual shall be an employee of the local governing authority and not an employee of any local facility or institution.

b. Document certifying that the local facility or institution for which payment is claimed is operated by the local governing authority.

c. IRS tax I.D. number of local governing authority.

2. The Department of Public Safety and Corrections, through its agent or representative, shall, at its discretion and at any time, inspect the premises of any facility or institution for which eligibility for reimbursement is claimed for the feeding and maintaining of juveniles adjudicated delinquents who have been placed in the legal custody of the department pending physical acceptance by the department.

3. The Department of Public Safety and Corrections shall issue a letter certifying the eligibility or non-eligibility of facilities operated by the local governing authority for the feeding and maintaining of juveniles adjudicated delinquent.

4. A permanent file shall be maintained on participating governmental agencies and local facilities and institutions.

5. The local governing authority, after initial certification, shall submit to Department of Public Safety and Corrections, annually, a written statement of continuing participation, which shall be received in the Office of Juvenile Services before July 15 of each year, and which shall include any amendments due to changes in previous submissions and/or documentation.

E. Procedure

1. Once a juvenile is placed in the legal custody of the Department of Public Safety and Corrections and housed in a local institution or facility, as defined herein, the local authority shall immediately submit to the Office of Juvenile Services (OJS) regional manager a copy of the legal order giving custody of the juvenile to Department of Public Safety and Corrections. Upon receipt of that order, the regional office of OJS shall assign a DOC ID# to the juvenile. A copy of the order must be received by the OJS regional manager before payment on behalf of the juvenile shall be authorized.

2. When the juvenile is released to the physical custody of the Department of Public Safety and Corrections, The OJS/DEP - release form must be completed and signed by the authorized agent for the local governing authority or by a designee of the facility and by the authorized agent of the Department of Public Safety and Corrections. The date indicated on the discharge form shall serve as the official date of transfer for payment purposes and payment shall not be made for the date of transfer.

F. Payment

1. Liability for payment to the local governing authority by the Department of Public Safety and Corrections shall commence on the day of legal commitment of the juvenile to the custody of the Department of Public Safety and Corrections.

Payment shall begin the first day the juvenile is physically housed in an eligible local facility or institution, and shall cease the day prior to the actual day of release from the local institution or facility.

2. The Department of Public Safety and Corrections shall pay the same amount for juveniles, under R.S. 46:1906, as is paid by the department for adults housed in local facilities under R.S. 15:824. The amount stated in R.S. 15:824 represents the maximum rate of reimbursement and no additional costs, resulting in claims for payment, shall be paid by the Department of Public Safety and Corrections.

3. The local governing authority shall submit a monthly invoice, with the billing period commencing in the first of each month, and said invoice shall include the following information:

- a. month and year for which reimbursement is claimed;
- b. DOC vendor I.D. number;
- c. IRS number of the payee;
- d. vendor name and address to which payment is to be made;

- e. name of juvenile;
- f. actual number of days in period;
- g. dates for which payment is claimed.

4. The Department of Public Safety and Corrections is not responsible for payment for services not billed within 60 days from the date of the delivery of service.

5. All disputes over alleged discrepancies in billing or disbursements shall only be considered for adjustments by the Department of Public Safety and Corrections when they are reduced to writing and received by the Department of Public Safety and Corrections, Office of Juvenile Services no later than 10 working days beyond the last payable day of the month in which the alleged billing of discrepancy occurred, or 10 days beyond the date payment is received.

6. Requests for payment may not be submitted prior to the last day of the month for which reimbursement is claimed. All billings shall be directed to the regional manager, Office of Juvenile Services. The following is a list of addresses of regional offices of the Office of Juvenile Services and parishes which they serve. Invoices shall be submitted to the appropriate regional office.

Region 1 - 1000 Howard Avenue, Suite 200, New Orleans, LA 70113, (568-4533). Serving parishes of: Orleans, Jefferson, Plaquemines, St. Bernard.

Region 2 - 544 Main Street, Baton Rouge, LA 70802, (344-4440). Serving parishes of: East Baton Rouge, West Baton Rouge, Iberville, Ascension, Pointe Coupee, East Feliciana, West Feliciana, Livingston, St. Helena, Tangipahoa, Washington, St. Tammany.

Region 3 - 1202 Tiger Drive, Box 5175, Thibodaux, LA 70302, (477-2318). Serving parishes of: Assumption, St. James, Terrebonne, Lafourche, St. John, St. Charles.

Region 4 - 1814-A N.E. Evangeline Thruway, Lafayette, LA 70501, (265-5661). Serving parishes of: Evangeline, Acadia, Vermilion, Lafayette, Iberia, St. Martin, St. Mary.

Region 5 - 710 W. Prien Lake Road, Suite 107, Lake Charles, LA 70601, (491-2336). Serving parishes of: Beauregard, Calcasieu, Cameron, Jefferson Davis, Allen.

Region 6 - 900 Murray Street, Box 7767, Alexandria, LA 71306-0767, (487-5241). Serving parishes of: Rapides, Vernon, Grant, Winn, LaSalle, Catahoula, Concordia, Avoyelles.

Region 7 - 1525 Fairfield Avenue, 10th Floor, Shreveport, LA 71101-3104, (226-7019). Serving parishes of: Caddo, Bossier, Webster, Claiborne, Bienville.

Region 8 - 2004 Tower Drive, Box 3104, Monroe, LA 71210-3104, (362-5208). Serving parishes of: Union, Lincoln, Jackson, Caldwell, Ouachita, Morehouse.

Region 9 - 508 East Bayou Road, Box 1309, Tallulah, LA 71284-1309, (574-0731). Serving parishes of: West Carroll, East Carroll, Madison, Richland, Tensas, Franklin.

Region 10 - 116 Highway 1 South, Box 2310, Natchitoches, LA 71457, (352-1804). Serving parishes of: DeSoto, Sabine, Red River, Natchitoches.

C. Paul Phelps
Secretary

RULE

Department of Public Safety and Corrections Office of State Police

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Materials and Hazardous Waste

Subpart 2. Department of Public Safety and Corrections - Hazardous Materials

Chapter 103. Motor Carrier Safety and Hazardous Materials Regulations for Carriage by Public Highway

§10301. General Provisions

A. Through contract between the Department of Public Safety and Corrections and the United States Department of Transportation, the state has agreed to adopt and assume responsibility for enforcing certain federal regulations as required by 49 CFR 350.11, and additional regulations listed below. The authority to adopt such regulations is provided in R.S. 32:1501 et seq.

B. Only the Office of State Police may enforce the regulations adopted or enacted under this Chapter.

C. Any term used in these rules is used in its commonly accepted meaning except where the term has been specifically defined in R.S. 32:1502 or 49 CFR.

D. All rules or parts of rules adopted pursuant to R.S. 32:1504 that relate to highway transportation regulations and promulgated prior to the effective date of these rules are hereby repealed.

E. All authorizations for alternate means of compliance with prior regulations as provided in R.S. 32:1506, and all special permits and exemptions as provided in R.S. 32:1507, which relate to highway transportation and granted prior to the effective date of these rules, are hereby revoked.

§10303. Adopted Regulations

A. The following federal Motor Carrier Safety Regulations and Hazardous Materials Regulations promulgated by the United States Department of Transportation, revised as of October 1, 1987, and contained in the following parts of 49 CFR, as now in effect or as hereafter amended, are made a part of this Chapter.
HAZARDOUS MATERIALS REGULATIONS

Part 171 - General Information, Regulations, and Definitions

Part 172 - Hazardous Materials Tables and Hazardous Materials Communications Regulations

Part 173 - Shippers - General Requirements for Shipping and Packagings

Part 177 - Carriage by Public Highway

Part 178 - Shipping Container Specifications

MOTOR CARRIER SAFETY REGULATIONS

Part 390 - Federal Motor Carrier Safety Regulations: General

Part 391 - Qualifications of Drivers

Part 392 - Driving of Motor Vehicles

Part 393 - Parts and Accessories Necessary for Safe Operation

Part 395 - Hours of Service of Drivers

Part 396 - Inspection, Repair, and Maintenance

Part 397 - Transportation of Hazardous Materials, Driving and Parking Rules

§10305. Applicability of Regulations

A. For the purpose of this Chapter, the federal regulations, as adopted or amended herein, shall govern all carriers, drivers, or vehicles -

1. to which the federal regulations apply;
2. engaged in the transportation of hazardous materials within this state.

B. For the purpose of this Chapter, the federal Motor Carrier Safety Regulations, as adopted or amended herein, shall also govern all carriers, drivers, or vehicles not subject to the federal regulations if the operated vehicle has a single or combined gross vehicle weight rating greater than 20,000 pounds and is used in commerce.

C. The adopted federal regulations applicable to all carriers, drivers, or vehicles set forth in Subsections A and B shall be amended as follows:

1. for the adopted regulations governing all carriers, drivers, or vehicles as specified in Subchapter B, substitute "20,000 pounds" for all references made to "10,000 pounds";

2. in Section 390.33, delete "in accordance with the following table" and exclude the commercial zone table;

3. Section 390.40 is excluded;

4. Part 391.11(b)(1) shall read "is at least 21 years old, or is at least 18 years old and lawfully possesses an appropriately classified driver's license secured from the Louisiana Department of Public Safety and Corrections";

5. if a driver has been regularly employed by a motor carrier for a continuous period of no less than three years immediately prior to the effective date of these regulations, such driver is exempt from complying with Sections 391.21, 391.23, 391.31, 391.33, and 391.41(b)(1),(2),(3),(4),(5),(10), and (11). The medical examiner's certificate must display upon its face the inscription "MEDICALLY UNQUALIFIED OUTSIDE LOUISIANA" when a driver is qualified in accordance with the provisions stated herein. However, should such a driver be no longer regularly employed by the carrier that qualified the driver for exemption from any of the noted regulations, the driver shall not reapply, transfer, or be subject to the provisions stated herein;

6. Sections 391.2(a), 392.1(c), 393.1(b), 396.1(b)(1) and 397.1(c) are amended to read: "Intracity Operations - The rules in this Part will apply to a driver or vehicle wholly engaged in exempt intracity operations as defined in Section 390.16";

7. when applicable, the words "Louisiana Department of Public Safety and Corrections" and/or "Office of State Police" shall be substituted where "U.S. Department of Transportation," "Federal Highway Administration," "Federal Highway Administrator," "Director," "Bureau of Motor Carrier Safety," or "Office of Motor Carrier Safety" appear;

8. where special U.S. Department of Transportation forms or procedures are specified or required, substitute the compatible Louisiana Department of Public Safety and Corrections forms or procedures if such are required by the state.

§10307. Assessment of Civil Penalties

A. Any person who is determined by the secretary of the Department of Public Safety and Corrections, after reasonable notice and opportunity for a fair and impartial hearing held in accordance with the Administrative Procedure Act, to have committed an act that is a violation of R.S. 32:1501 et seq., or adopted or promulgated regulations as provided in this Chapter, is subject to a civil penalty not to exceed the amount determined by applicable law.

§10309. Recovery of Civil Penalties

A. To enforce the collection of a civil penalty levied after due process upon a person determined by the secretary of the Department of Public Safety and Corrections to have committed an act that is a violation of R.S. 32:1501 et seq., or adopted or promulgated regulations as provided in this Chapter, the secretary -

1. may order the removal of the offending vehicle's license tag if the registration is from this state;
2. may seize any vehicle not registered within this state which is owned by the person or company in violation;
3. shall have the driver's or operator's license suspended for a violation(s) committed by the driver or operator.

§10311. Records of Violations

A. Records of violations of adopted or promulgated regulations as provided in this Chapter shall not be subject to the requirements of R.S. 32:393.1.

J. C. Willie, Colonel
Deputy Secretary

RULE

Department of Transportation and Development Office of Highways

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq., notice is hereby given that the Louisiana Department of Transportation and Development amended EDSM No. IV.2.1.6 issued on September 26, 1980, and amended on March 13, 1981, to provide for Outdoor Advertising Visibility Maintenance.

1. PURPOSE - To establish policy and procedures relating to visibility maintenance of outdoor advertising displays or on-premise business identification signs adjacent to highway right-of-way.

2. POLICY - Where existing trees or vegetation do obscure displays which were lawfully in place prior to the existence of the trees or vegetation, or that were permitted after the existence of the trees or vegetation, judicious trimming, removal, or replacement will be considered as warranted by local conditions.

The department may consider the following, on a case by case basis:

a. Removal of plantings without replacement only if the plantings obscure a display lawfully in place prior to the plantings.

b. Topping of a tree up to 10 percent of its height, subject to there remaining at least 20' of height.

(Examples: 1. A 30' tree may be topped 3' max.

2. A 21.5' tree may be topped 1.5' max.)

In the case of topping, the trunk must be cut at an angle

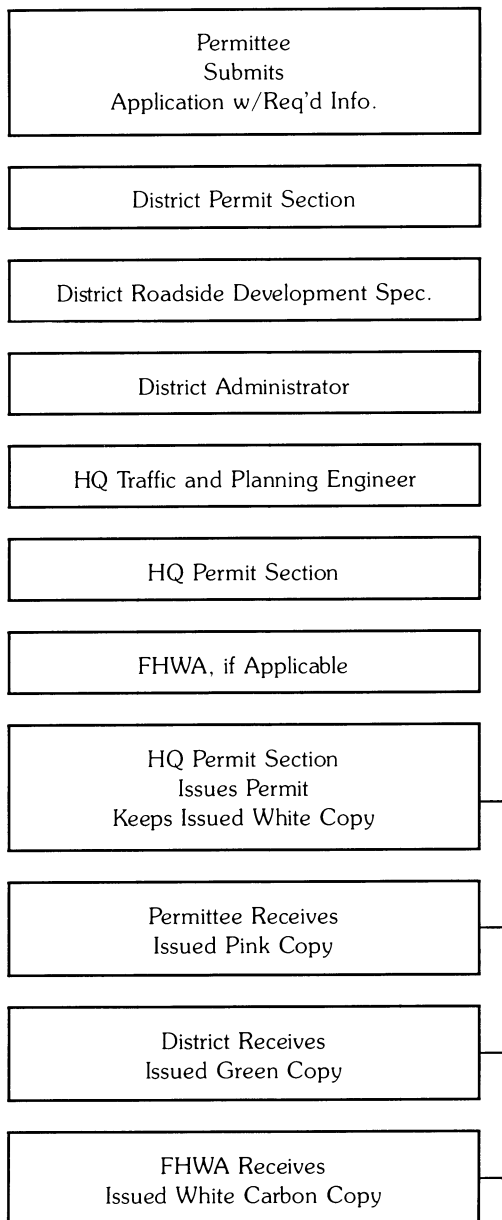
to minimize the threat of disease and the upper lateral branches must be trimmed to maintain the overall shape of the tree.

c. Replacement of existing trees or vegetation with approved alternates, provided the function, purpose or aesthetics of the trees or vegetation will be maintained. Maintenance of the planting area will be the responsibility of the permittee.

3. PROCEDURE - The permits engineer will be responsible for the implementation and coordination of these procedures.

a. Any request for visibility improvement for an off-premise or on-premise advertising display will be made using the attached supplement and application for Project Permit Form Numbers DOTD 03-41-3035 or DOTD 03-41-0593, copies of which will be maintained in each District Office. The application for a permit shall include the number and type of each tree to be topped, trimmed, removed or replaced and a list of all replacement vegetation to be planted.

b. Routing of the permit application will be in accordance with the following flow chart:



(1) As part of his review, the traffic operations engineer

will verify the location of the display and will forward the request to the Headquarters Permits Unit with information about the display's legal status.

Legal status will include any available and pertinent information that should be considered by the permit engineer. Legal information could include:

- (a) Is this display under active citation?
- (b) Is the display subject to imminent removal?
- (c) Is the sign illegally placed?
- (d) Is the display nonconforming to state beautification criteria?

The traffic operations engineer will determine whether or not the display is currently under contract with the state to be removed or is required to be removed within one year.

(2) All applications for topping, removal, or replacement of trees or vegetation, whether recommended by the district or not, should be forwarded to headquarters with appropriate pictures of the site and the district's recommendation.

c. The cost of all work to be performed will be borne by the applicant and any topping, trimming, relocation or replacement must be performed by a bona fide, bonded tree care service.

d. The permit shall contain a warranty clause wherein the permittee agrees to replace any topped, trimmed, or replacement trees or vegetation not living or seriously damaged one year after work is completed.

e. Visibility improvement will not be undertaken in any of the following instances:

- 1. the display is illegally placed;
- 2. the display is currently under contract with the state to be removed or it will be removed within one year;
- 3. the display is on state property;
- 4. a right-of-way take is imminent within one year;
- 5. the trees or shrubs to be trimmed or removed are over 500' measured along the highway from the display;
- 6. the topping exceeds 10 percent of the height of the tree;
- 7. the tree, once topped, will be less than 20' in height.

f. Work will be performed only during regular department hours. The local District Maintenance Unit will be notified at least 24 hours prior to commencement of work. District Maintenance Unit personnel will be present during the work.

4. OTHER ISSUANCES AFFECTED - This directive supersedes EDSM No. IV.2.1.6 issued March 12, 1981. All directives, memorandums or instructions issued heretofore in conflict with this directive are hereby rescinded.

5. IMPLEMENTATION - This directive will become effective upon publication in the *Louisiana Register*.

Robert G. Graves
Secretary

Notices of Intent

NOTICE OF INTENT

Department of Agriculture and Forestry Office of Animal Health Services Livestock Sanitary Board

In accordance with the provisions of LSA 49:950, et seq., the Administrative Procedure Act, and LSA 3:2095, relative to the power of the Livestock Sanitary Board to deal with diseases of animals, notice is hereby given that the Livestock Sanitary Board advertises its intent to amend and/or add to the regulations of the board:

Title 7 AGRICULTURE AND ANIMALS Part XXI. Diseases of Animals

Chapter 117. Livestock Sanitary Board Subchapter C. Horses, Mules and Asses

§11761. Admission of Horses, Mules and Asses to Fairs, Livestock Shows, Breeders' Association Sales, Rodeos and Racetracks

All horses, mules and asses consigned to fairgrounds, livestock show grounds, sale grounds, rodeos and racetracks must meet the general requirements of LAC 7:XXI.11707 and the following specific requirements:

A. It is recommended that all owners have their animals vaccinated against equine encephalomyelitis with bivalent (eastern and western type) vaccine within 12 months prior to entry. It is also recommended that owners have their animals vaccinated against Venezuelan equine encephalomyelitis (VEE) before entry.

B. Representatives of the Livestock Sanitary Board will inspect horses at the shows periodically, and any animals showing evidence of a contagious or infectious disease shall be isolated and/or removed from the show.

C. Horses moving into the state of Louisiana to fairs, livestock shows, breeders' association sales, rodeos and racetracks, must be accompanied by a record of a negative official test for Equine Infectious Anemia, conducted within the past 12 months. The test must be conducted at an approved laboratory and the name of the laboratory, the case number, and the date of test must appear on the health certificate.

D. Horses moving within the state to fairs, livestock shows, breeders' association sales, rodeos and racetracks or other concentration points must be accompanied by a record of a negative official test for Equine Infectious Anemia conducted within the past 12 months. The test must be conducted at an approved laboratory and the name of the laboratory and the case number must appear on the official record.

E. Horses reacting to the official test within the state, will be identified by regulatory personnel by hot brand, cold brand, freeze brand, or tattoo "72 A." Positive horses will be rebled upon request, by state employed veterinarians and samples submitted to the laboratory for confirmation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:615 (June 1985).

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., February 7, 1988, at the following address: William B. Fairchild, D.V.M., State Veterinarian, Louisiana Department of Agriculture & Forestry, Livestock Sanitary Board, Box 1951, Baton Rouge, LA 70821.

Bob Odom
Commissioner

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Title 7 Section 11761

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Implementation of the proposed amendment would not cost or save the state or any local governmental unit, any money.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Implementation of the proposed amendment would have no effect on the revenue collection of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
It is estimated that there could be a slight economic benefit to directly affected persons, in that, they would be able to obtain tests results sooner, which could possibly give them the opportunity to compete for prize money, whereas, if they had to wait longer for their test results, they could, in some cases, miss the opportunity to compete.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
It is estimated that the proposed amendment would have no effect on competition or employment.

Richard Allen
Assistant Commissioner

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Department of Agriculture and Forestry Office of Animal Health Services Livestock Sanitary Board

In accordance with the provisions of LSA 49:950, et seq., the Administrative Procedure Act, and LSA 3:2095, relative to the power of the Livestock Sanitary Board to deal with diseases of animals, notice is hereby given that the Livestock Sanitary Board advertises its intent to amend and/or add to the regulations of the board.

Title 7
AGRICULTURE AND ANIMALS
Part XXI. Diseases of Animals

Chapter 117. Livestock Sanitary Board

Subchapter B. Cattle

§11745. Governing the Sale and Use of Brucella Abortus Vaccine

A. The sale and use of Brucella abortus vaccine shall be restricted to Louisiana accredited veterinarians and to Livestock Sanitary Board approved non-veterinary personnel who administer the vaccine under the supervision of state-federal veterinarians.

B. Biological supply houses and their distributors are hereby required to send to the Livestock Sanitary Board a copy of the invoices on all shipments of Brucella abortus vaccine into and within the state of Louisiana.

C. Veterinarians, drug stores, biological houses and all other wholesale and retail distributors of Brucella abortus vaccine, who sell Brucella abortus vaccine to persons other than Louisiana accredited veterinarians, shall be prosecuted as prescribed by state law.

D. Brucella abortus vaccine will be administered in accordance with the method approved by the United States Department of Agriculture.

E. Calfood Vaccination of Heifers

Any female cattle between four and 12 months of age, must be officially brucellosis calfood vaccinated prior to being sold.

F. Adult Vaccination of Cattle

1. Adult vaccination of female cattle 12 months old or older for brucellosis, may be performed on an individual herd plan by state or federal veterinarians, provided the owner signs the official agreement to comply with the following provisions:

a. Test of entire herd and removal of brucellosis reactors with brucellosis vaccination completed within 10 days following herd test and removal of brucellosis reactors.

b. All animals vaccinated as adults will be identified with an official AV tattoo in the right ear, preceded by the quarter of the year and followed by the last digit of the year, as well as the official metal eartag (or individual animal registration tattoo or individual animal registration brand) and plastic bangle tag which are to be correlated on test records with the official eartag.

c. Animals so vaccinated will be quarantined and tested on the schedule established in the herd plan. The quarantine will be released when the herd has a negative test at least 120 days after the last reactor is removed from the herd. Exceptions to this regulation are steers and spayed heifers over six months of age.

2. Guidelines to conduct a referendum which would make brucellosis testing and brucellosis vaccination of all adult cows mandatory on a parish-wide basis:

a. The referendum shall be conducted by the Livestock Sanitary Board in conjunction with the cattle producer's organizations. The referendum will be held within 90 days after issuance of the call for the referendum. All producers of cattle in the affected area shall be eligible to participate in the referendum.

b. The referendum would give all producers of cattle in the parish an opportunity to vote for or against the referendum, which would require all cattle to be tested for brucellosis and any herd which has one or more reactors on more than one herd test, would have to be adult vaccinated for brucellosis and tested according to the herd plan and adult vaccination agreement. In the absence of a herd plan, the herd would have to be tested at

intervals of 180 days or less.

c. If a majority of the eligible cattle producers vote in favor of the referendum, all producers of cattle in the area shall be required to test all their cattle and adult vaccinate any infected herds as described in LAC 7:XXI.11745.F.1.

d. The following herds would be exempt from the testing requirements:

i. certified brucellosis free herds; and
ii. dairy herds identified as having negative brucellosis ring test.

e. The following infected herds would be exempt from mandatory adult vaccination:

i. herds of registered cattle; and
ii. herds of cattle comprised of all calfood vaccinated cows.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:615 (June 1985), amended LR 12:289 (May 1986).

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., February 7, 1988, at the following address: William B. Fairchild, D.V.M., State Veterinarian, Louisiana Department of Agriculture and Forestry, Livestock Sanitary Board, Box 1951, Baton Rouge, LA 70821.

Bob Odom
Commissioner

Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Title 7
Section 11745

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

Implementation of the proposed amendment would not increase or decrease the cost of the state or any local governmental unit.

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

Implementation of the proposed amendment would have no effect on the collection of revenue by state or local governmental units, because, the proposed amendment does not involve the collection of any funds by these groups.

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

It is estimated that there would be no costs and/or economic benefits to directly affected persons or non-governmental groups, because, the proposed amendment would only make this regulation consistent with other regulations, which have the same requirements as this regulation would have if the proposed amendment is adopted and implemented.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is estimated that the proposed amendment would have no effect on competition or employment.

Richard Allen
Assistant Commissioner

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Department of Agriculture and Forestry Office of Animal Health Services Livestock Sanitary Board

In accordance with provisions of the LSA 49:950, et seq., the Administrative Procedure Act, and LSA 3:2095, relative to the power of the Livestock Sanitary Board to deal with diseases of animals, notice is hereby given that the Livestock Sanitary board advertises its intent to amend and/or add to the regulations of the board:

Title 7

AGRICULTURE AND ANIMALS

Part XXI. Diseases of Animals

Chapter 117. Livestock Sanitary Board

Subchapter A. General Provisions

§11701. Definitions

Accredited herd means a herd which has passed at least two consecutive annual tuberculin tests and no other evidence of bovine tuberculosis has been disclosed.

Accredited Veterinarian means a veterinarian approved by the United States Department of Agriculture (USDA) to perform the function involved in connection with the inspection and certification of animals.

Annual test means tests conducted at intervals of not less than 10 months nor more than 14 months.

Approved slaughter establishment means any slaughter establishment that is under state or federal meat inspection.

Auction operator means a person responsible for the operation of a livestock auction market.

Auction veterinarian means an accredited veterinarian employed at an auction market and authorized to carry out the provisions of the livestock auction market regulations.

Authorized agent of the Livestock Sanitary Board means an employee of the Livestock Sanitary Board or the USDA.

Authorized buyer means (1) an employee of a USDA approved slaughtering establishment who buys livestock that move from the auction market directly to the slaughtering establishment with no period of time spent in a holding area of any kind; (2) 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; or (3) a permitted livestock dealer.

Board means the Louisiana Livestock Sanitary Board.

Breeding purpose means all cattle, purebred or grade, that are sold for stocker, feeding, grazing, dairy and/or reproductive purposes.

Breeding-type cattle means all cattle 20 months of age and over for dairy breeds and 24 months of age and over for beef breeds as evidenced by the presence of the first pair of permanent incisor teeth, including animals under these ages which are parturient or post-parturient, other than steers and spayed heifers offered for sale for any purpose other than immediate slaughter. This includes dairy, stocker, feeder-grazer and purebred animals.

Brucellosis means a disease of livestock capable of being transmitted to man and caused by brucella organisms, commonly called "Bang's Disease" in cattle and "Undulant Fever" in man.

Brucellosis exposed herd means a herd of cattle that has intermingled with brucellosis infected cattle or otherwise been exposed to brucellosis infected animals which includes: (1) cattle

separated from known infected cattle by a single fence; (2) cattle herds where there is direct drainage from brucellosis quarantined premises; or (3) cattle herds in common range with brucellosis infected herds. All herds, other than dairies, negative to the BRT and certified brucellosis free herds tested within the past 12 months, owned by an individual, partnership, corporation or association, that are within 50 miles of an infected herd owned by such individual, partnership, corporation or association.

Brucellosis infected herd means:

1. A herd will be considered infected if an official brucellosis blood test of the herd reveals one or more reactors.

2. A herd to which one brucellosis reactor in a consignment tested in the market cattle testing program (tested on the physical premises of the auction market or slaughter establishment) has been traced. The herd shall be considered infected and under quarantine until the entire herd of origin has been officially blood tested not less than 30 days from the date reactor was detected.

3. A herd to which two or more brucellosis reactors in a consignment tested in the market cattle testing program (tested on the physical premises of the auction market or slaughter establishment) has been traced. The herd shall be considered infected and under quarantine until it has passed one completely negative test no less than 30 days following the date the last reactor was removed from the herd and the premises, and in addition, a second negative herd test no less than 90 days from date of first negative herd test.

4. A dairy herd that has had a positive milk ring test. The herd shall be considered infected and handled as such until the entire herd has been officially blood tested. The status of the herd will then be determined by the results of the herd blood test.

Brucellosis herd test is a brucellosis test of all cattle in a herd over six months of age, except

1. steers,

2. spayed heifers,

3. dairy animals that are official brucellosis calthood vaccines under 20 months of age which are not parturient or pre-parturient (springers),

4. beef animals that are official brucellosis calthood vaccines under 24 months of age which are not parturient or pre-parturient (springers).

Brucellosis quarantined area means an area or state that is under USDA brucellosis quarantine.

Brucellosis qualified herd means a herd located in a brucellosis quarantined area that has been tested and found negative to brucellosis within the last 12 months.

Brucellosis quarantined herd means a brucellosis infected herd that has not successfully completed the testing requirements for negative status; or an exposed herd that has been placed under quarantine to be tested until such time as it has been declared brucellosis negative.

Brucellosis reactor means any animal which is positive to one or more brucellosis tests which indicate the animal is infected with brucellosis.

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

Certificate of approval means a certificate issued to a commercial poultry producer by the Livestock Sanitary Board approving a specific method of disposing of dead poultry to be used by the commercial poultry producer.

Certified brucellosis free herd means a herd that meets the requirements as outlined in the federal Uniform Methods and Rules (brucellosis eradication).

Commercial poultry producer means any person, firm or corporation engaged in the production of broilers, pullets, turkeys, game birds, commercial eggs or hatching eggs for wholesale or retail purposes.

Complete negative brucellosis herd test is a negative brucellosis test of all cattle, as defined in "Brucellosis herd test." Such tests must be accompanied by a statement signed by the herd owner, or his representative, certifying that the provisions constituting a herd and brucellosis herd test, as defined in §11701, have been met prior to the sale of non-brucellosis vaccinated female cattle from such herds other than to slaughter or to a quarantined feedlot.

Delinquent herd means any infected herd not tested within a period of 120 days is considered delinquent.

Destroyed means condemned under state or federal authority and destroyed by slaughter or by death.

Direct to slaughter means the shipment of cattle from the premises of origin directly to a slaughter establishment without diversion to assembly points, such as auctions, public stockyards and feedlots.

Equipment means capable of delivering required temperature as a unit designed by Floyd Rush Corporation patent or comparable equipment.

Executive secretary and/or state veterinarian means an appointee representing the board to serve in said capacity.

Federal inspector means an inspector or veterinary medical officer of the Animal and Plant Health Inspection Service, United States Department of Agriculture.

Form VS 1-27 means a form which must be secured from state or federal personnel before cattle may be moved from the premises. This document will be valid for 15 days from the date of issuance.

Garbage means all animal and vegetable waste resulting from the handling, preparation and cooking of food; unconsumed food in all public and private establishments and residences; and the offal and carcasses of dead animals and poultry.

Herd means such animals of the same species (such as cattle, swine, or bison), which have been on a farm or ranch for 120 days or longer. If a farm or ranch has animals of the same species, which have been on the farm or ranch less than 120 days, none of the animals of that species, can be considered a herd or part of a herd.

Herd depopulation means the removal of all cattle in the herd direct to slaughter prior to any restocking of the premises with cattle.

Hog cholera means the contagious, infectious, and communicable disease of swine.

Individually identified means cattle identified with an official eartag, as defined in the Brucellosis Uniform Methods and Rules, individual animal registration tattoo, or individual animal registration brand.

Infectious or contagious disease means any disease capable of being transmitted from one animal to another, either directly or indirectly.

Livestock means cattle, sheep, swine, goats, horses, mules, burros, asses or other livestock of all ages.

Livestock auction market means a livestock auction in which sales are held at regular intervals. This does not apply to breeders' association sales, livestock show sales and livestock

owners' sales, which are governed by other regulations.

Livestock auction market permit means an official document issued by the board annually authorizing a person to operate a livestock auction.

Modified accredited area means a state or portion thereof which is actively participating in the eradication of tuberculosis and maintains its status.

Mortgage means any mortgage, lien or other security or beneficial interest held by any person other than the one claiming indemnity.

Moved means shipped, transported or otherwise moved, or delivered or received for movement, by any person, via land, water or air.

Negative herd means

1. a herd not under quarantine in which, on the initial test, no reactors were revealed;

2. a commercial dairy herd that has passed four consecutive negative milk ring tests within the last 12 months, the tests being no less than two months or more than four months apart;

3. infected herds that have passed one completely negative test no less than 30 days following the date the last reactor was removed from the herd and the premises, and in addition, passed a second negative herd test no less than 90 days from the date of the first negative herd test;

4. a herd to which one brucellosis reactor in a consignment tested in market cattle testing program (tested on the physical premises of the auction market or slaughter establishment) has been traced, and the herd of origin has been blood tested not less than 30 days from the date the reactor was detected and found negative;

5. an exposed herd which on initial test reveals no reactors and where there has been no direct contact (including across-fence contact) with the infected herd within 120 days. If contact has occurred within 120 days of the negative test (including across-fence contact) such herd must pass a second negative test no less than 90 days from the date of the first negative test.

No gross lesion (NGL) animal means an animal in which a lesion(s) of tuberculosis is not found during slaughter inspection. (An animal with skin lesions only will be considered in the same category as an NGL.)

Official brucellosis vaccinates means calfhood or adult vaccinates as outlined in LAC 7:XXI.11745.E and LAC 7:XXI.11745.F.

Official calf vaccinates means female cattle that have been vaccinated with brucella abortus vaccine at the proper age, by an accredited veterinarian, and properly reported to the state or federal office.

Official health certificate means a legible record of an animal's health recorded on an official form. These certificates are valid for 30 days only.

Official tuberculin test means a tuberculin test which has been applied by a veterinarian employed in a full-time capacity by the state, USDA (Animal and Plant Health Inspection Service), or by an accredited veterinarian. All tuberculin tests are official tests. A report of all tuberculin tests, including a record of all responses, shall be submitted in accordance with the requirements of the cooperating state and federal authorities. These officials reserve the right to supervise any tests conducted by an accredited veterinarian.

Passed herd means a herd in which no animals were classified as reactors or suspects on the herd test.

Permit means a license issued annually by the Louisiana

Livestock Sanitary Board.

Person means any natural person and/or persons, partnership, corporation, unincorporated association and/or any legal entity whatsoever.

Poultry means chickens, ducks, turkeys, pigeons, guinea fowl, geese, peafowl and pheasants and other domestic feathered life, including hatching eggs.

Quarantined feedlot means a confined area under the direct supervision and control of the state livestock official who shall establish procedures for accounting of all animals entering or leaving such quarantined feedlot. The quarantined feedlot shall be maintained for finish feeding of animals in dry lot with no provision for pasturing and grazing. All animals leaving such feedlot must move only to slaughter in accordance with established procedures for handling quarantined animals.

Quarantine holding area means an area where EIA positive and/or "S" branded horses are kept and where such horses are separated by at least 440 yards from all other horses.

Recognized slaughter establishment means a slaughter establishment maintaining state or federal meat inspection.

Rendering plant means any establishment equipped to render by heat, steam or dry method any animal or fowl dead from any cause. This shall also include rendering offal from slaughtering establishments or butcher shops.

Screwworms means the communicable disease (myiasis) of livestock caused by the presence of the screwworms (*Cochylomyia hominivorax*).

State inspector means an inspector regularly employed by the Louisiana Livestock Sanitary Board and authorized to perform the function involved in connection with the inspections and certification of animals.

State veterinarian means the executive secretary of the Livestock Sanitary Board.

State-federal quarantined feedlot means a feedlot that has obtained a permit from the Livestock Sanitary Board to operate as outlined in LAC 7:XXI.11751.

Sterilized and dehydrated foods means waste food which has been subjected to sufficient dry heat, 325°F. minimum, for the purpose of extraction of fluids, 12 percent moisture or below permissible, and for the destruction of any organism from such matter.

Surveillance means all measures used to detect the presence of tuberculosis in the cattle population.

Tuberculosis exposed herd means a herd of cattle that are intermingled with tuberculosis infected cattle or otherwise been exposed to tuberculosis infected animals which include: (1) cattle separated from known infected cattle by a single fence; (2) cattle herds on common range with tuberculosis infected herds; and (3) all herds owned by an individual, partnership, corporation or association that are within 50 miles of an infected herd owned by such individual, partnership, corporation or association.

Tuberculosis infected herds means a herd in which one or more *Mycobacterium bovis* infected animals are found. Cattle will be considered infected with *Mycobacterium bovis* when compatible pathologic lesions are found and confirmed to be infected with *Mycobacterium bovis* organisms by bacteriological culturing at the National Animal Disease Laboratory.

Tuberculosis quarantined herd means a tuberculosis infected herd that has not successfully completed the testing requirements for negative status; or a tuberculosis exposed herd that has been placed under quarantine to be tested until such time as it has been declared tuberculosis negative.

Valid 30-day negative brucellosis test means an official brucellosis negative card test.

Valid 30-day negative brucellosis test certificate means a certificate on which the official test has been recorded. This may be an official health certificate completed by an accredited veterinarian; the official brucellosis test charts from the state-federal laboratory; an individual brucellosis test certificate issued at the auction market; or a special certificate issued by the state-federal laboratory at the request of the owner.

Veterinary medical officer and/or *supervisory veterinary medical officer* (also referred to as "area veterinarian") means a veterinarian employed by the Livestock Sanitary Board or the United States Department of Agriculture, Animal and Plant Health Inspection Service.

Veterinary services means the Animal and Plant Health Inspection Service, United States Department of Agriculture.

Waste food processor means any person, partnership, firm, corporation, institution or entity processing waste food for livestock feed. This includes all state and private institutions and commercial establishments manufacturing waste foods into livestock feed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:615 (June 1985), amended LR 12:289 (May 1986), amended LR 12:498 (August 1986).

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., February 7, 1988, at the following address: William B. Fairchild, D.V.M., State Veterinarian, Louisiana Department of Agriculture and Forestry, Livestock Sanitary Board, Box 1951, Baton Rouge, LA 70821.

Bob Odom
Commissioner

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Title 7, Section 11701

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Implementation of the proposed amendment would not cost or save the state or any local governmental unit, any money.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Implementation of the proposed amendment would have no effect on the revenue collection of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
The proposed action (which are definitions) will clarify the intent of regulations presently in effect. The definition of a "complete negative herd test," along with Louisiana Administrative Code Regulations 7:11735, 7:11737, and 7:11739, will allow cattle owners to sell all non-brucellosis vaccinated animals for any purpose. This will be of great economic benefit to the cattle owners of Louisiana, because, prior to the amendments being made to the previously mentioned regu-

lations, cattle owners could only sell non-vaccinated female cattle born after January 1, 1982, to slaughter or to a quarantine feedlot. The price received for these animals is much less than that received for female cattle which can be sold unrestricted.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is estimated that the proposed amendment would have no effect on competition or employment.

Richard Allen
Assistant Commissioner

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Department of Agriculture and Forestry Office of Animal Health Services Livestock Sanitary Board

In accordance with the provisions of LSA 49:950, et seq., the Administrative Procedure Act, and LSA 3:2095, relative to the power of the Livestock Sanitary Board to deal with diseases of animals, notice is hereby given that the Livestock Sanitary Board advertises its intent to amend and/or add to the regulations of the board:

Title 7

AGRICULTURE AND ANIMALS Part XXI. Diseases of Animals

Chapter 117. Livestock Sanitary Board

Subchapter C. Horses, Mules and Asses

§11765. Governing Equine Infectious Anemia and Livestock Auction Market Requirements

A. Equine Required to be Tested

1. Equine moving into the state of Louisiana for any purpose other than immediate slaughter, must be accompanied by a record of a negative official test for Equine Infectious Anemia, conducted within the past 12 months. The test must be conducted at an approved laboratory and the name of the laboratory, the case number, and date of test must appear on the health certificate, as required in LAC 7:XXI.11761.

2. Horses moving within the state to fairs, livestock shows, horse shows, breeders' association sales, rodeos, race tracks, or other concentration points, must be accompanied by a record of a negative official test for Equine Infectious Anemia, conducted within the past 12 months. The test must be conducted at an approved laboratory and the name of the laboratory, the case number, and the date of test must appear on the official record.

3. Horses reacting to the official test within the state, will be identified by regulatory personnel by hot brand, cold brand, freeze brand, or tattoo "72 A." Positive horses will be rebled upon request, by state employed veterinarians and samples submitted to the laboratory for confirmation.

4. All out-of-state horses offered for sale at Louisiana livestock auction markets, must be accompanied by a record (original, VS Form 10-11) of a negative official test for Equine Infectious Anemia, conducted within the past 12 months. The test must be conducted at an approved laboratory and the case number must appear on the health certificate.

5. All Louisiana horses offered for sale at Louisiana auction markets must be accompanied by a record (original, VS Form 10-11) of a negative official test for Equine Infectious Anemia, conducted by an approved laboratory within 12 months of the date of sale.

Exceptions to this Subsection are:

a. Horses consigned and/or sold for 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 a VS Form 1-27 permit.

b. Untested horses, arriving at livestock auction markets, may be sold for purposes other than slaughter, if a blood sample is drawn for Equine Infectious Anemia testing a buyer's expense before the animal leaves the livestock auction market. This sample must be collected by a private practitioner and submitted to an approved laboratory. Horses may then move from the livestock auction market to the purchaser's premises under quarantine issued by Livestock Sanitary Board personnel, until results of the official test are received. If the animal is found to be positive, it must be properly identified by a permanent identification and will remain under quarantine until sold for immediate slaughter.

B. Collection and Submission of Blood Samples

1. All blood samples for Equine Infectious Anemia testing must be drawn and submitted to an approved laboratory by an accredited veterinarian.

2. Blood samples will be accompanied by a VS Form 10-11, "Equine Infectious Anemia Laboratory Test Report," with completed information as to owner's name and address and identification of animal(s).

3. Only serum samples in sterile tubes will be accepted for testing.

C. Testing of Samples Collected

1. Only laboratories approved by the United States Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services, shall be authorized to conduct the official test for Equine Infectious Anemia in Louisiana.

2. Such laboratories must also receive approval by the Livestock Sanitary Board.

3. Approved laboratories must submit a copy of a VS Form 10-11 at the end of each week to the Livestock Sanitary Board office. (White copy of positive samples and green copy of negative samples.)

4. A fee shall be charged to the accredited veterinarian for conducting the official test at state laboratories. Invoices will be forwarded to the veterinarian monthly for these charges.

D. Identification and Quarantining of Animal(s) Positive to the Official Test

1. Animal(s) positive to the official test will be quarantined to the owner's premises and kept a minimum distance of 200 yards between the positive equidae and equidae owned by other individuals. If the positive animal(s) is sold, it must be sold for slaughter and a VS Form 1-27 permit must be issued by state personnel to move the animal(s) from the premises to slaughter.

2. Confirmation tests of positive animal(s) will be conducted by state employed veterinarians upon request of the owner prior to identification.

3. All animal(s) positive to the official test will be properly identified by state personnel with either a "72 A" cold brand, hot iron brand, or freeze brand on the left shoulder, or be tattooed "72 A."

E. Requirements for Permit for Operation of Quarantine

Holding Area

1. 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 Livestock Sanitary Board.

2. The facility to be operated as a quarantine holding area, must have an area where Equine Infectious Anemia positive and/or "S" branded horses are kept and where such horses are separated by at least 440 yards from all other horses.

3. The facility must be approved by the Livestock Sanitary Board in an inspection of the premises prior to the issuance of the permit.

4. 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.

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

6. No horses can be kept in the quarantine holding area longer than 60 days.

7. All permits must be renewed annually.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:615 (June 1985).

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., February 7, 1988, at the following address: William B. Fairchild, D.V.M., State Veterinarian, Louisiana Department of Agriculture and Forestry, Livestock Sanitary Board, Box 1951, Baton Rouge, LA 70821.

Bob Odom
Commissioner

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Title 7
Section 11765**

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

Implementation of the proposed amendment would not increase or decrease the cost of the state or any local governmental unit.

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

Implementation of the proposed amendment would have no effect on the revenue collections of state or local governmental units because, the amendment does not involve the collection of any funds by these groups.

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

Persons purchasing horses at Louisiana stockyards will be able to receive test results of the Equine Infectious Anemia test at least one day sooner, which will be of benefit to them if they wish to sell the horse or move it from their premises for any reason.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is estimated that the proposed amendment would have no effect on competition or employment.

Richard Allen
Assistant Commissioner

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Agriculture and Forestry
Office of Animal Health Services
Livestock Sanitary Board**

In accordance with the provisions of LSA 49:950, et seq., the Administrative Procedure Act, and LSA 3:2095, relative to the power of the Livestock Sanitary Board to deal with diseases of animals, notice is hereby given that the Livestock Sanitary Board advertises its intent to amend and/or add to the regulations of the board:

**Title 7
AGRICULTURE AND ANIMALS
Part XXI. Diseases of Animals**

**Chapter 117. Livestock Sanitary Board
Subchapter C. Horses, Mules and Asses
§11759. General Health Requirements Governing Admission of Horses, Mules, and Asses**

All horses, mules, and asses imported into the state must meet the general requirements of LAC 7:XXI.11705 and the following specific requirements:

Horses moving into the state of Louisiana for any purpose other than immediate slaughter or research, must be accompanied by a record of a negative official test for Equine Infectious Anemia, conducted within the past 12 months. The test must be conducted at an approved laboratory and the case number must appear on the health certificate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2053.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:615 (June 1985).

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., February 7, 1988, at the following address: William B. Fairchild, D.V.M., State Veterinarian, Louisiana Department of Agriculture & Forestry, Livestock Sanitary Board, Box 1951, Baton Rouge, LA 70821.

Bob Odom
Commissioner

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Title 7
Section 11759**

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

Implementation of the proposed amendment would not increase or decrease the cost to the state or any local governmental unit.

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

Implementation of the proposed amendment would have no effect on the collection of revenue by state or local governmental units because, the proposed amendment does not involve the collection of any funds by these groups.

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

It is estimated that there could be a slight economic benefit to directly affected persons, in that they would be able to obtain test results sooner, which could possibly give them the opportunity to compete for prize money. It would also, save those people money who go out of state to purchase a horse(s), in that they could obtain the test results at least 24 hours sooner, which would lessen their cost if they have to bear the cost of staying overnight to wait on test results before they can return to Louisiana with their purchased horse(s).

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is estimated that the proposed amendment would have no effect on competition or employment.

Richard Allen
Assistant Commissioner

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Department of Agriculture and Forestry Office of Animal Health Services Livestock Sanitary Board

In accordance with the provisions of LSA 49:950, et seq., the Administrative Procedure Act, and LSA 3:2095, relative to the power of the Livestock Sanitary Board to deal with diseases of animals, notice is hereby given that the Livestock Sanitary Board advertises its intent to amend and/or add to the regulations of the board:

Title 7 AGRICULTURE AND ANIMALS Part XXI. Diseases of Animals

Chapter 117. Livestock Sanitary Board Subchapter B. Cattle

§11735. Livestock Auction Market Requirements

All cattle which are sold or offered for sale in livestock auction markets must meet the general requirements of LAC 7:XXI.11709 and the following specific requirements:

A. Brucellosis

1. Cattle from quarantined herds or from non-qualified herds from quarantined areas are not eligible for sale in the state of Louisiana except as provided in LAC 7:XXI.11749, which governs brucellosis quarantined herds.

2. All cattle that are offered for sale through Louisiana livestock auction markets must be identified by a white official backtag; those animals two years of age and older, shall have this official backtag placed immediately behind the shoulder of the animal. The market shall furnish and make immediately available to the Livestock Sanitary Board's official representative, a copy of each check-in slip showing the name and address of each consignor and the official backtag numbers applied to the consignor's livestock.

3. All cattle 12 months of age and over, that are offered for sale, must be further identified by an official metal tag and must be tested for brucellosis.

Exceptions to LAC 7:XXI.11735.A.3. are:

- a. steers and spayed heifers;
- b. cattle consigned from quarantined feedlots that are "S" branded and permitted prior to shipment to the auction barn;
- c. official calfhood vaccinates less than 24 months of age for beef breeds and 20 months of age for dairy breeds, that are not pre-parturient or post-parturient;
- d. bulls less than 18 months of age.

4. a. All non-vaccinated heifer calves between four and 12 months of age, must be vaccinated with USDA Approved Brucellosis Strain 19 vaccine prior to being sold.

b. All heifers and cows, which were born after January 1, 1982 and are over 12 months of age, must be brucellosis tested and be official brucellosis vaccinates (calfhood or adult), or originate from a herd that has had a complete negative brucellosis herd test within the previous 12 months. A copy of the herd test record, which includes the animal(s) being tested, must accompany the animal(s) at the stockyard. All heifers and cows, older than 12 months of age, which were born after January 1, 1982, that are not official brucellosis vaccinates or have not been part of a complete negative brucellosis herd test, conducted within the previous 12 months, may be returned to the farm of origin or be brucellosis tested, "S" branded, and sold to a quarantine feedlot or an approved slaughter establishment, and shall be accompanied by a VS Form 1-27. These non-vaccinated "S" branded animals must be delivered to an approved slaughter establishment, a Louisiana or USDA approved quarantined feedlot, or the premises of a Louisiana permitted livestock dealer within 72 hours of purchase. The permitted livestock dealer may hold these animals up to seven days at his approved facilities. The animal(s) must move from the permitted livestock dealer's premises directly to an approved slaughter establishment or to a Louisiana or USDA approved quarantined feedlot.

Exceptions to this Subparagraph are:

i. official brucellosis calfhood vaccinates under 20 months of age for dairy breeds and under 24 months of age for beef breeds, which are not pre-parturient (springers) or post-parturient;

ii. individually identified cattle, moving directly from a certified brucellosis free herd and accompanied by a copy of the last herd test record, which includes the animal(s) being offered for sale.

c. Effective January 1, 1989, all heifers and cows over 12 months of age, must be brucellosis tested and be official brucellosis vaccinates (calfhood or adult), or originate from a herd that has had a complete negative herd test within the previous 12 months. A copy of the herd test record, which includes the animal(s) being tested, must accompany the animal(s) to the stockyard. All heifers and cows older than 12 months, may be returned to the farm of origin or be brucellosis tested, "S" branded animal(s) must be delivered to an approved slaughter establishment or a Louisiana permitted livestock dealer within 72 hours of purchase. The permitted livestock dealer may hold the animal(s) up to seven days at his approved facilities. The animal(s) must move from the Louisiana permitted livestock dealer's premises directly to an approved slaughter establishment or to a Louisiana or USDA approved quarantined feedlot.

Exceptions to this Subparagraph are:

i. official brucellosis calfhood vaccinates under 20 months of age for dairy breeds and under 24 months of age for

beef breeds, which are not pre-parturient (springers) or post-parturient;

ii. individually identified cattle, moving directly from a certified brucellosis free herd and is accompanied by a copy of the last herd test record, which includes the animal(s) being offered for sale.

5. Dispositions of animals tested at an auction market:

a. Reactor animal(s), either vaccinated or non-vaccinated, disclosed must be branded with a three-inch hot brand on the left jaw, tagged and removed to slaughter with a properly executed VS Form 1-27.

b. Suspect animal(s), adult vaccinated, or calfhood vaccinated animals, which are card test positive and rivanol test negative on the market test, can be "S" branded and sold for slaughter or at the owner's choice, returned to the farm of origin under quarantine for retest in no less than 30 days. Additional animals in the same consignment with the vaccinated suspect(s), which are negative on the brucellosis test, may move without restriction, provided they are in compliance with other appropriate regulations.

c. All exposed animals in a consignment must be "S" branded for removal to slaughter or, at the owner's choice, returned to the farm of origin under quarantine.

6. Cattle originating from brucellosis quarantined herds shall be identified by eartag and branded with a three-inch hot "S" brand on the left jaw and accompanied by a properly executed VS Form 1-27. The branding and the issuance of VS Form 1-27 will be completed on the farm of origin prior to movement. The VS Form 1-27 will be delivered to authorized representatives at the livestock auction market. In cases where it is impractical to have the exposed cattle branded on the farm of origin, the state veterinarian can authorize the movement of the cattle to the livestock auction market and the branding be accomplished at this point.

a. Cattle from brucellosis quarantined areas may be moved to Louisiana livestock auction markets on a permit. These animals will be "S" branded after arrival at the Louisiana livestock auction market.

b. Cattle from quarantined areas and from brucellosis quarantined herds must be sold to approved slaughtering establishments or to an approved quarantined feedlot.

Exceptions to LAC 7:XXI.11735.A.6.b. are:

i. steers and spayed heifers over six months of age.

ii. heifers from beef herds that are official vaccinates and under eight months of age and originating from a herd that is participating in an approved herd plan to rid the herd of brucellosis, may move without restrictions.

iii. bull calves under six months of age, that are nursed by brucellosis reactor or exposed cows, may move from the quarantined premises under permit, provided they have been weaned for not less than 30 days immediately preceding movement.

iv. heifers from dairy herds that are official vaccinates and under six months of age and originating from a herd that is participating in an approved herd plan to rid the herd of brucellosis, may move without restrictions.

7. When brucellosis reactors are found in a consignment, all remaining negative cattle in the consignment are considered exposed and shall be handled by one of the following ways:

a. The exposed cattle shall be identified by a three-inch hot brand on the left jaw with the letter "S" and sold directly to a recognized slaughter establishment for immediate slaughter or to

a state-federal approved quarantined feedlot and shall be accompanied by VS Form 1-27.

b. The exposed cattle may be identified by a yellow paint mark on the left ear and returned to the original owner's premises under quarantine. All such movements will be accompanied by a quarantine notice listing the eartag and auction tag identification numbers of the animals moving to Louisiana farms.

Exceptions to LAC 7:XXI.11735.A.7.b. are:

i. steers and spayed heifers over six months of age;

ii. brucellosis vaccinated heifers between the ages of four and 12 months that originate from quarantined herds that are participating in an approved herd plan to eliminate brucellosis from the herd;

iii. heifer calves four months of age and under and bull calves six months of age and under whose dam tested negative for brucellosis.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093, R.S. 3:2221, and R.S. 3:2228.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:615 (June 1985); Amended LR 12:501 (August 1986); Amended LR 12:598 (September 1986); Amended LA 13:556 (October 1987).

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., February 7, 1988, at the following address: William B. Fairchild, D.V.M., State Veterinarian, Louisiana Department of Agriculture and Forestry, Livestock Sanitary Board, Box 1951, Baton Rouge, LA 70821.

Bob Odom
Commissioner

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Title 7
Section 11735, A.3.**

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

Implementation of the proposed amendment would not increase or decrease the cost of the state or any local governmental unit.

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

Implementation of the proposed amendment would have no effect on the collection of revenue by state or local governmental units, because, the proposed amendment does not involve the collection of any funds by these groups.

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

Depending on the economic conditions, the cattle producer whose herd is under quarantine, would receive less money for heifer calves, if he chooses to sell them between six months (dairy), eight months (beef), and 12 months of age. The loss would be minimal. However, if the proposed changes are not effected, the entire Louisiana cattle industry could be placed under Federal quarantine, costing the cattle industry millions of dollars.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is estimated that the proposed amendment would have no effect on competition or employment.

Richard Allen
Assistant Commissioner

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Agriculture and Forestry
Office of Animal Health Services
Livestock Sanitary Board**

In accordance with the provisions of LSA 49:950, et seq., the Administrative Procedure Act, and LSA 3:2095, relative to the power of the Livestock Sanitary Board to deal with diseases of animals, notice is hereby given that the Livestock Sanitary Board advertises its intent to amend and/or add to the regulations of the board:

**Title 7
AGRICULTURE AND ANIMALS
Part XXI. Diseases of Animals**

**Chapter 117. Livestock Sanitary Board
Subchapter A. General Provisions**

§11711. Livestock Dealer General Requirements

A. Louisiana livestock dealers may become approved provided the following requirements are met:

1. The facilities are adequate and maintained in a satisfactory condition.
2. The dealer agrees to clean and disinfect the facilities at least once each month with an approved disinfectant.
3. Records of all sales and purchases must be maintained for at least 12 months and made available to representatives of the board upon request. Livestock dealers who are not approved will be governed by LAC 7:XXI.11733 for cattle.

B. The dealer shall furnish the purchaser with the appropriate document (health certificate, individual brucellosis test certificate, brucellosis test chart, etc.) on all animals sold. This document must show that the animals have met the specific requirements stated in this and other regulations.

C. All livestock moving into the state of Louisiana must meet federal interstate requirements; the requirements of LAC 7:XXI.11705, governing the admission of livestock into the state; and the requirements of the state of destination.

D. Failure of an approved livestock dealer to meet the requirements of this and other regulations of the board will result in the revoking of his approval and he will be subject to prosecution as provided in R.S. 3:2096.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:562, R.S. 3:563, and R.S. 3:564.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:615 (June 1985).

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., February 7, 1988, at the following address: William B. Fairchild, D.V.M., State Veterinarian, Louisiana Department of Agriculture and Forestry, Livestock Sanitary Board, Box 1951, Baton Rouge, LA 70821.

Bob Odom
Commissioner

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Title 7
Section 11711**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Implementation of the proposed amendment would not cost or save the state or any local governmental unit, any money.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Implementation of the proposed amendment would have no effect on the revenue collection of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Livestock dealers will no longer have to bear the expense of obtaining health certificates for animals they sell. Instead, they will be able to use laboratory reports, brucellosis test certificates, or other documents which indicate that the animal was tested negative for any test required in the regulation.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
It is estimated that the proposed amendment would have no effect on competition or employment.

Richard Allen
Assistant Commissioner

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Agriculture and Forestry
Office of Animal Health Services
Livestock Sanitary Board**

In accordance with the provisions of LSA 49:950, et seq., the Administrative Procedure Act, and LSA 3:2095, relative to the power of the Livestock Sanitary Board to deal with diseases of animals, notice is hereby given that the Livestock Sanitary Board advertises its intent to amend and/or add to the regulations of the board:

**Title 7
AGRICULTURE AND ANIMALS
Part XXI. Diseases of Animals**

**Chapter 117. Livestock Sanitary Board
Subchapter C. Horses, Mules and Asses**

§11763. Governing the Movement of Horses in Louisiana by Livestock Dealers

All horses, mules and asses which are sold or offered for sale by livestock dealers must meet the general requirements of LAC 7:XXI.11709 and the following specific requirements:

A. All out-of-state horses offered for sale for movement in Louisiana by livestock dealers, must be accompanied by record of an official negative test for Equine Infectious Anemia conducted within the past 12 months.

B. All Louisiana horses offered for sale for movement in Louisiana must be accompanied by record of an official negative

test for Equine Infectious Anemia conducted at an approved laboratory within 12 months of date of sale.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:502.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:615 (June 1985).

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., February 7, 1988, at the following address: William B. Fairchild, D.V.M., State Veterinarian, Louisiana Department of Agriculture and Forestry, Livestock Sanitary Board, Box 1951, Baton Rouge, LA 70821.

Bob Odom
Commissioner

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Title 7
Section 11763**

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

Implementation of the proposed amendment would not cost or save the state or any local governmental unit, any money.

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

Implementation of the proposed amendment would have no effect on the revenue collection of state or local governmental units.

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

Louisiana livestock dealers could obtain Equine Infectious Anemia test results 24 hours sooner than they can now, which would save the livestock dealer the cost of one day's care of a horse.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is estimated that the proposed amendment would have no effect on competition or employment.

Richard Allen
Assistant Commissioner

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Agriculture and Forestry
Office of Animal Health Services
Livestock Sanitary Board**

In accordance with the provisions of LSA 49:950, et seq., the Administrative Procedure Act, and LSA 3:2095, relative to the power of the Livestock Sanitary Board to deal with diseases of animals, notice is hereby given that the Livestock Sanitary Board advertises its intent to amend and/or add to the regulations of the board:

**Title 7
AGRICULTURE AND ANIMALS
Part XXI. Diseases of Animals**

Chapter 117. Livestock Sanitary Board

Subchapter D. Poultry

§11767. Health Requirements Governing Admission of Poultry

All poultry entering the state must meet the general requirements of LAC 7:XXI.11703 and the following specific requirements:

A. All poultry or poultry eggs, for hatching, shall not be imported into Louisiana unless they originate in negative tested flocks under the supervision of the National Poultry Improvement Plan, or in flocks that have passed a negative blood test for pullorum disease under the supervision of the proper state Livestock Sanitary Board official, within 30 days prior to entry.

B. Poultry consigned to a recognized slaughter establishment may enter the state on a waybill, which must include the name and address of the consignee, number of birds and the name and address of the slaughter establishment. If, in the opinion of an authorized agent of the Livestock Sanitary Board, poultry consigned to a recognized slaughter establishment is of questionable health, the entire shipment will be immediately quarantined and consigned to a poultry establishment maintaining federal inspection for wholesomeness, or be returned to the state of origin.

C. The state veterinarian may prohibit the entry of birds, eggs or poultry by-products into Louisiana from any state which has an area under quarantine due to a contagious and/or infectious disease in the state which in his opinion, may seriously threaten the health of Louisiana poultry.

D. Psitticine birds and mynah birds may be imported into Louisiana under permit issued by the state veterinarian. All birds imported into Louisiana will be quarantined at destination for 90 days.

E. No permits will be issued for importation into Louisiana of psitticine birds or mynah birds that have been vaccinated for newcastle disease.

F. Birds determined to be infected with or exposed to exotic newcastle disease shall be destroyed (without compensation to owner).

G. All poultry brought into Louisiana shall be accompanied by a VS Form 9-2, indicating the flock of origin is under the National Poultry Improvement Plan and is free of salmonella pullorum (pullorum) and salmonella gallinarum (typhoid) If the flock of origin is not under the National Poultry Improvement Plan, the birds must be accompanied by a test report from an approved laboratory indicating the birds were tested negative for salmonella pullorum/typhoid within 30 days prior to entry into Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:615 (June 1985).

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., February 7, 1988, at the following address: William B. Fairchild, D.V.M., State Veterinarian, Louisiana Department of Agriculture and Forestry, Livestock Sanitary Board, Box 1951, Baton Rouge, LA 70821.

Bob Odom
Commissioner

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Title 7
Section 11767**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Implementation of the proposed amendment would not cost or save the state or any local governmental unit, any money.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Implementation of the proposed amendment would have no effect on revenue collection of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
It is estimated that there will be no additional cost to affected persons or non-governmental groups, if the proposed amendment is implemented.
It is estimated that there will be a positive economic benefit to affected persons, or non-governmental groups, in that the proposed action, if implemented, would assure those purchasing poultry that they would receive poultry or poultry eggs, that would be free of two diseases which could increase their cost of production.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
It is estimated that the proposed amendment would have no effect on competition or employment.

Richard Allen
Assistant Commissioner

David W. Hood
Legislative Fiscal Analyst

**NOTICE OF INTENT
Department of Agriculture and Forestry
Office of Animal Health Services
Livestock Sanitary Board**

In accordance with the provisions of LSA 49:950, et seq., the Administrative Procedure Act, and LSA 3:2095, relative to the power of the Livestock Sanitary Board to deal with diseases of animals, notice is hereby given that the Livestock Sanitary Board advertises its intent to amend and/or add to the regulations of the board.

**Title 7
AGRICULTURE AND ANIMALS
Part XXI. Diseases of Animals**

**Chapter 117. Livestock Sanitary Board
Subchapter B. Cattle**

§11737. Governing the Sale of Cattle in Louisiana by Livestock Dealers

All cattle which are sold or offered for sale by livestock dealers must meet the general requirements of LAC 7:XXI.11711 and the following specific requirements:

- A. Brucellosis
1. No cattle may be sold or purchased from brucellosis quarantined herds except as provided for in LAC 7:XXI.11749.
 2. a. All cattle 12 months of age and over, must be nega-

tive to the brucellosis card test within 30 days prior to sale. The date and results of the test and individual identification of each animal must be recorded on the official health certificate. Exceptions to LAC 7:XXI.11737.A.2. are:

- i. steers and spayed heifers;
 - ii. individually identified official brucellosis calfhood vaccinated heifers under 20 months of age for dairy breeds and under 24 months of age for beef breeds, which are not parturient or post-parturient, that originate in and move directly from a herd known not to be infected. The vaccination tattoo must be recorded on the health certificate.
 - iii. individually identified cattle originating in and moving directly from a brucellosis certified free herd. The certified herd number must be recorded on the health certificate.
 - iv. bulls less than 18 months of age.
- b. In instances where brucellosis reactors are found, the reactor animals must be branded with a three-inch hot brand on the left jaw with the letter "B" and a brucellosis reactor tag must be placed in the left ear. The branding of reactors and placement of reactor tags must be accomplished immediately after the animals are found to be brucellosis reactors. All other cattle that have been co-mingled with the reactor animals for more than 24 hours are considered exposed and must be branded on the left jaw or high on the tail head by a three-inch hot brand with the letter "S." The reactor and exposed cattle shall be separated from all other cattle immediately and placed in quarantine pens identified as such by conspicuously placed signs. The movement of such cattle shall be restricted to:
- i. The reactor cattle must be sold directly to an approved slaughter establishment or at an approved livestock auction market for sale to such slaughtering establishment. These animals must be accompanied by a VS Form 1-27.
 - ii. The exposed cattle may be moved to an approved slaughter establishment or to a state-federal approved quarantine feedlot, or to an approved livestock auction market to be sold to an approved slaughter establishment or to an approved quarantine feedlot. These animals must move on a VS Form 1-27.
 - iii. Exceptions to the above restrictions are:
 - a. heifers between four and 12 months of age that are brucellosis calfhood vaccinated;
 - b. steers and spayed heifers;
 - c. heifer calves four months of age and under and bull calves six months of age and under, whose dam tested negative for brucellosis.
3. a. All heifer calves between four and 12 months of age must be vaccinated with USDA approved Brucellosis Strain 19 vaccine, prior to being sold.
- b. heifers and cows over 12 months of age must meet the following requirements before a dealer can purchase and resell these animals:
- i. Heifers and cows over 12 months of age, born after January 1, 1982, must be official brucellosis vaccinates (calfhood or adult), be from a producer's herd (not a herd owned by the dealer), that has had a complete negative brucellosis herd test conducted in the past 12 months, be negative to the brucellosis card test within 30 days prior to, or at the time of, purchase by the dealer, and the animals do not come in contact with animals other than those from the herd of origin. The dealer must keep a copy of the complete negative brucellosis herd test with his records to show that the animals have met the above requirements.
 - ii. Effective January 1, 1989, all heifers and cows over 12 months of age must meet the requirements of A.3. b. i. above,

before a dealer can purchase and resell these animals.

c. All livestock dealers must do the following with all of their cattle herds in order for them to be in compliance with this regulation and before they can sell any heifers and cows over 12 months of age from cattle herds owned by them.

i. All livestock dealers must identify and record with the Livestock Sanitary Board, all of their cattle herds.

ii. All livestock dealers must test all of their cattle herds annually.

iii. All permitted livestock dealers must maintain records and appropriate documents to show that purchased heifers and cows added to their herds met the brucellosis testing requirements in effect at the time of purchase.

4. Cattle over six months of age originating in brucellosis quarantined areas must originate from a qualified herd (known not to be infected), and must pass a negative card test for brucellosis, not less than 30 days from the date of herd qualification and within 30 days of the date of sale. The date and results of the test and individual identification of each animal must be recorded on the official health certificate.

5. All cattle 18 months of age and over, as evidenced by the presence of the first pair of permanent teeth, including animals under these ages which are parturient or post-parturient, must be negative to the brucellosis card test within 30 days prior to purchase from herds not under quarantine for brucellosis. The official test chart, health certificate, or a certificate of veterinary inspection, or an individual brucellosis test record, must be kept for a period of 24 months following the purchase of any brucellosis tested cattle. Exceptions to this Paragraph are:

a. steers and spayed heifers;

b. individually identified official brucellosis calfhood vaccinated heifers under 20 months of age for dairy breeds and under 24 months of age for beef breeds.

c. individually identified cattle originating in and moving directly from a certified brucellosis-free herd.

d. Test eligible cattle may be moved from a producer's premise to a dealer's premise enroute to an approved stockyard or approved slaughter establishment without being tested for brucellosis, provided the test is completed within 72 hours of movement from the producer's premises; and records are maintained to identify the animals and identify the herd of origin. Contact with other cattle is not permitted.

B. Tuberculosis

No cattle shall be purchased from tuberculosis quarantined herds unless moving directly to slaughter and must be "S" branded and accompanied by VS Form 1-27.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:562, R.S. 3:2221, and R.S. 3:2228.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:651 (June 1985); Amended LR 12:502 (August 1986); Amended LR 13:558 (October 1987).

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., February 7, 1988, at the following address: William B. Fairchild, D.V.M., State Veterinarian, Louisiana Department of Agriculture and Forestry, Livestock Sanitary Board, Box 1951, Baton Rouge, LA 70821.

Bob Odom
Commissioner

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Title 7 Section 11737 A.2.a.

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Implementation of the proposed amendment would not increase or decrease the cost of the state or any local governmental unit.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Implementation of the proposed amendment would have no effect on the collection of revenue by state or local governmental units, because, the proposed amendment does not involve the collection of any funds by these groups.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
There will be no cost or benefit to affected persons, because, the animals affected by this change are presently required to be tested by other parts of this and other regulations.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
It is estimated that the proposed amendment would have no effect on competition or employment.

Richard Allen
Assistant Commissioner

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Department of State Civil Service Civil Service Commission

The State Civil Service Commission will hold a public hearing on Wednesday, February 3, 1988 to consider the regular adoption of emergency rule 6.7, which is contained in this issue of the *Louisiana Register*. This emergency rule becomes effective January 20, 1988.

The hearing will begin at 8 a.m. in the Twelfth Floor Commission Hearing Room, Republic Tower Building, 5700 Florida Boulevard, Baton Rouge, LA.

Persons interested in making comments relative to this proposal may do so at the public hearing or by writing to the director of State Civil Service at Box 94111, Baton Rouge, LA 70804-9111.

Herbert L. Sumrall
Director

NOTICE OF INTENT

Department of Commerce Racing Commission

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to adopt rule LAC 35:I. 1304 Coggins Test as follows:

**Title 35
HORSE RACING
Part I. General Provisions**

Chapter 13. Health Rules

§1304. Coggins Test

No horse shall be allowed to race in Louisiana unless it has had a Coggins test taken within 12 months of the date of the race in question, with a negative result. Record of the negative test shall be attached to registration papers of the horse, or such results shall be recorded on said registration papers by an employee of the commission, prior to the running of the race. The trainer of the horse is responsible for insuring that a negative Coggins test result is in the racing secretary's office as required by this rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and 142.

HISTORICAL NOTE: Promulgated by the Louisiana State Racing Commission.

The office of the Racing Commission is open from 9 a.m. to 4 p.m. and interested parties may contact Tom Trenchard or Alan J. LeVasseur at (504) 568-5870 or LINC 621-5870, holidays and weekends excluded, for more information. All interested persons may submit written comments relative to this rule through Friday, January 8, 1988 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Albert M. Stall
Chairman

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: LAC 35:I.1304 Coggins Test

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no costs.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
A negative Coggins test, required by this rule, insures the safety and health of nearby horses, by preventing the contagious disease Equine Infectious Anemia (EIA) (Swamp Fever). Consequently, the economic benefits are to the horsemen by preventing death to their horses as a result of this deadly disease. There is no vaccine and no cure.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no effect on competition nor employment.

Albert M. Stall
Chairman

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Commerce
Racing Commission**

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to amend rule LAC 35:XIII.11201E "Twin Trifecta" as follows:

**Title 35
HORSE RACING
Part XIII. Wagering**

Chapter 112. Twin Trifecta

§11201. Twin Trifecta

A. - H. ...

I. After the official declaration of the first three horses to finish in the first race of the twin trifecta, each bettor holding a ticket combining the first three horses in the exact order of finish must, prior to the running of the second twin trifecta race, exchange such winning tickets for both the monetary value established by the mutuel department and a twin trifecta exchange ticket at designated windows and at such time shall select the first three horses to finish in the second race of the twin trifecta in the exact order of finish as officially posted. No further money shall be required of the holder of winning tickets in order to make the exchange. When the official finish of the first twin trifecta race requires application of Paragraph H to determine the winning combination, no exchange tickets shall be issued on the second twin trifecta race, and the second race pool shall be treated in accordance with Paragraph N.

J. - R. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission LR 12:419 (July, 1986).

The office of the Racing Commission is open from 9 a.m. to 4 p.m. and interested parties may contact Tom Trenchard or Alan J. LeVasseur at (504) 568-5870 or LINC 621-5870, holidays and weekends excluded, for more information. All interested persons may submit written comments relative to this rule through Friday, February 8, 1988 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Albert M. Stall
Chairman

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: LAC 35:XIII.11201(I) "Twin Trifecta"

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no costs.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Benefits are to patrons, as this amendment clears up the distribution of the twin trifecta payoff.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no effect on competition nor employment.

Albert M. Stall
Chairman

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Department of Culture, Recreation and Tourism Office of Cultural Development

Title 25 CULTURAL RESOURCES

Part I. Office of Cultural Development Chapter 2. Guidelines for the Division of Archaeology's Grants Program.

§201. Purpose

The purpose of the Division of Archaeology's grants program is to identify, to protect, and to promote the archaeological resources of the state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.

§203. Eligibility

A project is eligible for funding if:

A. it addresses a need set forth in Louisiana's Comprehensive Archaeological Plan;

B. all work is conducted under the supervision of a qualified professional;

C. the applicant has the ability to successfully administer the financial responsibilities of the grant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.

§205. Matching Requirements

Both the federal and state grants administered by the division are matching and reimbursable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.

§207. Evaluation Criteria

All proposals are evaluated based on yearly priorities set forth by the Division of Archaeology, on the quality of the proposal, and on the competence and the past performance of the applicant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.

§209. Application Procedure

In September of each year, the Division of Archaeology announces the priorities for the following year's grants. Proposals are due in early January. Awards are announced in March. Projects may begin as soon as funds are available.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.

§211. Review Process

All proposals are reviewed by the staff of the Division of Archaeology and by members of the Louisiana Archaeological Survey and Antiquities Commission who advise the State Historic Preservation Officer on the selection of grants to be funded. The final decision on funding is made by the State Historic Preservation Officer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.

Interested parties may submit written comments on the proposed rules through January 8, 1988 to Dr. Kathleen Byrd,

State Archaeologist, Division of Archaeology, Box 44247, Baton Rouge, LA 70804.

Noelle LeBlanc
Secretary

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Guidelines for the Division of Archaeology's Grants

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

There will be no implementation costs (savings) to state or local governmental units. This is an existing federal grants program and existing staff will continue to manage the program.

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

There will be no effect on revenue collections of state or local governmental units since there are no fees or revenue involved.

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

There will be no costs and/or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Robert B. DeBlieux
Assistant Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Department of Culture, Recreation and Tourism Division of Black Culture

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., notice is hereby given that the Division of Black Culture intends to revise the following rules and regulations. The revisions will not have an economic impact or benefit. The revisions and changes herein refer to rules published in L.R. 12:2 (June, 1987).

Title 25 CULTURAL RESOURCES

Part I. Office of Cultural Development Chapter 7. Division of Black Culture

§709. Limitations (Amended)

Only one program/project per organization per State fiscal year may be funded. All programs/projects must be implemented and completed no later than May 30. Grant funds may not be used for costs related to hospitality (i.e. food, beverages, banquets, receptions, etc.).

§711. How to Apply (Amended)

Request application in writing from the Division of Black Culture, Box 44247, Baton Rouge, Louisiana 70804. Due Date:

All applications are due in the Division of Black Culture during the fall of each year; dates to be announced.

Interested parties may submit written comments on the proposed rules through January 8, 1988 to Ruth Wesley, Division of Black Culture, Box 44247, Baton Rouge, LA 70804.

Noelle LeBlanc
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Black Culture Grant Guidelines**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no additional costs or savings to state or local governmental units as a result of adopting these rules. Existing staff can handle the associated workload.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no effect on revenue collections of state and local governmental units being that these rules do not require the collection of fees and revenues.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Affected groups will be required to provide a dollar-for-dollar and/or in-kind match. Affected groups will also benefit by being allowed to take advantage of a new funding source.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
Adoption of these rules should have no effect on competition and employment.

Robert B. DeBlieux
Assistant Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Culture, Recreation and Tourism
Office of Cultural Development**

**Title 25
CULTURAL RESOURCES**

Part I. Office of Cultural Development

Chapter 10. Guidelines for the Division of Historic Preservation's Grant Program

§1001. Purpose

The purpose of the Division of Historic Preservation grants program is to identify historic sites and structures in Louisiana and provide for their preservation and enhancement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:108.

§1003. Eligibility

A project is eligible for funding if:

A. It addresses a need set forth in Louisiana Cultural Resources Comprehensive Plan.

B. All work is conducted under the supervision of a qualified professional acceptable to the Division of Historic Preservation.

C. The applicant has the ability to successfully administer the financial responsibilities of the grant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:208.

§1005. Matching Requirements

All federal grants administered by the division are matching and reimbursable. All state grants administered by the division are reimbursable. Matching requirements for individual state grants are determined by the State Historic Preservation Office.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:208.

§1007. Evaluation Criteria

All proposals are evaluated based on yearly priorities set forth by the Division of Historic Preservation, on the quality of the proposal, and on the competence and the past performance of the applicant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:208.

§1009. Application Procedure

In September of each year the Division of Historic Preservation announces the priorities for the following year's grants. Proposals are due in early February and awards are announced in April. The specific requirements for each type of grant proposal are determined by the State Historic Preservation Office.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:208.

§1011. Review Process

All proposals are reviewed by the staff of the Division of Historic Preservation and ranked according to priorities set forth in the Louisiana Cultural Resource Comprehensive Plan. The final selection on funding is made by the State Historic Preservation Officer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:208.

Interested parties may submit written comments on the proposed rules through January 8, 1988 to Jonathan Fricker, Division of Historic Preservation, Box 44247, Baton Rouge, LA 70804.

Noelle LeBlanc
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Guidelines for the Division of
Historic Preservation Grants Program**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no implementation costs (savings) to state or local governmental units. This is an existing federal grants program and existing staff will continue to manage the program.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections of state or local governmental units since there are no fees or revenue involved.

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

There will be no costs and/or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Robert B. DeBlieux
Assistant Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Department of Culture, Recreation and Tourism Litter Control and Recycling Commission

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., notice is hereby given that the Louisiana Litter Control and Recycling Commission intends to issue the following rules and regulations which will have an economic impact or benefit. The rules and regulations herein refer to requirements of Act 936, 1987 Regular Session.

Title 25

LOUISIANA LITTER CONTROL AND RECYCLING COMMISSION

Part V: Office of Tourism

Chapter 3. Placement of Litter Receptacles.

§301. Purpose

By provision of Act 936, the Louisiana Litter Control and Recycling Commission has been delegated authority to conduct a permanent and continuous program to control and remove litter from the state to the maximum extent possible. The purpose of these rules is to provide minimum standards for litter receptacles throughout the state, pursuant to the authority set forth in R.S. 25:1110 et seq. as amended by Act 936 of the 1987 Regular Session.

§303. Definitions

The following words and phrases as used herein have the following meanings unless context clearly dictates otherwise:

A. *Anti-litter symbol* means the standard symbol adopted by this commission.

B. *Department* means the Louisiana State Department of Culture, Recreation and Tourism.

C. *The Commission* means the Louisiana Litter Control and Recycling Commission.

D. *Litter* means waste materials including, but not limited to, disposable packages or containers susceptible to being dropped, deposited, discarded, or otherwise disposed of upon any property in the state, but not including wastes of primary processes of manufacturing, farming, sawmilling, logging, mining, etc.

E. *Litter receptacle* means a container of not less than 15 gallons constructed, appropriately marked, and placed for use as a temporary depository for litter. Any containers, commonly referred to as "dumpsters," and any garbage receptacle for deposit

of litter for single or multi-family residences may be used and shall in no way be governed by these rules.

F. *Person* shall mean any industry, public or private corporation, partnership, association, firm, individual, or other entity whatsoever.

G. *Public place* means any area that is used or held out for the use of the public whether owned and operated by public or private interests, but not including in-door areas. Any in-door area shall be construed to mean any enclosed area covered with a roof and protected from moisture and wind.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:1110.

§305. Responsibility to Procure and Place Litter Receptacles.

It shall be the responsibility of any person owning or operating any establishment or public place in which litter receptacles are required by these rules and regulations to procure, place and maintain such receptacles at their own expense on the premises in accordance with the provisions of these rules and regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:1110.

§307. Litter Receptacles: Where Required and Number Required

Litter receptacles meeting the standards established by these rules shall be placed in the following public places in the state.

No variance from the provisions of these rules and regulations shall be allowed except upon the express permission of the Louisiana Litter Control and Recycling Commission.

Notwithstanding the minimum requirements of these rules and regulations, any public place in which litter receptacles meeting the standards of these rules are required, that is found to have an accumulation of uncontained litter under circumstances that the person responsible for placing receptacles could have reasonably anticipated the amount of litter shall be deemed to have an insufficient number of receptacles and to be in non-compliance with these rules.

A. At public rest areas located along highways outside the limits of incorporated cities and towns—one receptacle for every 20 parking spaces.

B. Each new home, commercial and industrial construction site shall have a minimum of one receptacle per site plus additional receptacles as necessary to contain litter generated by workers. The need for additional receptacles shall be determined by the general contractor.

C. Parks, campgrounds, and trailer facilities for transient habitation (excluding facilities operated by the Office of State Parks)—one receptacle at each public restroom facility, one at each trailhead giving access by foot, motorcycle, bicycle allowing excursion out of the central activity area. One for each facility or area at which food or drink is sold; plus one receptacle as necessary to accommodate the need for a litter depository as determined by the operator of the facility.

D. Drive-in and fast food restaurants, tavern parking areas, and convenience "quick stop" parking areas—one receptacle per establishment and plus additional receptacles as necessary to contain litter generated by the facility. The need shall be determined by the operator of the facility.

E. Shopping centers, theaters, merchandise stores, grocery and drug store parking areas having a minimum of 15 parking spaces shall provide one receptacle, and, thereafter there

shall be an additional receptacle for every 150 spaces in excess of 50.

F. Gasoline service stations—one receptacle placed at each gasoline service island, with a minimum of one receptacle for each side of station on which gasoline pumps are located.

G. Marinas, boat launching areas, boat moorage and fueling stations, and public and commercially operated private piers—one receptacle at each such place; or one receptacle for every 15 slips; or one receptacle for every 100 linear feet of dock space.

H. Ferry landings—one receptacle on each side of dock areas, plus one receptacle for every 50 automobile spaces in parking areas adjacent to ferry dock.

I. Beaches and swimming areas—one receptacle at each public restroom facility and one at each access point officially designated as such by the primary jurisdictional authority.

J. Hunting, fishing, and other sports areas having unmarked automobile, boat trailer, or travel trailer spaces for parking shall have a minimum of one receptacle and thereafter there shall be an additional receptacle for 20 parking spaces.

K. Outdoor parking lots, temporary or otherwise, other than those specified above having a capacity of more than 50 automobile or vehicle parking spaces—one receptacle for every 150 parking spaces.

L. Fairground and festival areas, circuses, and other short-term events to which the public is invited—one receptacle for every 200 feet of foot path or sidewalk and one receptacle for every 15 parking spaces, thereafter there shall be an additional receptacle for every 150 automobile parking spaces and one receptacle for every public restroom facility.

M. Racetrack and other sporting event site—one receptacle for every 15 automobile parking spaces and one additional receptacle for every 150 automobile parking spaces; one receptacle for each entrance and exit; one receptacle at each public restroom facility.

N. Business district sidewalks of incorporated cities and towns—one receptacle on each side of the street per block.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:1110.

§309. Minimum Standards

Litter receptacles procured and placed in public places as required by these rules and regulations shall meet the following minimum standards:

A. General Specifications

1. The body of each litter receptacle shall be constructed of a minimum of 24-gauge galvanized metal or other material of equivalent strength, that will withstand normal wear and tear, reasonably resist corrosion and acts of vandalism.

2. Receptacles should be constructed, covered, or used in such a manner as to prevent, or preclude, the blowing of litter from the receptacle.

3. Openings in covered litter receptacles shall be readily identifiable and readily accessible for the deposit of litter.

4. Construction and general configuration of litter receptacles shall be in conformance with all pertinent laws, ordinances, resolutions or regulations pertaining to fire, safety, public health or welfare.

B. Color and Marking

1. The entire outer surface of each litter receptacle shall be white, navy blue, dark brown, or tan, if painted, however, if construction consists of aggregate concrete or wood, the natural color is acceptable.

2. Each litter receptacle shall bear the official anti-litter symbol as adopted herein. The symbol shall be colored medium blue, bright gold and white. The symbol shall not be distorted as to proportion and shall not be incorporated into a commercial advertisement on the receptacle. The symbol shall be a uniform size of 10" in width and 12" for side mounting or 4" in width and 5" in height for top side mounting constructed from heat activated materials designed for outside use.

3. Underground receptacles installed with foot pedal lids are exempt from logo requirements.

4. No commercial advertisement shall be placed on any litter receptacle within eight inches (8") of the official logo. However, the person owning any receptacle may place a single line on the receptacle identifying his ownership, and a single credit line designating any donor of the litter receptacle other than the owner himself. That lettering may not exceed 1/2" in height and may not interfere with or distract from the prominence of the anti-litter symbol.

C. Maintenance

Compliance with these minimum standards shall include proper upkeep, maintenance and repair of litter receptacles sufficient to permit such receptacles to serve the functions for which they were designed and to prevent the appearance of such receptacles from becoming unsightly. Inadequately maintained or unsightly litter receptacles shall be in violation of these minimum standards.

Whenever litter receptacles are placed in any public place other than where required by these rules and regulations, such receptacles shall conform to the provisions of these rules and regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:1110.

§311. Anti-Litter Symbol

The official state anti-litter symbol shall be the symbol depicted in these rules conforming to that same symbol in present use on Adopt-A-Road highway litter watch signs erected on Louisiana highways. A limited number of these decals will be available from the Louisiana Litter Control and Recycling Commission. After that number is depleted decals may be purchased from any on a list of suppliers available from the office of the commission.

§313. Prohibited Acts

A. No person shall damage, deface, abuse or misuse any litter receptacle not owned by him so as to interfere with its proper function or to deface from its proper appearance.

B. No person shall deposit leaves, clippings, prunings, garden refuse, or any other yard waste in any public litter receptacle.

C. No person shall deposit household garbage in any litter receptacle: Provided, that this Subsection shall not be construed to mean that wastes of food consumed on the premises or in an automobile or other vehicle at any public place may not be deposited in litter receptacles.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:1110.

§315. Penalties

Penalties for violation of this chapter shall be in accordance with R.S. 25:1111.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:1110.

§317. Effective Date and Compliance

A. These rules become effective on final publication in the *Louisiana Register*.

B. All litter receptacles in any public place designated in these rules and regulations which are placed after the effective date hereof shall conform to the provisions of these rules and regulations.

C. Litter receptacles in any public place designated in these rules and regulations which were in place prior to the effective date hereof shall be modified to conform with marking, placement and color requirements of these rules and regulations no later than six months from the effective date specified above.

D. All litter receptacles in any public place designated by these rules and regulations shall be modified or replaced so as to fully conform with all requirements of these rules and regulations no later than one year from effective date of these rules and regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:1110.

Interested persons may submit written comments on the proposed rules to Barbara Anne Coltharp, Director, Louisiana Litter Control and Recycling Commission, Box 94291, Baton Rouge, LA 70804, or attend a public hearing, Tuesday, February 2, 1988 in the Louisiana State Library at 1:30 p.m.

Noelle LeBlanc
Secretary

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Placement of Litter Receptacles Rules and Regulations for Act 936

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

Estimated cost to state and local government units cannot be determined because of the diverse affected areas. These proposed rules require receptacles be placed at public areas, sporting event sites, business districts, ferry landings, and other similar government properties with public parking areas. Due to insufficient data, it is impossible to determine the number of sites that will be affected by these rules. Estimates indicate that the cost per receptacle could range from \$0-250. Additionally, some maintenance may be required for the upkeep, cleaning and emptying of receptacles.

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

There will be no estimated effect on revenue collection on state or local government units except in those instances where penalties may be levied against violators of these proposed rules. However, an estimate of the number of possible penalties and assessments cannot be determined.

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

The estimated costs will be experienced by private groups/corporations in the purchase and placement of receptacles (approximately \$0-250 per receptacle). There may be additional costs for maintenance and upkeep. Persons affected include shopping centers, theaters, gasoline stations, campgrounds, hunting areas, taverns, convenience

stores, etc.

Economic benefits could be realized by those suppliers who print decals and those who sell receptacles.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Adoption of these proposed rules could result in additional employment because of the placement and maintenance of an increased number of receptacles. Indirectly, more jobs relating to tourism may result.

Noelle LeBlanc
Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

Amendments to Nonpublic School Standards

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the following amendments to the nonpublic school standards as recommended by the Nonpublic School Commission:

1. Add standard 6.006.01 to read: Each state approved nonpublic school receiving state and/or federal funds shall ensure that all colleges and universities have equal access to the schools for the purpose of college recruitment.

2. Delete reference blocks (R.S. 17:154.1) regarding Minimum Session/Instructional Day under standard 6.009.16 on page 3 and standards 6.037.10 and 6.037.11 on page 8.

3. Add standard 6.116.04, page 43 to read: The summer school administrator shall have written permission from the principal of the student's home school for the student to attend summer school if credit is to be awarded.

4. Under standard 6.116.05, include the following in the procedural block: An on-site visit shall be made by personnel from the State Department of Education to verify information submitted on the report.

5. Amend the last paragraph under standard 6.113.04 on page 41 to read: In order for summer schools to be approved, an on-site visit shall be made by personnel from the State Department of Education to verify information submitted on the report.

6. Delete the first procedural block under standard 6.113.15, page 42.

7. Amend the definition of unapproved (U), under Classification Categories under standard 6.006.01 page 2 to read: School maintains any of the above-mentioned deviations from standards which placed it in the probationally approved category the preceding year. A school may not maintain a probationally approved category for two consecutive years.

8. Amend standard 6.090.05, page 13 to reflect Grades 1-6 rather than Grades 1-8.

9. Amend standard 6.026.03, page 5 to read: If a school discontinues its operation, it must provide each student with an up-to-date copy of his permanent cumulative record, if requested.

10. Amend language in the procedural block under standard 6.016.15 page 4 to read: Teachers in the pre-kindergarten class shall be qualified in either elementary, kindergarten, nursery school, or have 12 hours in child growth and

development. The 12 hours in child growth and development may be earned through the College of Education or the Department/School of Home Economics.

[and]

Teachers in the kindergarten class shall be qualified in either elementary, kindergarten, or have 12 hours in child growth and development. The 12 hours in child growth and development may be earned through the College of Education or the Department/School of Home Economics.

11. Amend the procedural block under standard 6.016.19, page 4 to read: There are no grade level restrictions for teachers. Secondary and elementary personnel may teach grades 1-12 in their qualified areas.

12. Amend the list of Science requirements under standard 6.099.01, page 15, to include Biology II, after Environmental Science and delete Biology II from the third procedural block on page 16. Add a fourth procedural block to read: Biology II shall be used as an elective unit when taken prior to the 1987-88 school year.

13. Amend standard 6.027.02, page 7 to read: Annual Statistical Reports - Statistical information required for the completion of the State Annual Financial Statistical Report shall be recorded on forms furnished by the State Department of Education.

14. Amend the procedural block to read: A complete form shall be sent to each nonpublic school principal by the State Department of Education. A copy of this report shall be filed in the principal's office and a copy forwarded to the Bureau of Research in the State Department of Education. Copies will be sent to the public superintendent's office upon request.

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., March 9, 1988 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Dr. James Meza, Jr.
Executive Director

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Nonpublic School Commission Motions 1-13

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

These are procedural changes in Bulletin 741. The cost for printing and postage to notify the school systems will be \$500.

The State Department of Education is presently conducting on-site visits for summer schools and the proposed rule will place this inspection in Bulletin 741. The cost is minimal (under \$1000).

The nonpublic schools which discontinue their operation will incur some expenses due to the requirement of transmitting to students their permanent cumulative record, if requested. The costs are expected to be minimal for each school.

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

There will be no effect on revenue collection of state or local governmental units.

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

The pool of eligible teachers for pre-kindergarten and kindergarten will be expanded thus providing an economic benefit to those employed.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be some greater competition for the pre-kindergarten and kindergarten positions.

Joseph F. Kyle
Deputy Superintendent

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education Committee

Add Standard 1.026.15 to Bulletin 741

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the following amendment for addition to Bulletin 741:

1.026.15 - Child welfare and attendance personnel shall maintain an accurate school census on all school-age children based on information obtained from the schools within their system.

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., March 9, 1988 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Dr. James Meza, Jr.
Executive Director

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Motion 47 – Elementary and Secondary Committee

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

This change would cost about \$50 for printing and postage to notify the school systems.

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

There will be no effect on revenue collections of state or local governmental units.

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

This policy change will incorporate census requirements to coincide with legislative statutes and clarify school policies as they relate to Bulletin 741 and school attendance.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Joseph F. Kyle
Deputy Superintendent

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

Amendment to Bulletin 1794

In accordance with R.S. 49:590 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the following proposed plan to comply with Act 349 (1987) as submitted by the State Department of Education:

1. During the months of February 1 through May 31, Louisiana School for Math, Science and the Arts and other local school boards with gifted programs will be allowed, on an ad hoc basis, to review and evaluate textbooks not on the state approved textbook list to recommend to the Board of Elementary and Secondary Education for approval for use only in the gifted program.

2. The Board of Elementary and Secondary Education would receive the recommendations and forward them to the Textbook and Media Advisory Council and the Textbook and Media Committee to review to make recommendations to the full board (this would take place during the month of June).

3. For those books that the Board of Elementary and Secondary Education approves, a State Textbook Contract will be entered into with the publishers effective July 1.

4. The Board of Elementary and Secondary Education will waive specifications for the manufacturing of those books with the stipulation that the publisher be responsible for replacement up to four years, providing the book has not been negligently abused. (Replacement, if under normal use, the book does not hold up for four years.)

5. All other procedures will be followed as they now exist in the ordering, delivery, and payment for textbooks.

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., March 9, 1988 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Dr. James Meza, Jr.
Executive Director

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Amendment to Bulletin 1794

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

There will be no cost (savings) to state or local governmental units to implement proposed action.

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

Revenue collection of state or local governmental units will not be affected by proposed plan.

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

There will be no cost and/or economic benefits to directly affect persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed plan will have no effect on competition and employment.

Joseph F. Kyle
Deputy Superintendent

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Office of the Governor Division of Administration Office of Telecommunications Management

The Division of Administration, Office of Telecommunications Management hereby gives notice in accordance with R.S. 49:950 et seq., and R.S. 39:140-143 that it intends to amend LAC 4:IX.901 and LAC 4:IX.2103 relative to telecommunications use and telephone repair procedures.

Chapter 9. Telecommunications Use §901. General

A. - B. ...

C. Collect calls shall not be accepted on state telephones.

To foster this directive, telephone serving facilities have been designed to block the reception of collect calls.

In order to receive any collect calls, a specific modification has to be made to the telephone serving facilities. The procedure for making such modifications and granting an exception to this directive requires a written request be submitted by the agency head to the director of Office of Telecommunications Management.

D. Third number calls billed to state telephone numbers are prohibited. To foster this directive, telephone serving facilities have been designed to block the reception of third number calls.

In order to receive any third number calls, a specific modification has to be made to the telephone serving facilities. The procedure for making such modification and granting an exception to this directive requires a written request be submitted by the agency to the director of Office of Telecommunications Management.

Chapter 21. Telecommunications Repair §2103. Telephone Repair Procedures

A. Telecommunications users will report problems to the Help Desk at (504) 925-7777 (LINC 427-7777). The Help Desk exists to provide all agency telecommunications users with a single point of contact for reporting all problems regarding telecommunications equipment, services, and features. The Help Desk will also provide assistance in directing all other problems or inquiries concerning billings, new orders, changes, etc. to the appropriate Office of Telecommunications Management party.

B. The Help Desk will receive the user's call and record the necessary information as outlined on the problem reporting form. This information will be recorded on an automated Problem Management System for tracking purposes. The Help Desk will attempt to immediately resolve the user's problem. If an immediate solution is not identifiable, the Help Desk will then forward the report to the appropriate vendor or support personnel for resolution.

Vendors or support personnel acting on a problem report or inquiry will resolve the user's problem and inform the Help Desk of the problem resolution.

Help Desk personnel will then update the automated problem management system and inform the user of problem

disposition. The user will verify problem resolution and the Help Desk will then close out the problem report.

C. A large number of problems that are reported relate to the telephone or telephone handset. It is suggested that prior to reporting these type problems the user should check the following: Is the handset plugged in? Is the handset cord frayed or damaged? Replace the handset with a known working handset. Does the trouble still exist? (Bad handsets can cause low volume, distorted transmission, etc.) Is the phone plugged into both modular jacks (phone and wall)? Is the phone call forwarded? If the phone has an A/C transformer, is it plugged into an A/C receptacle and does the receptacle work? Plug in a spare phone. Does the trouble still exist? If so, call the Help Desk at (504) 925-7777 (LINC 427-7777).

Interested persons may direct written inquiries until 4:30 p.m., February 8, 1988 to Rhonda Brown, Education Manager, Office of Telecommunications Management, Box 94280, Baton Rouge, LA 70804-9280, (504) 925-7015 (LINC 427-7015).

C. Wayne Hernandez
Director

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Telecommunications Use; Telephone Repair Procedures

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

There will be no implementation costs to state or local governmental units. Estimated savings to state governmental units will be approximately \$50,000 annually.

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

There will be no effect on revenue collections due to these rule changes.

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

The proposed changes serve to detail and clarify procedures within an existing framework of authority. Impact to nongovernmental units, in this case vendors, cannot be determined because calls formerly billed to the state may or may not be charged to other non-state numbers.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No effect on competition and employment is expected.

Debbie A. Jones
HRDS III

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Department of Health and Human Resources Board of Examiners for Nursing Home Administrators

The Louisiana State Board of Examiners for Nursing Administrators intends to amend LAC 46:XLIX.901 and adopt LAC 46:XLIX.1104 as follows.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XLIX. Nursing Home Administrators

Chapter 9. Programs of Study

§901. Registration of Institutions and Courses of Study (amends)

A. Any courses of study offered by an educational institution, association, professional society, or organization for the purpose of educating applicants for registration of licenses shall be registered with the board on forms provided therefor by the board.

B. The board may charge a fee up to \$25 per course of study to defray costs of review and approval of courses of study offered by organizations which charge participants a fee. Government agencies are exempt from the charge.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:2504 and R.S. 37:2507.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Examiners for Nursing Home Administrators, April 1970, amended LR 14: (March 1988).

Chapter 11. Licenses

§1104. Penalties (adopts)

A. The board shall take action against any person when there is substantial evidence that such person has:

1. attempted by fraud or misrepresentation to obtain a license for himself or another or to furnish aid or abet therein; or
2. practiced as a nursing home administrator under cover of a license or registration illegally or fraudulently obtained or unlawfully issued; or

3. practiced as a nursing home administrator, or uses in connection with his or her name any designation tending to imply that he or she is a nursing home administrator, or allows himself or herself to be represented as a nursing home administrator unless duly licensed and registered under provisions of this Chapter; or

4. practiced as a nursing home administrator during the time his or her license has been suspended or revoked by the board; or

5. otherwise violated any other provision of this Chapter.

B. Upon receipt of substantial evidence that any person committed one of these violations the board conducts an investigation. If evidence is substantiated the board shall file with the local district attorney a misdemeanor charge against said person.

1. Each of these violations is a misdemeanor punishable by fine of not more than \$1,000 or by imprisonment for not more than one year or both.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:2509.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Examiners for Nursing Home Administrators, LR 14: (March 1988).

Interested persons may submit written comments on the proposed rule and changes until 3:30 p.m., March 4, 1988, at the following address, Winborn E. Davis, Executive Director, Louisiana State Board of Examiners for Nursing Home Administrators, Suite 205, 4550 North Boulevard, Baton Rouge, LA 70806.

Winborn E. Davis
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Programs of Study; Licenses**

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

There will be no added costs or savings to state or local governments.

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

This proposed rule will increase revenue collections of the board by an estimated \$400 in 1987-88 and \$800 each year thereafter. This estimate is based on a figure of \$25 per course of study reviewed for approximately 32 applications per year from organizations that will qualify for paying a fee.

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

Most organizations which offer continuing education to administrators charge each participant \$80 or more per day. These organizations will pay up to \$25 per course of study to defray the board's costs of review and approval. The maximum cost per year to any organization will be approximately \$125.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Winborn E. Davis
Executive Director

David W. Hood
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 rule in the Food Stamp Program.

These revisions are mandated by federal regulations as published in the *Federal Register*, Vol. 52, No. 188, September 29, 1987, pages 36390 - 36400. This was published as an emergency rule in the December 20, 1987 *Louisiana Register*. The Financial Assistance Manual (FAM-4) will be revised to reflect these provisions.

PROPOSED RULE

I. Third Party Payments

Effective April 1, 1987, assistance payable for living expenses by public assistance (PA) or local general assistance (GA) programs, or other basic assistance programs comparable to GA as determined by the Secretary of USDA shall be, with certain exceptions, considered income to a household if diverted to a third party on behalf of the household.

General assistance (GA) is defined as cash or another form of assistance excluding in-kind assistance, financed by state or local funds as part of a program which provides assistance to cover living expenses or other basic needs intended to promote the health or well-being of recipients.

A PA or GA payment which is not made directly to the household, but paid to a third party on behalf of the household to pay a household expense, shall be considered an excludable

vendor payment and not counted as income to the household if such PA or GA payment is for:

- (1) medical assistance;
- (2) child care assistance;
- (3) energy assistance, or

(4) housing assistance payments made to a third party on behalf of a household residing in temporary housing, if the temporary housing unit provided for the household as a result of such assistance lacks facilities for the preparation and cooking of hot meals or the refrigerated storage of food for home consumption, provided that such vendor payments shall be excluded under this provision if paid to the housing provider during the period beginning October 20, 1987 and ending September 30, 1989.

Assistance financed by state or local funds which is provided over and above the normal PA or GA grant or payment, or is not normally provided as part of such grant or payment would be considered emergency or special assistance and excluded as income if provided to a third party on behalf of the household.

II. Loss-of-Benefits Penalty

This provision imposes a loss-of-benefits penalty on those food stamp recipients who fraudulently fail to report income. Effective September 5, 1987, when determining the amount of benefits the household should have received, the Office of Family Security shall not apply the 20 percent earned income which the household intentionally failed to report. By doing this, the household that benefited from the fraudulent act is penalized since the amount it has to repay in overissuance will be increased. This provision is to be applied to allotments issued for October, 1987 and all allotments issued for subsequent months.

III. Expedited Service

Effective December 1, 1987, two more types of households will be entitled to receive benefits under the Food Stamp Program's expedited service procedure. The two types of households are as follows:

- (1) Eligible households in which all members are homeless individuals, or
- (2) Eligible households whose combined gross income and liquid resources are less than the household's monthly rent or mortgage and utilities.

The rule entitled Expedited Services as published in the *Louisiana Register*, February, 1983, is hereby amended.

Interested persons may submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Office of Family Security, Box 94065, Baton Rouge, LA 70804. She is the person responsible for responding to inquiries regarding this proposed rule.

A public hearing on the proposed rule will be held February 10, 1988, in the Louisiana State Library Auditorium, 760 North Riverside, Baton Rouge, LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing, at said hearing.

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

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Third Party Payments,
Loss-of-Benefits,
Expedited Services**

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

The cost is \$200 (\$100 state - \$100 federal).

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

There is no effect on revenue collections. Although Food Stamp benefits are federally funded and are not cash, the value of the food coupons issued might increase as a result of this rule. The amount of the increase cannot be determined.

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

Certain food stamp households might receive an increase in benefits. Households who fraudulently fail to report income will receive less benefits. The amounts of the increase or decrease cannot be determined.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on competition and employment.

Marjorie T. Stewart
Assistant Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Health and Human Resources
Office of Human Development
Children's Trust Fund**

The Board of the Louisiana Children's Trust Fund hereby gives notice of its intent to prepare and adopt a comprehensive state plan for child abuse prevention pursuant to R.S. 46:2406.

The board will designate a committee of its members to oversee preparation of the plan.

The board will notify persons and firms listed as prequalified offerers with the Office of Contractual Review, Division of Administration, of its intent to select a qualified firm.

The board will select a qualified firm to:

(1) review and report on the current problem of child abuse and neglect in Louisiana;

(2) provide an analysis of service and program needs;

(3) consult with and receive input into the plan from the Department of Health and Human Resources, the Department of Public Safety and Corrections, and the Department of Education;

(4) conduct public meetings prior to completion of the plan to solicit views concerning the need for prevention programs, information concerning the status of community efforts to prevent child abuse and neglect, and information concerning the problem of child abuse in Louisiana (e.g. its scope, factors, demographics). There shall be held a minimum of three meetings at different locations in the state and the Children's Trust Fund Board shall be represented at each public meeting. The meetings will be publicized in advance in the local media;

(5) prepare specific proposals for plan implementation including efficient use of the Children's Trust Funds staff, funds and resources on the state level and improvement in the coordination and integration of state goals, activities and funds for programs for child abuse prevention.

The Children's Trust Fund Board upon receipt of the finished plan shall review the Comprehensive State Plan for Child Abuse Prevention and submit it to the Committees on Health

and Welfare of the Senate and House of Representatives for their approval as provided in R.S. 49:968.

The board shall finally vote on adoption of the State Plan for Child Abuse Prevention in December, 1988 and it shall become effective January 1, 1989.

The Children's Trust Fund Board has budgeted \$70,000 for preparation of the Comprehensive State Plan for Child Abuse Prevention. The process is scheduled to begin March 1, 1988 and conclude no later than December 31, 1988.

Interested persons may submit written comments prior to February 5, 1988 to Georgeann Chaffee, Executive Director, Children's Trust Funds, Box 44367, Baton Rouge, LA 70804.

Larry Hebert, M.D.
Chairman

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Children's Trust Fund Board
Comprehensive State Plan for
Child Abuse Prevention**

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

The anticipated cost to the state for preparation of the plan will be \$70,000.

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

Through the process of developing the plan, public hearings, and consequent targeting of Trust Fund Grants, and the capacity to effectively market the Children's Trust Fund, an increase of \$10,000 in CTF revenues from income tax check-off is anticipated on the 1988 tax returns.

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

In 1988 the only direct economic benefit of the proposed rule would be to the contractor preparing the plan. On or after January, 1989, all budget requests submitted by any non-profit agency to the legislature for funding programs related to child abuse prevention shall conform to the plan. The number of those requests is unknown. Additional paperwork required will be a narrative explanation of conformance of the proposed program with the plan.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Implementation of this rule will not significantly impact competition and employment in the public and private sectors although CTF contracts will be awarded annually based upon the completed plan.

Brenda L. Kelley
Deputy Assistant Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Health and Human Resources
Office of the Secretary**

The Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification proposes

to establish rules for the licensing of ambulatory surgical centers. These proposed rules are to update the rules which implement R.S. 40:2131-2144.

An ambulatory surgical center is an establishment with an organized medical staff of physicians; with permanent facilities that are equipped with and operated primarily for the purpose of performing surgical procedures; with continuous physician services and registered professional nursing services whenever a patient is in the facility; and which does not provide services or other accommodations for patients to stay overnight; and which offers the following services whenever a patient is in the center:

1. drug services as needed for medical operations and procedures performed;
2. provisions for physical and emotional well-being of patients;
3. provisions of emergency services;
4. organized administrative structure; and
5. administrative, statistical, and medical records.

The rules governing the licensing of ambulatory surgical centers are located in the Louisiana Administrative Code Title 48 Chapter 45.

The major parts of the rules to be updated are as follows:

1. The 1973 Life Safety Code (NFPA 101) is changed to 1985 Life Safety Code;
2. The definition of physician is changed to correspond to the Medicare, Medicaid definition which includes podiatry, osteopathy and dental surgery;
3. The license will be changed to identify those centers that are licensed without limitation and those that are licensed with limitation. The difference will be between those centers that perform invasive surgical procedures (without limitation) and those centers that perform only non-invasive surgical procedures (with limitation). Specifically, Louisiana Administrative Code Title 48 Chapter 45:

4501.F is changed to read: Appeals agency means the agency authorized to hear appeals as provided in the Administrative Procedures Act.

4501.G is changed to read: Physician means a doctor of medicine, osteopathy, podiatry or dental surgery duly licensed by the state of Louisiana.

4505.2 is changed to read: The center shall complete the application form and return it to the division at least 90 days prior to the expiration date of the current license, accompanied by a per annum license fee of \$500.

4505.3 is changed to read: If a center is in compliance with the minimum standards, a license shall be issued by the department. The center shall be licensed to provide services without limitation or licensed to provide limited services.

4507.A is changed to read: All new construction, other than minor alterations, shall be done in accordance with the specific minimum requirements of the Office of State Fire Protection and the Office of Preventive and Public Health Services.

4507.B,C,D,E,F is changed to read:

B. The applicant must furnish one complete set of plans and specifications to the following:

1. Division of Licensing and Certification;
2. Office of State Fire Protection;
3. Office of Preventive and Public Health Services.

All three must approve the plans before construction is allowed to begin. When the plans and specifications have been fully reviewed and all inspections and investigations have been made, including those of the Office of State Fire Protection and the Office of Preventive and Public Health Services, the appli-

cant will be duly notified whether or not the plans for the proposed ambulatory surgical center have been approved.

4509.H is changed to read: Combustible materials and volatile supplies shall be stored and handled in methods consistent with applicable sections of the Life Safety Code of 1985 (NFPA 101). The Life Safety Code of 1985 (NFPA 101) shall be used as the base for all fire and safety regulations. Also NFPA 99 shall be followed.

4511.B.1-12 is changed to read: Centers shall comply with NFPA 101 (1985 edition) and NFPA 99.

4511.C.4 is changed to read: A sufficient amount of fuel shall be maintained on hand to insure the operation of the power plant for at least four hours.

4517.I. is added news:

I. Accessibility.

All centers constructed after the promulgation of this rule (March 20, 1988) shall comply with ANSI 117.1 for accessibility for the handicapped.

4539.G.1 is added new: 1. Exception: centers which provide only non-invasive surgical procedures and have a limited license.

4545.C is changed to read: Each surgical suite shall be designed and equipped so that the type of surgical procedures conducted can be performed in an appropriate and acceptable manner in accordance with accepted clinical practices.

4547.B. is changed to read: Inhalation and area block anesthesia should be administered by a board-certified or board-eligible anesthesiologist. When this is not possible, the area block anesthesia must be administered by a doctor of medicine or a certified registered nurse anesthetist. Certified registered nurse anesthetist shall be under the supervision of a doctor of medicine.

4547.F. is deleted.

4557. is changed to read: Sanitizing, Disinfecting and Sterilizing Procedures and Equipment.

4557.A. is changed to read: The center shall make adequate provisions for furnishing properly sanitized, disinfected or sterilized supplies, equipment, utensils and solutions.

Interested persons may submit written comments on the proposed rule to Steve Phillips, Director, Division of Licensing and Certification, Box 3767, Baton Rouge, LA 70821. Written comments must be received by February 18, 1987.

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

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Update Rule for Ambulatory Surgical Centers

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

There is no increase in costs or savings. This proposed rule merely updates the language of rules already in the Louisiana Administrative Code. The changes being made are relatively minor, such as: changes in the Life Safety Code, changes in the definition of *physician*, and certain license limitations.

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

There is no effect on revenue collections. No additional fees will be collected as a result of these proposed rules.

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

There is no increase in costs or benefits. Ambulatory surgical centers are already licensed. This rule simply updates those rules.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no further effect on competition and employment.

Steve D. Phillips
Director

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Health and Human Resources
Office of the Secretary**

Division of Licensing and Certification

The Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification proposes to establish rules for the licensing of trauma centers. These proposed rules are to implement R.S. 40:2116-2118.

Trauma Center means a health care facility which is capable of treating one or more types of potentially seriously injured persons. The proposed rules are the current edition of the guidelines established by the Committee on Trauma of the American College of Surgeons entitled the *Hospital and Prehospital Resources for Optimal Care of the Injured Patient*. In addition to complying with these guidelines, the trauma center must have a consultation site visit through the Committee on Trauma of the American College of Surgeons.

These rules contain standards which:

Specify the number and types of trauma patients for whom such centers must provide care in order to ensure that such centers will have sufficient experience and expertise to be able to provide quality care for victims of injury;

Specify the resources and equipment needed by such centers;

Includes procedures for the receipt, recording of, and disposition of complaints;

Specifically, a new section is added to the Louisiana Administrative Code Title 48, Part I, Subpart 3, Chapter 67.

§6757. Trauma Center

A. The trauma center must meet the current guidelines of the Committee on Trauma of the American College of Surgeons which is incorporated by reference.

B. The trauma center must obtain a consultation site visit through the Committee on Trauma of the American College of Surgeons.

C. The trauma center must participate in the central data reporting and analysis system by providing the required information.

A copy of the proposed rules may be obtained by writing to Steve Phillips, Director, Division of Licensing and Certification, Box 3767 Baton Rouge, LA 70821.

Interested persons may submit written comments on the proposed rule to Steve Phillips, Director, Division of Licensing

and Certification, Box 3767, Baton Rouge, LA 70821. Written comments must be received by February 18, 1987.

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

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Rules for Licensure of Trauma Centers

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

There are no implementation costs or savings estimated. Hospitals are already licensed. This rule gives guidelines to follow concerning trauma centers.

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

The estimated effect on revenue collection for the first year (and every third year thereafter) is \$200 per trauma center (licensure fee). There are estimated 12 trauma centers located in the various hospitals in the state. So the total estimated revenue collection is \$2400. The license is good for three years.

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

There are no estimated costs or benefits. These trauma centers are already operating.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect.

Steve Phillips
Director

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Health and Human Resources
Office of the Secretary
Division of Licensing and Certification**

The Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification proposes to replace the rules governing the licensing of adult day care centers. The licensing of adult day care centers is required by R.S. 46: 1971-1980.

An adult day care center is defined as any place owned or operated for profit or not for profit by a person, society, agency, corporation, institution, or any other group wherein are received for a portion of the 24-hour day and for the purpose of meeting individual needs 10 or more functionally impaired adults who are not related to the owner or operator of such center. An adult is defined as 17 years of age or older. Specifically, these proposed rules replace the rules located in LAC 48:I. Chapter 43 and LAC 48:IX. Chapter 1.

The rules are too bulky for printing in the *Louisiana Register*. If anyone wishes to have a copy of these proposed rules, a copy may be obtained by calling 504-342-5774 and requesting a copy of the proposed adult day care center rules.

Anyone wishing to comment on these proposed rules

may do so by writing Steve Phillips at the Division of Licensing and Certification, Box 3767, Baton Rouge, LA 70821. Comments must be made by February 15, 1988.

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

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Adult Day Care Centers**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no estimated cost or saving to state funds. These proposed rules are comprised of language changes in standards for adult day care centers regarding supported work and mobile work crews.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no estimated effect.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
There is no estimated cost or benefit.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no estimated effect.

Steve Phillips
Director

David W. Hood
Legislative Fiscal Analyst

**NOTICE OF INTENT
Department of Labor
Office of Labor**

The Louisiana Department of Labor, Office of Labor, advertises its intent to repeal all previous rules adopted by it regulating private employment services, including but not limited to those rules adopted December 20, 1981, and to substitute a complete new set of rules relating to the administration and enforcement of the State Private Employment Service Law.

Copies of the proposed rules may be obtained at the Office of Labor, 5360 Florida Boulevard, Baton Rouge, Louisiana.

A public hearing on the proposed Private Employment Service Rules and Regulations will be held on February 3, 1988, commencing at 10 a.m., at the Office of Labor Conference Room, 5360 Florida Boulevard, Baton Rouge, LA.

Interested persons may comment on the proposed rules either by attendance at the public hearing or by writing to Johnny Hodges, Assistant Secretary of Labor, 5360 Florida Boulevard, Baton Rouge, LA 70806, through February 12, 1988.

Gayle F. Truly
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Private Employment**

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

The estimated implementation costs to the state governmental units will result from the handling of complaints, the initiation of hearings and investigations, and inspections by the Office of Labor. No additional costs will be borne by the state because the Office of Labor is already implementing the intent of these proposed rules in accordance with existing statutes. There will be no costs or savings to local governmental units because these proposed rules do not affect local governments.

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

The estimated effect of revenue collections to the state from the assessment and collection of license fees, manager examination fees and penalties is estimated to be between \$45,000 and \$60,000 annually; however, this revenue collection estimate does not reflect the collection or generation of any new additional dollars because the Office of Labor is already collecting this amount as provided by existing law. These proposed rules will have no effect on revenue collections of local governmental units.

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

The estimated costs to directly affected persons and non-governmental groups are as follows: bond requirements will result in a cost of \$50 to \$100; employment agency investigation requires a fee of \$250; employment agency licensee and manager's examination requires a fee of \$100; and foreign employment services advertisement fee of \$100. Additionally a resume preparation fee of up to \$10 may be charged to the job applicant.

As mentioned in Items I and II above, these proposed rules do not impose any new or additional costs to the regulated community because the Office of Labor is already implementing the intent of the proposed rules as authorized in current statute.

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

Competition and employment should not be affected by these rules as such rules are designed primarily to protect the applicants.

Cecil R. Formby
Deputy Assistant Secretary

David W. Hood
Legislative Fiscal Analyst

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

Notice is hereby given that the Louisiana Department of the Treasury, Board of Trustees of the State Employees Group Benefits Program intends to amend its Plan Document of Benefits as follows:

Amend Article 3, Section I (G) (8), as follows:
after the word "medication" insert the following phrase: ", for whatever reason used or prescribed,"

Amend Article 3, Section VIII (W), as follows:
after the word "device" insert the following phrase: ", for whatever reason used or prescribed,"

Comments or objections will be accepted, in writing, by the Executive Director of the State Employees Group Benefits Program until 4:30 p.m. on March 20, 1988 at the following address: Dr. James D. McElveen, Executive Director, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA 70804.

James D. McElveen
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Birth Control Medication Restriction

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be an annual savings of approximately \$5,000 to the State Employees Group Benefits Program as a result of this rule change.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The revenue collections of state or local governmental units will not be affected by this rule change.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
The directly affected persons, the plan members of this program, may receive a decrease in medical benefits of no more than \$5,000 annually.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
Competition and employment will not be impacted by this rule change.

James D. McElveen
Executive Director

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

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

Notice is hereby given that the Louisiana Department of the Treasury, Board of Trustees of the State Employees Group Benefits Program intends to amend its rules to implement a rate increase, effective May 1, 1988. The Board of Trustees will conduct a Public Hearing on Thursday, January 21, 1988, beginning at 9:30 a.m., in the Auditorium of the Louisiana State Police Training Academy, located at 7901 Independence Boulevard, Baton Rouge, Louisiana on the following monthly rate increase:

	Current Rate	Eff. 5/1/88 Proposed Rate	Total Increase
Employee Only	\$ 96.40	\$ 119.52	\$ 23.12
Emp. w/Medicare	50.28	62.32	12.04
COBRA Participant	98.32	121.88	23.56
Emp. and 1 Dep.	\$ 167.28	\$ 207.40	\$ 40.12
One w/Medicare	119.44	148.08	28.64
Two w/Medicare	110.28	136.72	26.44
COBRA Participant and One Dependent	170.60	211.52	40.92

	Current Rate	Eff. 5/1/88 Proposed Rate	Total Increase
COBRA Participant, One w/Medicare	121.80	151.04	29.24
Employee and Family	\$ 221.92	\$ 275.16	\$ 53.24
One w/Medicare	167.08	207.16	40.08
Two w/Medicare	154.64	191.72	37.08
COBRA Participant and Family	226.32	280.64	54.32
COBRA Participant, One w/Medicare	170.40	211.28	40.88

Rates for surviving spouses are the same as those listed above. However, the surviving spouse must pay the entire premium amount as there is no state contribution.

Sponsored dependent rates will be \$101.28 per person without Medicare, and \$56.52 per person with Medicare. There is no state contribution for sponsored dependent parents.

Comments or objections will be accepted, in writing, by the executive director of the State Employees Group Benefits Program until 4:30 p.m. on March 10, 1988, at the following address: Dr. James D. McElveen, Executive Director, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA 70804.

James D. McElveen
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Rate Increase**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
This fiscal and economic impact statement reflects the impact on two separate entities:
A. State Employees Group Benefits Program
Implementation of the 24 percent rate increase in group health and accident insurance effective May 1, 1988, will cost state and/or local governmental units approximately \$1,259,938 per month. The cost for 1987-88 is estimated to be \$2,519,876 and for subsequent years \$15,119,256. These estimates are calculated by Group Benefits and include the impact on state agencies and the 38 school boards which are members of the State Employees Group Benefits Program. The estimates do not include the 28 school boards with private group carriers.
B. State Department of Education
Implementation of the rate increase on those 28 school systems with private insurance plans is estimated to cost \$800,000 in 1987-88, \$4,800,000 in 1988-89 and \$4,800,000 in 1989-90. These additional costs are necessitated by the rate increase because the state is required to reimburse school systems participating in private insurance plans an amount not to exceed that paid on behalf of members of the State Employees Group Benefits Program. The state contribution is limited to one-half of the private insurer's rate or one-half of the state employees group benefits rate, whichever is less. These estimates have been made by the Department of Education.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
This fiscal and economic impact statement reflects the impact on two separate entities:

A. State Employees Group Benefits Program

The self-generated revenues of this program which are derived from group health insurance premiums paid by state employees and the employees of 38 school boards will increase by \$1,259,938 per month as a result of this rule change. This increase will total \$2,519,876 in FY 87/88 and \$15,119,256 in FY 88/89 and FY 89/90. The above increases are from the employee portion only and do not include the employer portion of \$1,259,938 monthly. The employer portion which is funded from the State General Fund will be \$2,519,876 in FY 87/88 and \$15,119,256 in FY 88/89 and FY 89/90.

B. State Department of Education

Revenues for the 28 school systems with private insurance plans are estimated to increase by \$800,000 in 1987/88, \$4,800,000 in 1988/89 and \$4,800,000 in 1989/90. These increases will be funded by the State General Fund through the Department of Education.

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

A. The plan members of the State Employees Group Benefits Program will also experience a premium rate increase of approximately 24%, \$1,259,938 per month.

B. The proposed rate increase of State Employees Group Benefits Program will not directly effect the costs of employees of the 28 school boards which have private group health insurance carriers. If the private carriers increase their rates as a result of the State Employees Group Benefits Program rate increase, the plan members of the private carriers would be impacted.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition and employment will not be effected by this rate increase; however, implementation of this rule change may cause some plan members to transfer from one health care delivery system to another due to the resulting deferential in rates.

James D. McElveen
Executive Director

David W. Hood
Legislative Fiscal Analyst

Committee Reports

COMMITTEE REPORT

**House of Representatives
House Committee on Commerce
Oversight Review**

Pursuant to the provisions of R.S.49:968, the House Committee on Commerce Agency Oversight and Review met on December 10, 1987, and reviewed certain changes in state regulations proposed by the Louisiana Real Estate Commission for which notice of intent was published in the November 20 *Louisiana Register* with the following results:

1) Proposal to specifically prohibit certified real estate schools from referring to other real estate schools, instructors, or employees in their advertising without the written consent of the school and/or individual mentioned in the advertisement.

-- Withdrawn by request of Louisiana Real Estate Commission.

2) Proposal to provide for procedure to sell, lease, convey, or any transfer of a Certificate of Authority to operate a real estate school.

-- Approved by a vote of 6-0.

3) Proposal to require each certified school to designate an individual to serve as school director to be responsible for the overall operations and activities of the school.

-- Approved by a vote of 6-0.

4) Proposal to provide additional causes for the commission to discipline certified real estate schools through suspension or revocation of a Certificate of Authority of any school determined to be in violation of commission rules and regulations.

-- Rejected by a vote of 6-0.

5) Proposal to provide for 90 days instead of the present 30 days to take action upon an escrow dispute.

-- Approved by a vote of 6-0.

6) Proposal to allow brokers involved in disputed escrow funds to place the funds in a concursus proceeding into the registry of any court of competent jurisdiction and proper venue rather than in the 19th Judicial District Court as is presently required.

-- Approved by a vote of 6-0.

Eddie Doucet
Chairman

Potpourri

POTPOURRI

**Department of Agriculture
Horticulture Commission**

The next Uniform National Exam for licensure in Landscape Architecture will be given at Louisiana State University, Baton Rouge, Louisiana on June 13, 14, and 15, 1988. The deadline for getting in application and fee is March 1, 1988. All applications and fees must be in the Horticulture Commission office no later than 4:30 p.m. on the deadline date.

Further information concerning examinations may be obtained from Craig M. Roussel, Director, Horticulture Commission, Box 44517, Capitol Station, Baton Rouge, Louisiana 70804, phone (504) 925-7772.

Bob Odom
Commissioner

POTPOURRI

**Department of Natural Resources
Fishermen's Gear Compensation Fund**

In accordance with the provisions of the Fishermen's Gear Compensation Fund, R.S. 56:700.1 through 56.700.5, and

regulations adopted for the fund, published in the *Louisiana Register* on August 20, 1980, notice is given that 71 claims amounting to \$104,375.38 were received during the month of December, 1987. During the same month, 52 claims, amounting to \$78,672.42 were paid.

No Hearings are scheduled for the month of January.

B. Jim Porter
Secretary

POTPOURRI

Urban and Community Affairs Office of the Secretary

The Department of Urban and Community Affairs (DUCA) will hold a public hearing on Friday, January 29, 1988 at 1 p.m. in Baton Rouge, Louisiana at the Capitol Annex, 900 Riverside Mall, Third Floor Committee Room.

The purpose of the public hearing is to receive comments on the proposed State Weatherization Plan for low income persons, particularly the elderly and handicapped, in the state of Louisiana. Copies of the plan can be obtained prior to the hearing by contacting the Department of Urban and Community Affairs at (504) 342-9787 or Box 94455, Capitol Station, Baton Rouge, LA 70804-9455.

Colby S. LaPlace
Assistant Secretary

**CUMULATIVE INDEX
(Volume 14, Number 1)**

1988	
<i>Pages</i>	<i>Issue</i>
3— 63	January

AGRICULTURE AND FORESTRY DEPARTMENT

Agricultural and Environmental Sciences, Office of

- Horticulture Commission
- Examination, licensure or permitting, 7R
- Exam notice, 62P

Animal Health Services, Office of

- Livestock Sanitary Board
- Brucella abortus vaccine, 34N
- Cattle, sale of, 45N
- Definitions, 36N
- Equine infectious anemia, 39N
- Horses, moved by dealer, 43N
- Horses, mules, asses, 34N, 40N
- Livestock auction market, 41N, 43N
- Livestock Dealer, 43N
- Poultry, 44N

Forestry, Office of

- Timber stumpage, 9R

CIVIL SERVICE DEPARTMENT

Civil Service Commission

- Hearing, 46N
- Pay rate on promotion, 3ER

COMMERCE DEPARTMENT

Financial Institutions, Office of

- Judicial interest rate, 4ER

Racing Commission

- Bleeder medication, 9R
- Coggins test, 46N
- Twin trifecta, 47N

Real Estate Commission

- Certificate of authority, 62CR
- Escrow disbursement, 62CR
- Escrow dispute, 9R
- School advertising, 62CR
- School director, 62CR

CULTURE, RECREATION AND TOURISM DEPARTMENT

Cultural Development, Office of

- Archaeology grants, 48N
- Black Culture grants, 48N
- Historic preservation grants, 49N

Tourism, Office of

- Litter control, 50N

EDUCATION DEPARTMENT

Elementary and Secondary Education, Board of

- 8(g) Policy, 10R, 10R
- Biology II curriculum, 10R
- Bulletin 741
- Nonpublic school standards, 52N, 10R
- School census, 53N
- Bulletin 1191
- Transportation handbook, 10R
- Bulletin 1794
- Textbook review, 54N
- Nutrition and training, 11R
- Occupational, physical therapy, 11R
- Parent conference, 4ER
- State superintendent, 11R
- Vocational - Technical School
- Bus Transportation, 11R
- Student admission, 11R
- Tuition, 12R

ENVIRONMENTAL QUALITY DEPARTMENT

Solid and Hazardous Waste, Office of

- Solid Waste Division
- Operator certification/training, 12R

EXECUTIVE ORDERS

- EWE 87-49—Reduces appropriations for certain budget units, 3

GOVERNOR'S OFFICE

Division of Administration

- State Planning
- LCDBG Program
- Final Statement, '88, 12R
- Telecommunications Management
- Telephone use/repair, 54N

Tax Appeals Board

- Procedures/practice, 4ER

HEALTH AND HUMAN RESOURCES DEPARTMENT

Family Security, Office of

- Food Stamp Program
- Expedited service, 56N
- Loss-of-benefits, 56N
- Third party payments, 56N
- Medical Assistance Program
- Vehicle guidelines, 24R

Human Development, Office of

- Child abuse prevention, 57N

Nursing Home Administrators, Board of Examiners for

- Examination, 23R

CR—Committee Report

- E—Errata** **EO—Executive Order** **ER—Emergency Rule**
- L—Legislation** **N—Notice of Intent** **P—Potpourri**
- PPM—Policy and Procedure Memorandum** **R—Rule**

Licenses, 55N
Programs of study, 55N

Preventive and Public Health Services, Office of

AZT grant, 26R
Family Co-pay, 24R

Secretary, Office of

Ambulatory surgical center, 57N
Licensing and Certification Division
Adult day care center, 59N
Board and care homes, 27R
Trauma center licensure, 59N
Treatment of patients with infectious diseases, 26R

LABOR DEPARTMENT

Labor, Office of

Private employment, 60N

NATURAL RESOURCE DEPARTMENT

Fishermen's Gear Compensation Fund

Claims, 62P

**PUBLIC SAFETY AND CORRECTIONS DEPARTMENT
(Corrections)**

Juvenile Services, Office of

Offender assignment, 27R
Offender custody/transfer, 30R

(Public Safety)

State Police, Office of

Hazardous Substances Control Section
Motor carrier safety, 31R

REVENUE AND TAXATION DEPARTMENT

Tax Commission

Timber stumpage, 9R

**TRANSPORTATION AND DEVELOPMENT
DEPARTMENT**

Highways, Office of

Outdoor advertising, 32R

TREASURY DEPARTMENT

State Employees Group Benefits Program

Birth control medication, 60N
Rate increase, 61N

URBAN AND COMMUNITY AFFAIRS DEPARTMENT

Secretary, Office of

Hearing, 63P

WILDLIFE AND FISHERIES DEPARTMENT

Wildlife and Fisheries Commission

Red drum, recreational, 6ER
Red drum, commercial, 6ER
Shrimp season, 7ER

CR – Committee Report

E – Errata EO – Executive Order ER – Emergency Rule

L – Legislation N – Notice of Intent P – Potpourri

PPM – Policy and Procedure Memorandum R – Rule

