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Executive Orders

EXECUTIVE ORDER EWE 85-19

WHEREAS, a moratorium on the approval of applications for certain health care facilities or services under the federal Title XIX, Section 1122 program was imposed by Executive Order EWE 84-13, and was continued, as modified, for an indefinite period of time by Executive Order EWE 84-38; and

WHEREAS, the purpose of the moratorium was to enable the Division of Policy, Planning and Evaluation to assist the State-wide Health Coordinating Council in the revision of the State Health Plan to better serve the needs of the citizens of this state; and

WHEREAS, revisions of the State Health Plan and its Policies and Guidelines were submitted for gubernatorial approval on March 29, 1985, and were granted such approval on April 3, 1985; and

WHEREAS, said revisions to the State Health Plan and its Policies and Guidelines were published in the April 20, 1985, issue of the *Louisiana Register*;

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

SECTION 1: The moratorium imposed by Executive Order EWE 84-13 and extended by Executive Order EWE 84-38 is lifted as of April 22, 1985, 8:00 a.m.

SECTION 2: The procedures for appeals currently in effect as set forth in the State Health Plan shall remain in effect until amended in accordance with law.

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 April, 1985.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

EXECUTIVE ORDER EWE 85-20

WHEREAS, Section 621 of the Tax Reform Act of 1984 (the "Tax Reform Act") restricts the total principal amount of private activity bonds the interest on which is exempt from federal income taxation under Section 103 of the Internal Revenue Code of 1954, as amended (the "bonds"), which may be issued by any state of the United States during each calendar year; and

WHEREAS, the aggregate principal amount of bonds which may be issued in the State of Louisiana (the "state") during the calendar year 1985 is restricted by the Tax Reform Act of \$150 per person, based on the most recently published estimate of population obtained from the U.S. Department of Commerce - Bureau of Census, prior to January 1, 1985 (the "ceiling"); and

WHEREAS, Executive Order Number EWE 84-32 dated October 5, 1984, as amended, provides that the governor of the State of Louisiana is responsible for granting allocations from the ceiling for certain issues of bonds; and

WHEREAS, the governor of the State of Louisiana desires to grant allocations for the hereinafter described bonds;

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

SECTION 1: The bond issues described in this Section is hereby granted an allocation from the ceiling in the amount shown below.

AMOUNT OF ALLOCATIONS	NAME OF ISSUER	NAME OF PROJECT
\$ 2,000,000	Board of Commissioners Port of New Orleans Port Facilities Revenue Bonds	Delta Queen Steamboat Company Project Series 1985

SECTION 2: The allocations granted hereunder are to be used only for the bond issues described in Section 1 and for the general purpose set forth in the "Application for Allocation of a Portion of the State of Louisiana's IDB Ceiling" submitted in connection with the bonds described in Section 1.

SECTION 3: The bonds granted an allocation hereunder must be delivered to the initial purchasers thereof on or before 60 days from the date hereof, unless an application for a 30-day extension under Section 5.8 of Executive Order Number EWE 84-32, as amended, is timely received by the State Bond Commission staff.

SECTION 4: Pursuant to Section 103(N)(12) of the Internal Revenue Code of 1954, as amended, the undersigned certifies, under penalty of perjury, that the allocations granted hereby were not made in consideration of any bribe, gift, gratuity, or direct or indirect contribution to any political campaign.

SECTION 5: All references herein to the singular shall include the plural and all plural references shall include the singular.

SECTION 6: This Executive Order shall be effective upon signature of the governor.

IN WITNESS WHEREOF, I have hereunder set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge on this 22nd day of April, 1985.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

EXECUTIVE ORDER EWE 85-21

WHEREAS, Section 621 of the Tax Reform Act of 1984 (the "Tax Reform Act") restricts the total principal amount of private activity bonds the interest on which is exempt from federal income taxation under Section 103 of the Internal Revenue Code of 1954, as amended (the "bonds"), which may be issued by any state of the United States during each calendar year; and

WHEREAS, the aggregate principal amount of bonds which may be issued in the State of Louisiana (the "state") during the calendar year 1985 is restricted by the Tax Reform Act to \$150 per person, based on the most recently published estimate of population obtained from the U.S. Department of Commerce - Bureau of Census, prior to January 1, 1985 (the "ceiling"); and

WHEREAS, Executive Order Number EWE 84-32 dated October 5, 1984, as amended, provides that the governor of the State of Louisiana is responsible for granting allocations from the ceiling for certain issue of bonds; and

WHEREAS, the governor of the State of Louisiana desires to grant allocations for the hereinafter described bonds;

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

SECTION 1: The bond issues described in this Section is hereby granted an allocation from the ceiling in the amount shown below.

AMOUNT OF ALLOCATIONS	NAME OF ISSUER	NAME OF PROJECT
\$550,000	La. Agricultural Finance Authority	Peoples Bank & Trust Co. Project No. 1
150,000	La. Agricultural Finance Authority	Bayou Bourbeaux Timber Co., Inc. First National Bank of Commerce Project No. 1
124,400	La. Agricultural Finance Authority	Lacassagne's Ship Supplies, Inc. Tensas State Bank Project No. 8
60,000	La. Agricultural Finance Authority	Planters Gin Co. of St. Joseph, Inc. La. Central Bank Project No. 1
55,310	La. Agricultural Finance Authority	Gregory S. Booth Capital Bank of Delhi Project No. 6
85,000	La. Agricultural Finance Authority	Bob Roy Baker Capital Bank of Delhi Project No. 4
43,470	La. Agricultural Finance Authority	L. Wilford Pickett Winnsboro State Bank and Trust Company Project No. 5
63,456	La. Agricultural Finance Authority	H. H. Strickland First Republic Bank Project No. 11
58,477	La. Agricultural Finance Authority	Tommy Lowry First Republic Bank Project No. 10
		John T. Jordan, Jr.

SECTION 2: The allocations granted hereunder are to be used only for the bond issues described in Section 1 and for the general purpose set forth in the "Application for Allocation of a Portion of the State of Louisiana's IDB Ceiling" submitted in connection with the bonds described in Section 1.

SECTION 3: The bonds granted an allocation hereunder must be delivered to the initial purchasers thereof on or before 60 days from the date hereof, unless an application for a 30-day extension under Section 5.8 of Executive Order Number EWE 84-32, as amended, is timely received by the State Bond Commission staff.

SECTION 4: Pursuant to Section 103(N)(12) of the Internal Revenue Code of 1954, as amended, the undersigned certifies, under penalty of perjury, that the allocations granted hereby were not made in consideration of any bribe, gift, gratuity, or direct or indirect contribution to any political campaign.

SECTION 5: All references herein to the singular shall include the plural and all plural references shall include the singular.

SECTION 6: This Executive Order shall be effective upon signature of the governor.

IN WITNESS WHEREOF, I have hereunder set my hand officially and caused to be affixed the Great Seal of the State of

Louisiana, at the Capitol, in the City of Baton Rouge on this 29th day of April, 1985.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

EXECUTIVE ORDER EWE 85-22

WHEREAS, Section 621 of the Tax Reform Act of 1984 (the "Tax Reform Act") restricts the total principal amount of private activity bonds the interest on which is exempt from federal income taxation under Section 103 of the Internal Revenue Code of 1954, as amended (the "bonds"), which may be issued by any state of the United States during each calendar year; and

WHEREAS, the aggregate principal amount of bonds which may be issued in the State of Louisiana (the "state") during the calendar year 1985 is restricted by the Tax Reform Act to \$150 per person, based on the most recently published estimate of population obtained from the U.S. Department of Commerce - Bureau of Census, prior to January 1, 1985 (the "ceiling"); and

WHEREAS, Executive Order Number EWE-84-32 dated October 5, 1984, as amended, provides that the governor of the State of Louisiana is responsible for granting allocations from the ceiling for certain issues of bonds; and

WHEREAS, the governor of the State of Louisiana desires to grant allocations for the hereinafter described bonds;

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

SECTION 1: The bond issues described in this section is hereby granted an allocation from the ceiling in the amount shown below.

AMOUNT OF ALLOCATIONS	NAME OF ISSUER	NAME OF PROJECT
\$200,000	La. Public Facilities Authority	101 WestMark Building Partnership, A Louisiana Partnership in Commendam Project

SECTION 2: The allocations granted hereunder are to be used only for the bond issues described in Section 1 and for the general purpose set forth in the "Application for Allocation of a Portion of the State of Louisiana's IDB Ceiling" submitted in connection with the bonds described in Section 1.

SECTION 3: The bonds granted an allocation hereunder must be delivered to the initial purchasers thereof on or before 60 days from the date hereof, unless an application for a 30-day extension under Section 5.8 of Executive Order Number EWE 84-32, as amended, is timely received by the State Bond Commission staff.

SECTION 4: Pursuant to section 103(N)(12) of the Internal Revenue Code of 1954, as amended, the undersigned certifies, under penalty of perjury, that the allocations granted hereby were not made in consideration of any bribe, gift, gratuity, or direct or indirect contribution to any political campaign.

SECTION 5: All references herein to the singular shall include the plural and all plural references shall include the singular.

SECTION 6: This executive order shall be effective upon signature of the governor.

IN WITNESS WHEREOF, I have hereunder set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge on this 7th day of May, 1985.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

EXECUTIVE ORDER EWE 85-23

WHEREAS, Section 621 of the Tax Reform Act of 1984 (the "Tax Reform Act") restricts the total principal amount of private activity bonds the interest on which is exempt from federal income taxation under Section 103 of the Internal Revenue Code of 1954, as amended (the "bonds"), which may be issued by any state of the United States during each calendar year; and

WHEREAS, the aggregate principal amount of bonds which may be issued in the State of Louisiana (the "state") during the calendar year 1985 is restricted by the Tax Reform Act to \$150 per person, based on the most recently published estimate of population obtained from the U.S. Department of Commerce - Bureau of Census, prior to January 1, 1985 (the "ceiling"); and

WHEREAS, Executive Order Number EWE-84-32 dated October 5, 1984, as amended, provides that the governor of the State of Louisiana is responsible for granting allocations from the ceiling for certain issues of bonds; and

WHEREAS, the governor of the State of Louisiana desires to grant allocations for the hereinafter described bonds;

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

SECTION 1: The bond issues described in this section is hereby granted an allocation from the ceiling in the amount shown below.

AMOUNT OF ALLOCATIONS	NAME OF ISSUER	NAME OF PROJECT
\$ 1,171,053	La. Public Facilities Authority	Westbank Physicians Professional Building Partnership Project

SECTION 2: The allocations granted hereunder are to be used only for the bond issues described in Section 1 and for the general purpose set forth in the "Application for Allocation of a Portion of the State of Louisiana's IDB Ceiling" submitted in connection with the bonds described in Section 1.

SECTION 3: The bonds granted an allocation hereunder must be delivered to the initial purchasers thereof on or before 60 days from the date hereof, unless an application for a 30-day extension under Section 5.8 of Executive Order Number EWE 84-32, as amended, is timely received by the State Bond Commission staff.

SECTION 4: Pursuant to Section 103(N)(12) of the Internal Revenue Code of 1954, as amended, the undersigned certifies, under penalty of perjury that the allocations granted hereby were not made in consideration of any bribe, gift, gratuity, or direct or indirect contribution to any political campaign.

SECTION 5: All references herein to the singular shall include the plural and all plural references shall include the singular.

SECTION 6: This executive order shall be effective upon signature of the governor.

IN WITNESS WHEREOF, I have hereunder set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge on this 7th day of May, 1985.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

EXECUTIVE ORDER EWE 85-24

WHEREAS, state employees have scheduled a rally to be held on May 22, 1985, at the State Capitol to demonstrate to the legislature their desire for a pay raise; and

WHEREAS, this administration recognizes the right of these employees to assemble and to petition for a redress of their grievances and desires to facilitate the exercise of this right;

NOW THEREFORE I, EDWIN EDWARDS, Governor of the State of Louisiana, do hereby authorize state employees who wish to participate in this rally to be absent from their jobs between the hours of 11 a.m. and 2 p.m., without the loss of compensation or use of leave of any nature.

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 8th day of May, 1985.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

Emergency Rules

DECLARATION OF EMERGENCY

Department of Commerce Racing Commission

Proposed for Amendment
AMEND RULE LAC 35:1711
(Formerly LAC 11-6:53.6)

§1711. Medication; Reporting to Stewards.

No medication shall be administered to a horse to be entered or entered to race as may be provided in LAC 11-6:54 (re-numbered LAC 35:1501 et seq.). If it is necessary to do so, it must be reported to the stewards by the trainer and the horse shall be scratched, if entered, as ineligible to run.

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

HISTORICAL NOTE: Promulgated by the Louisiana State Racing Commission in 1971, amended L.R. 2:448 (December, 1976), repromulgated L.R. 3:44 (January, 1977), L.R. 4:287 (August, 1978).

Albert M. Stall
Chairman

DECLARATION OF EMERGENCY

Department of Commerce Racing Commission

Proposed for Adoption
ADOPT RULE LAC 35:1722
(Previously LAC 11-6:53, in part)

§1722. No Medication in Two-Year Olds

Notwithstanding anything in any rule of racing, medication shall not be prescribed, dispensed or administered to a two-year old horse to be raced or racing, or when there is racing planned for a two-year old horse, in the State of Louisiana.

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

HISTORICAL NOTE: None.

Albert M. Stall
Chairman

DECLARATION OF EMERGENCY

Department of Commerce Racing Commission

Proposed for Amendment
AMEND RULE LAC 35:1727
(Formerly LAC 11-6:53.14)

§1727. Drug which Affects Performance; Guarding Horse

No person shall administer, or cause or knowingly permit to be administered, or connive at the administration of, any drug not permitted by LAC 11-6:54 (renumbered LAC 35:1501 et seq.) to any horse to be entered or entered for a race. Every owner, trainer, or groom must guard, or cause to be guarded, each horse owned, trained or attended by him in such manner as to prevent any person or persons from administering to the horse, by any method, any drug, not permitted by LAC 11-6:54 (renumbered LAC 35:1501 et seq.).

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

HISTORICAL NOTE: Promulgated by the Louisiana State Racing Commission in 1971, amended L.R. 2:449 (December, 1976), L.R. 3:45 (January, 1977), re-promulgated L.R. 4:287 (August, 1978).

Albert M. Stall
Chairman

DECLARATION OF EMERGENCY

Department of Commerce Racing Commission

Proposed for Amendment
RULE LAC 35:10901
(Previously LAC 11-6:Super Six)
Replaces LAC 35:10901-10917

Chapter 109. Super Six

§10901. Super Six

A. The Super Six pari-mutuel pool is not a parlay and has

no connection with or relation to any other pari-mutuel pool conducted by the association, nor to any win, place and show pool shown on the totalisator, nor to the rules governing the distribution of such other pools.

B. A Super Six pari-mutuel ticket shall be evidence of a binding contract between the holder of the ticket and the association and the said ticket shall constitute an acceptance of the Super Six provisions and rules.

C. A Super Six may be given a distinctive name by the association conducting the meeting, subject to approval of the commission.

D. The Super Six pari-mutuel pool consists of amounts contributed for a selection for win only in each of six races designated by the association with the approval of the commission. Each person purchasing a Super Six ticket shall designate the winning horse in each of the six races comprising the Super Six.

E. Those horses constituting an entry of coupled horses or those horses coupled to constitute the field in a race comprising the Super Six shall race as a single wagering interest for the purpose of the Super Six pari-mutuel pool calculations and payouts to the public. However, if any part of either an entry or the field racing as a single wagering interest is a starter in a race, the entry or the field selection shall remain as the designated selection to win in that race for the Super Six calculation and the selection shall not be deemed a scratch.

F. The Super Six pari-mutuel pool shall be calculated as follows.

1. The net amount in the pari-mutuel pool referred to in this Section is defined as the pari-mutuel pool created by Super Six wagering on that particular day and does not include any amounts carried over from previous days betting as provided by in Subsection F4, Paragraph a. below.

2. Fifty percent of the net amount in the pari-mutuel pool subject to distribution among winning ticket holders, plus any carryover resulting from provisions of Subsection F4, shall be distributed among the holders of pari-mutuel tickets which correctly designate the official winner in each of the six races comprising the Super Six.

3. Fifty percent of the net amount in the pari-mutuel pool subject to distribution among winning ticket holders shall be distributed among the holders of pari-mutuel tickets which correctly designate the second most official winners, but less than six, in each of the six races comprising the Super Six.

4. In the event there is no pari-mutuel ticket properly issued which correctly designates the official winner in each of the six races comprising the Super Six, the net pari-mutuel pool shall be distributed as follows.

a. Fifty percent of the net amount in the pari-mutuel pool shall be retained by the association as distributable amounts and shall be carried over to the next succeeding racing day as an additional net amount to be distributed as provided in Subsection F2.

b. Fifty percent of the net amount in the pari-mutuel pool subject to distribution among winning ticket holders shall be distributed among the holders of pari-mutuel tickets which correctly designate the most official winners, but less than six, in each of the six races comprising the Super Six.

5. Should no distribution be made pursuant to Subsection F1 on the last day of the association meeting, then that portion of the distributable pool and all monies accumulated therein shall be distributed to the holders of tickets correctly designating the most winning selections of the six races comprising the Super Six for that day or night; the provisions of Paragraphs I and J have no application on said last day.

G. In the event a Super Six ticket designates a selection in any one or more of the races comprising the Super Six and that

selection is scratched, excused or determined by the stewards to be a non-starter in the race, the actual favorite, as evidenced by the amounts wagered in the win pool at the time of the start of the race, will be substituted for the non-starting selection for all purposes, including pool calculations and payoffs. In the event the amount wagered in the win pool on two or more favorites is identical, the favorite with the lowest number on the program will be designated as the actual favorite.

H. In the event of a dead heat for win between two or more horses in any Super Six race, all such horses in the dead heat for win shall be considered as winning horses in that race for the purpose of calculating the pool.

I. No Super Six shall be refunded except when all of the races comprising the Super Six are cancelled or declared as "no contest." The refund shall apply only to the Super Six pool established on that racing card. Any net pool carryover accrued from a previous Super Six feature shall be further carried over to the next scheduled Super Six feature operated by the association.

J. In the event that any number of races less than six comprising the Super Six are completed, 100 percent of the net pool for the Super Six shall be distributed among holders of pari-mutuel tickets that designate the most winners in the completed races. No carryover from a previous day shall be added to the Super Six pool in which less than six races have been completed. Any net pool carryover accrued from a previous Super Six feature shall be further carried over to the next scheduled Super Six pool operated by the association.

K. No pari-mutuel ticket for the Super Six pool shall be sold, exchanged or cancelled after the time of the closing of wagering in the first of the six races comprising the Super Six, except for such refunds on Super Six tickets as required by this regulation, and no person shall disclose the number of tickets sold in the Super Six pool or the number or amount of tickets selecting winners of Super Six races until such time as the stewards have determined the last race comprising the Super Six each day to be official.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission L.R. 6:542 (September, 1980).

Albert M. Stall
Chairman

DECLARATION OF EMERGENCY

Department of Education Superintendent of Education

In accordance with the emergency provisions of the Administrative Procedure Act (R.S. 49:953 B), the State Superintendent of Education hereby declares that the current weekly fee of \$40 for use of the Educational and Recreational Youth Center located at Bunkie, LA, is insufficient to provide for the operation of said Center during the months of May through August, 1985. The State Superintendent of Education further declares that said level of funding, if not corrected, will create an emergency situation affecting the health and welfare of youth organizations utilizing the facilities of the Youth Center for scheduled summer educational programs.

Therefore, pending adoption of a permanent rule under the procedures set forth in the Administrative Procedure Act and in order to protect the health and welfare of all youth participating in educational and recreational activities at the Youth Center, the State Superintendent of Education hereby declares that, on an emergency basis, the current fee of \$40 per week will be increased to \$45 per week to be effective at the opening of the summer pro-

gram at the Educational and Recreational Youth Center located at Bunkie, LA.

Thomas G. Clausen
Superintendent of Education

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953B to implement the following Emergency Rule.

RULE

Effective May 10, 1985, the Title XIX State Plan will be amended to include sanctions against Intermediate Care Facilities for the Handicapped.

PENALTIES FOR VIOLATIONS

1. A facility which violates any state or federal regulation or departmental rule where such violation poses a serious threat to the health, safety, rights, or welfare of a resident shall be liable to civil fines of \$100 per day for first violation and \$1,000 per day for confirmed repeat violations for each day that such violations continue. These civil fines shall be in addition to any criminal action which may be brought under other applicable laws.

2. Where the department has reasonable cause to believe that there has been a serious violation, the secretary shall give written notice by certified mail to the operator of the facility in question. The written notice shall specify the alleged violations, cite the legal authority which establishes such violations, and advise the operator that he has three days from receipt of the notice to request an appeal hearing. If no appeal is requested, the department shall assess civil fines as provided in paragraph 1. The department shall forward its findings to the facility by certified mail, and any fines imposed shall commence as of the date such determination is received by the alleged violator.

3. If an appeal is requested on a timely basis, the department shall conduct an administrative hearing in accordance with the provisions of the Administrative Procedure Act. Such hearing must be held within one week of receipt of the request. The department shall review all relevant evidence and make its final written determination in the matter no later than three days after the administrative hearing is begun, provided that the hearing officials may continue the matter for good cause shown where such continuance will not jeopardize the health, safety, rights, or welfare of the facility's residents.

4. At the conclusion of an administrative hearing, the department shall make specific written findings as to each alleged violation. The agency's findings shall be mailed to the facility at the last known address by certified mail. Any fines imposed shall commence as of the date such Agency findings are received by the alleged violator.

5. If the department's findings are adverse to the facility, it may request judicial review of such matter to the Nineteenth Judicial District Court within 15 days of receipt of such findings. Such appeal shall be suspensive.

The facility shall furnish, with the appeal, bond in the minimum amount of one and one-half times the amount of the fine imposed by the department. The bond furnished shall provide in substance, that it is furnished as security that the facility will prosecute its appeal, than any judgment against it will be paid or satisfied from the amount furnished or that otherwise the surety is liable for the amount assessed against the facility. The appeal shall be heard in a summary proceeding which shall be given precedence over other pending matters.

6. At the conclusion of the judicial review, the court shall enter an appropriate order either reversing or modifying the agency's findings or upholding the agency's findings. If the agency's findings are upheld, the court shall order the payments of all fines imposed.

7. The department is empowered to institute all necessary civil court action to collect fines imposed and not timely appealed. No facility may claim imposed fines as reimbursable costs, nor increase charges to residents as a result of such fines.

Implementation is subject to approval by the Health Care Financing Administration (HCFA) as required for all Title XIX policy changes. If disapproved by HCFA, the policy prior to this proposed amendment remains in effect.

This Emergency Rule is necessary to insure the health, safety and welfare of residents of intermediate care facilities for the handicapped, to comply with federal regulations (42 CFR 442.400-516), and to provide for continuance of federal financial participation.

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

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953B to implement the following Emergency Rule.

RULE

Effective May 10, 1985, the Title XIX State Plan will be amended to require that a written plan of care developed specifically for each applicant must be reviewed and approved by the Office of Family Security prior to establishing the effective date of the applicant's medical certification in an Intermediate Care Facility for the Handicapped. If the plan of care is approved, the effective date of certification can be retroactive to the date all other eligibility factors were met.

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.

This Emergency Rule is necessary to insure the health, safety, and welfare of residents of Intermediate Care Facilities for the Handicapped.

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

DECLARATION OF EMERGENCY

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

The Department of Health and Human Resources, Office of Preventive and Public Health Services, is exercising powers conferred by the emergency provision of the Administrative Procedure Act, R.S. 49:953B, to implement the following rule effective April 26, 1985.

Purpose of Rule

This rule outlines the requirements or conditions for certification, decertification, or denial of certification of shellfish ship-

pers handling shell-stock. This emergency declaration is necessary in order to prevent nonmeritorious persons from receiving certification in the absence of formally established criteria.

Rule

Definitions:

1. *Shellfish* - The term as used in this rule includes fresh and fresh frozen oysters, clams and mussels.

2. *Shell-Stock* - The term Shell-Stock as used in this rule includes live, unshucked oysters, clams, and mussels.

3. *Shell-Stock Shipper* - Persons who grow, harvest, buy or sell shell-stock.

4. *Shucker-Packer* - Shippers who shuck and pack shellfish. A shucker-packer may also act as a shell-stock shipper.

5. *Repacker* - Shippers, other than original shucker-packer who pack shucked shellfish into containers for delivery to the consumer. A repacker may shuck shellfish if he has the necessary facilities.

6. *Reshipper* - Shippers who tranship shucked stock in original containers, or shell-stock from certified shellfish shippers to other dealers or to final consumers, but who do not shuck or repack shellfish.

7. *Certified Shellfish Shippers* - Any shell-stock shipper, shucker-packer, repacker, or reshipper who is certified by the Office of Preventive and Public Health Services for inclusion on the U.S. Food and Drug Administration's listing of approved shellfish shippers. Shellfish Shippers shall be certified annually and shall file an application for recertification each year with the Office of Preventive and Public Health Services.

Minimum Requirements That Shellfish Shippers Handling And Selling Shell-Stock (Unshucked Shellfish) Must Abide By In Order To Receive Or Maintain Certification

1. Shellfish shippers shall handle or offer for sale to the public only shellfish that were harvested from waters currently approved by the state health officer as prescribed in Section 9:003 of the State Sanitary Code.

2. Shellfish shippers shall keep accurate daily records of shellfish purchases and sales as prescribed in Section 9:003 of the State Sanitary Code.

3. Shellfish shippers shall only handle shell stock that are properly tagged in accordance with the instructions given in Section 9:050, 9:050-1, and 9:050-2 of the State Sanitary Code.

4. Shellfish shippers shall refrigerate shell stock when the ambient temperature exceeds 50°F as required in Section 9:051 of the State Sanitary Code.

Decertification Or Denial Of Certification Of Shellfish Shippers

The certification of any shellfish shipper handling or making shipments of shell-stock may be suspended or revoked for failing to comply with any one of the four basic requirements for maintaining certification previously listed.

An application for certification shall not be accepted from any individual or corporation previously found guilty in a civil or criminal proceeding of knowingly selling shellfish that were harvested from waters not approved for shellfish harvesting by the state health officer.

Any individual or corporation currently charged by any state or federal regulatory agency with harvesting or knowingly selling shellfish from waters not approved by the state health officer shall be ineligible for certification until all charges have been dismissed, or until found innocent of said charges.

This Emergency Rule will be in effect for 120 days from its effective date.

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

DECLARATION OF EMERGENCY

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

The Department of Health and Human Resources, Office of Preventive and Public Health Services, is exercising powers conferred by the emergency provision of the Administrative Procedure Act, R.S. 49:953B, to implement the following rule effective April 19, 1985.

Purpose of Rule

This rule provides for the establishment of alternate testing sites for the Human T-Lymphotropic Virus-Type III (HTLV-III) antibody. Alternate testing sites are sites not associated with blood banks. Testing will be performed at a designated site in each of the state's eight regions, upon request, during regular or prearranged clinic hours. Both pre- and post-test counseling will be provided for all individuals seeking this test. Information on test availability will be disseminated through newspaper announcements/articles, pamphlets, and personal contacts with community groups.

This emergency declaration is necessary in order to protect the state's blood supply by making these alternate testing sites available to individuals who may otherwise donate blood simply to receive the free HTLV-III antibody testing. These alternate sites will also ensure that individuals receive appropriate pre-test counseling, post-test counseling, and referral for medical evaluation as indicated.

Purpose of Project

It is a matter of public record that positive results from the HTLV-III antibody test have been associated with cases of Acquired Immunodeficiency Syndrome (AIDS). Due to wide press coverage of the above, the HTLV-III antibody test has created an interest in antibody status among members of high risk groups for AIDS, and others. The Louisiana Office of Preventive and Public Health Services has thus applied to the Centers for Disease Control (CDC) for funds to make HTLV-III antibody testing available, for a three-month period, for those individuals who wish to be tested at alternate sites. Additionally, should interested individuals require anonymity, the offering of this test at a confidential and impersonal site other than a blood bank lessens the possibility of blood donations given solely to secure the HTLV-III antibody test results.

Project Administration

Funding for this HTLV-III antibody testing service has been secured from CDC, which is helping states assure that individuals are not turned away from alternate sites because they cannot afford to pay for services. No funds have been appropriated by state or local government for the provision of these services and none are anticipated. The State Public Health Laboratory will perform all routine testing using only the ELISA procedure (which was licensed by the Food and Drug Administration on March 2, 1985).

To insure confidentiality, no names will be required or taken at the testing site and results will be available only during face-to-face contacts with counselors, necessitating two visits for all clients. Services are provided free of charge to any person requesting them.

Objectives of the service are to provide HTLV-III antibody testing in a confidential and non-judgemental manner to all persons who have requested the test and who have been extensively counseled in regard to the complex issues surrounding the test and its results, to provide all such individuals, whether or not they elect to go through with testing, information on risk-reducing activities, and to provide public education regarding the test and risk-reducing activities to interested groups.

This Emergency Rule will be in effect for 120 days from its effective date or until funds for this project are exhausted, whichever comes first.

The HTLV-III antibody testing at alternate sites may be discontinued for cause at the discretion of the state health officer.

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

DECLARATION OF EMERGENCY

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

The Department of the Treasury, Board of Trustees of the State Employees Group Benefits Program, on April 25, 1985, found that there existed an imminent peril to the public health, safety, and welfare which required the emergency amendment of its Rule as follows:

Upon unanimous vote of the Board of Trustees, its rule stating that the lifetime maximum amount of accident and health coverage is reduced to \$250,000 on July 1 following the attainment of the age of 70 is repealed.

This emergency action is effective upon adoption by the Board on April 25, 1985.

James D. McElveen
Executive Director

Rules

RULE

Department of Agriculture Office of Agricultural and Environmental Sciences

Apiary law

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 3:2303, the Department of Agriculture has adopted the following rules and regulations setting forth the requirements for apiaries. These rules will provide for the registration of honeybees and beekeeping equipment, the inspection of same prior to sale or movement, and prevent the introduction and spread of all contagious and infectious diseases of bees and all other pests of bees which are considered detrimental to the apiary industry in the State of Louisiana. These rules are being adopted pursuant to the Notice of Intent published in the February 20, 1985 issue of the *Louisiana Register*.

Bob Odom
Commissioner

RULE

Department of Commerce Motor Vehicle Commission

In accordance with the provisions of L.R.S. 49:950 et seq., the Administrative Procedure Act, the Department of Commerce, Louisiana Motor Vehicle Commission at its regular meeting, May 10, 1985, and in accordance with the authority granted under L.R.S. 1253 E. and pursuant to the Notice of Intent published on March 20, 1985, adopted the following amendments and additions to the rules and regulations.

AMENDMENT OF SECTION 20, RULE 5, B(1)

5. Lease Advertising: Lease advertising regulation is required because it represents an alternative to buying on credit. The following disclosures are required in lease advertising:

B. That the transaction advertised is a lease.

(1) The disclosure that the transaction is a lease must be equal to the featured size and prominence as the amount of payment and the downpayment (or lack thereof) disclosure.

ADOPTION OF SECTION 26.

A. Qualifications and Eligibility

The commission, in determining the qualifications and eligibility of an applicant for a motor vehicle lessor and a lessor used car facility, will base its determinations upon the following factors:

1. The ability of the applicant to establish an adequate place of business, properly zoned in the municipality, provide a suitable office, have a permanently affixed sign, in front of the establishment which denotes that vehicles are offered for lease or sale at the location to which the sign is affixed. Applicant must have a useable telephone at the place of business, the number of which should be listed on the application for license and in a local directory accessible to the public. The commission must be notified of any change in the telephone number.

2. All applicants are required to furnish and cause to be kept in force the minimum required liability insurance coverage on all vehicles offered for sale, rental, lease, or used in any other capacity in demonstrating or utilizing the street and roadways in accordance with the financial responsibility laws of this state.

3. Before any motor vehicle lessor or lessor used car facility license is issued to an applicant under the provisions of the Louisiana Motor Vehicle Commission Act, L.R.S. 32:1251 et seq., a good and sufficient surety bond, executed by the applicant as principal and by a surety company qualified to do business in Louisiana as surety in the sum of \$10,000, shall be delivered to the commission. Such bond shall be in a form to be approved by the commission and shall be conditioned that the applicant shall comply with the conditions of any written contract made by such applicant in connection with the lease, rental, sale or exchange of any motor vehicle and shall not violate any of the provisions of the Louisiana Motor Vehicle Commission Act, L.R.S. 32:1251 et seq., or any other law of Louisiana in the conduct of the business for which he is licensed. Such bond shall be made payable to the secretary of the Department of Public Safety or to his successor in office, for the use, benefit, and indemnity of any persons who shall suffer any loss as a result of any violation of the conditions hereinabove contained. Such bond shall be delivered to the commission at the beginning of each license period; however, the aggregate liability of the surety in any one year shall in no event exceed the sum of such bond. The bond required by this Section shall be maintained throughout the period of licensure. Should the bond be cancelled for any reason, the license shall be revoked as of the date of cancellation unless a new bond is furnished prior to such date.

4. The applicant's business integrity, based upon the applicant's experience in the same or similar businesses, his business history, and whether such applicant will devote full or part time to the business.

B. Definitions

1. *Established place of business* shall mean a permanently enclosed building or structure either owned in fee, leased or rented, which meets local zoning or the municipal requirements, and regularly occupied by a person, firm or corporation, easily accessible to the public at which a regular business of leasing or rental of motor vehicles or selling used motor vehicles will be carried on in good faith; and, at which place of business shall be kept and maintained the books, records, and files necessary to conduct the business; and, shall not mean residences, tents, temporary stands, lots, or any temporary quarters.

Richard H. Barker, III
Chairman

RULE

Department of Commerce Racing Commission

AMEND RULE LAC 35:1801

(Formerly LAC 11-6:57)

[Replaces LAC 35:1801-1823]

§1801. Categories of Persons to Exclude or Eject

A. This rule is adopted and is to be applied pursuant to R.S. 4:191-197 and, in particular, R.S. 4:192-193.

B. Any person of the following categories may be excluded or ejected from a race track, race meeting, race or licensed establishment or association.

1. Who are not of age.

2. Who have been convicted of a felony under the laws of the United States, this state or any other state or country, or any crime or offense involving moral turpitude.

3. Who are career or professional offenders as defined by regulations of the commission, or who is a bookmaker or convicted bookmaker. A career or professional offender is defined as a person who has been held in violation of the rules of racing for six or more times.

4. Who are of notorious or unsavory reputation or whose presence, in the opinion of the commission, would be inimical to the State of Louisiana and its citizens or to the track, meeting, race, or licensed establishment or both.

5. Who have had a license or permit refused, suspended or withdrawn under R.S. 4:150 or R.S. 4:152.

6. Whose action or inaction on a race track would disrupt, interfere or hinder the orderly conduct of the business of horse racing.

7. Whose conduct at a race track in Louisiana or elsewhere is or has been improper, obnoxious, unbecoming or detrimental to the best interest of racing.

[NOTE: This rule was published in the February, 1985 issue of the Louisiana Register incorrectly as rule LAC 35:1805. The above replaces the entire chapter labeled "Chapter 18. Exclusion and Ejection."]

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:191-R.S. 4:197.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission L.R. 8:233 (May, 1982) and L.R. 8:471 (September, 1982).

Albert M. Stall
Chairman

RULES

Department of Culture, Recreation and Tourism Office of State Museum

The Department of Culture, Recreation and Tourism, Office of State Museum, in accordance with the Notice of Intent published in the February 20, 1985 issue of *Louisiana Register*, adopted the revision to the Museum's Loan Policy.

The Louisiana State Museum Board, acting under RS 36:201 is responsible for the acquisition, deaccessioning, and loans of materials that are part of the Louisiana State Museum collections.

A. Policy

I. The Louisiana State Museum Board will loan materials from the collections of the Louisiana State Museum to public and private nonprofit institutions whose purposes are primarily educational. Such loans would be for specified educational purposes and for specified periods not to exceed ten years, which may be renewed by the board. All loan requests will be submitted to the

Acquisitions Committee of the Louisiana State Museum Board, which in consideration of such loans will review the condition of the materials requested, the exhibition and research needs of the Louisiana State Museum, the educational purposes for which the materials are being requested, the professional standards and capabilities of the borrowing institution and the security and environmental capabilities of the borrowing institution, and the ability of the borrowing institution to properly care for the materials requested. All requests for such loans must be made in writing and signed by the legal authority responsible for the institution making the request. The board reserves the right to decline loans when, in its judgement, the loan would not be in the best interest of the requested material, or the Museum.

B. Procedure

1. Written request for loans signed by individual with legal authority to make requests for borrowing institution is submitted to the Louisiana State Museum.

2. Request is referred to Acquisitions Committee of the Louisiana State Museum Board.

3. Recommendations of Acquisitions Committee are presented to Louisiana State Museum Board at a regularly scheduled public board meeting.

4. Approval, disapproval of Acquisitions Committee recommendations is given by a majority of the members of the Louisiana State Museum Board attending the meeting at which a vote is taken.

5. If approved, the request is referred to the Louisiana State Museum Staff for processing of loan forms.

6. Materials are released to borrowing institution upon satisfactory completion of loan forms, and receipt by the Louisiana State Museum of Certificate of Insurance for loaned materials at values established by the Louisiana State Museum. The following additional requirements will apply to all loans of materials from the Louisiana State Museum:

7. Borrower will cover all expenses of transporting and insuring the loan to the specifications of the Louisiana State Museum.

8. Borrower will be required to give proper credit to the Louisiana State Museum in all publications, and press releases, associated with the exhibition or educational program. Label credit lines should read: "From the collections of the Louisiana State Museum."

9. Borrowers are required to give the Museum five copies of any catalogue or publication associated with the exhibition or educational program. The Louisiana State Museum Board reserves the right to recall loaned objects at any time when, in the board's judgement, the requirements of the loan have not been met.

II.A. Recognizing the desirability of bringing the collections of the Louisiana State Museum to the largest possible audience, the Louisiana State Museum Board will consider requests for loans of materials from the State Museum collection to the governor's offices in the State Capitol, the governor's mansion, and other official offices of the governor. The Louisiana State Museum Board will also consider loans to the official offices of the following public officials: state wide elected officials; president of the Senate; speaker of the House; secretary of the Department of Culture, Recreation & Tourism; chief justice of the Louisiana State Supreme Court.

All such loans must meet the following criteria:

1. Requests for loans must be made in writing specifying the materials requested. All requests must be signed by the elected official for whose office the request is made.

2. The Museum Board will consider only requests for loans to be placed in public offices which are located in public buildings.

3. Loans will be made of only those materials that are not on exhibition or that are not utilized for research.

4. Loans will be made of only those materials that are in sound physical condition.

5. All loans must meet the requirements specified in the Museum's regular loan agreement policy and will be for a period of one year. Such loans may be renewed for 12-month periods, but not to exceed the term of office of the elected or appointed official.

6. In determining a loan request, the State Museum Board will consider the safety and conservation of the requested objects and may deny a request for reasons of security, conservation.

7. All loan materials will be considered available for recall by the Louisiana State Museum for purposes of exhibition and conservation, and research.

8. The Louisiana State Museum will inspect loan materials annually and may, at its discretion, recall a loan item or replace a loan item with another item from the museum's collections.

9. All loans except those to the governor's offices and mansion must be insured by the borrower at a value established by the Louisiana State Museum Board. The museum must be presented with a Certificate of Insurance before physical transfer is made to the borrower.

10. The status of all loans made under this policy will be reported to the Louisiana State Museum Board annually.

11. All expenses for framing, matting, or other incidental expenses related to loans, except for those loans to the governor's offices and to the governor's mansion, will be the responsibility of the borrowing elected official.

12. All preparation, framing, matting, packaging and handling will be under the exclusive supervision and control of the Louisiana State Museum.

II.B. Procedure

1. Written loan requests specifying materials to be loaned and signed by the elected official for whose offices request is made is submitted to the Louisiana State Museum.

2. Request is referred to the Acquisitions Committee of the Louisiana State Museum Board.

3. Recommendations of the Acquisitions Committee are presented to the Louisiana State Museum Board at a regularly scheduled public board meeting.

4. Approval, disapproval of the Acquisitions Committee recommendation is given by a majority of the members of the Louisiana State Museum Board attending the meeting at which a vote is taken.

5. If approved, the request is referred to the Louisiana State Museum Staff for processing of loan forms.

6. Materials are released to the borrowing elected or appointed official upon satisfactory completion of loan forms and receipt by the Louisiana State Museum of a Certificate of Insurance for loan materials, (except for those materials in the governor's offices and the governor's mansion) at values established by the Louisiana State Museum.

The following additional requirements will apply to all loans of materials from the Louisiana State Museum:

7. Borrower will cover all expenses of transporting and insuring the loan to the specifications of the Louisiana State Museum.

8. Borrower will be required to give proper credit to the Louisiana State Museum in all publications, and press releases, associated with the display of the borrowed objects. Label credit lines must be displayed under the borrowed object, reading: "On Loan From the Louisiana State Museum."

Noelle LeBlanc
Secretary

RULE

Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to Notice of Intent published on February 20, 1985 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3; Act 455 of the Regular Session, adopted as policy, the rule listed below:

Rule 3.01.51.q—Environmental Science

The board directed that Environmental Science be made one of the units of science acceptable to meet graduation requirements, effective 1986-87.

James V. Soileau
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 on February 20, 1985 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3; Act 455 of the Regular Session, adopted as policy, the rule listed below:

Rule 3.01.51.m—High School Credit
for Elementary Students

The board adopted an amendment to Bulletin 741, policy 2.102.01 regarding high school credit for elementary students by adding the following in procedural blocks:

The school system may grant credit on either a letter grade or a pass or fail (P/F) basis, provided there is consistency state-wide. The course title, year taken, P/F (pass or fail) or the letter grade and the unit of credit shall be entered on the Certificate of High School Credits (transcripts). H.S.C. (high school credit) must be indicated in the remarks column.

—
Credit shall be granted on a pass or fail (P/F) basis only. The course title, year taken, P/F (pass or fail), and unit of credit earned shall be entered on the Certificate of High School Credits (transcript). C.E. (credit examination) must be indicated in the remarks column.

—
Credit or credit examinations may be given in the following subjects: Computer Literacy, Computer Science I and II, English I-IV, Advanced Mathematics, Algebra I and II, Calculus, Geometry, Trigonometry, and Typewriting I. Additionally, credit may be given in all courses listed in the Program of Studies in Foreign Languages, Science, and Social Studies. Exceptions may be made by the Bureau of Secondary Education, State Department of Education upon the request of the local superintendent.

James V. Soileau
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 on February 20, 1985 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3; Act 455 of the Regular Session, adopted as policy, the rule listed below:

Rule 3.01.09—Performance Standards for Grades 2, 3, 4, and 5

The board set a cut-off score of 75 percent for the Basic Skills Test for grades two, three, four, and five.

James V. Soileau
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 on February 20, 1985 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3; Act 455 of the Regular Session, adopted as policy, the rule listed below:

Rule 3.01.51.n—Proficiency Examinations

The board adopted an amendment to Bulletin 741, policy 2.102.05 regarding proficiency examinations by adding the following procedural block:

Proficiency examinations may be given in the following subjects: Computer Literacy, Computer Science I and II, English I-IV, Advanced Mathematics, Algebra I and II, Calculus, Geometry, Trigonometry, and Typewriting I. Additionally, credit may be given in all courses listed in the Program of Studies. Exceptions may be made by the Bureau of Secondary Education, State Department of Education, upon the request of the local superintendent.

James V. Soileau
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 on February 20, 1985 and under the authority contained in Louisiana State Constitution (1974); Article VIII, Section 3; Act 455 of the Regular Session, adopted as policy, the rule listed below:

Rule 3.01.51.p—Systems Accreditation

The board adopted the Systems Accreditation document submitted by the department as an amendment to Bulletin 741 as follows:

Classification Categories

School systems shall be classified according to the following categories based upon the fifth year on-site visitation:

ACCREDITED

The programs offered by the school system are in compliance with the policies and standards of the State Board of Elementary and Secondary Education (SBESE).

ACCREDITED PROVISIONALLY

One or more programs offered by the school system has deficiencies in standards other than those stated in the probational category, and the system is being advised and requested to make corrections. Improvement is expected prior to the next school year.

ACCREDITED PROBATIONALLY

One or more programs offered by the school has major deficiencies in one or more of the following areas:

1. There are member(s) of the professional staff not holding valid Louisiana certificate(s).
2. The school system does not offer a curriculum to meet graduation requirements or a balanced elementary curriculum as prescribed in this bulletin.
3. The school system has a student who is currently enrolled in a special education program and whose last individual evaluation occurred three or more years ago.
4. The school system has an identified exceptional student who does not have a current Individualized Education Program (IEP).
5. The school system does not adhere to and implement the various sections of the Revised Statutes of Louisiana as they affect the health and safety of the students and staff. (These include fire prevention and drills, provisions for a healthful environment, and safety regulations for transportation.)

6. The physical facilities do not conform to the current federal, state, and local building fire, safety, and health codes.

7. If deficiencies are cited, after being accredited provisionally for one year, the system shall be accredited probationally.
UNACCREDITED

If deficiencies are cited, after being accredited probationally for one year, the system shall be unaccredited.

Procedure Block:

A school system's accreditation status may be altered (either upgraded or downgraded) based upon either the on-site verification of the implementation of the action plan and/or the on-site verification of the Annual School and System Report.

James V. Soileau
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 on February 20, 1985 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3; Act 455 of the Regular Session, adopted as policy, the rule listed below:

Rule 3.01.51.o—Three Elective Credits

Permitted for English as a Second Language

The board adopted an amendment to Bulletin 741 (2.195.04) to allow three elective credits for English as a second language to be counted toward elective graduation requirements for limited English speaking students, effective with the 1985-86 school year.

James V. Soileau
Executive Director

RULE

**Department of Education
Proprietary School Commission**

Louisiana Proprietary School Commission
Minimum Cancellation and Refund Policy

REFUND POLICY: The institution must have a definite, equitable and established refund policy which must be published in the catalog and uniformly administered to all students. The following applies as a minimum policy for all students in all institutions.

(a) **NOTICE:** Refunds must be made regardless of whether the student provides written notification. The date of withdrawal for refund purposes is the last date of recorded attendance.

(b) **THREE-BUSINESS DAY CANCELLATION:** All monies paid by a student shall be refunded if requested within three-business days after signing an enrollment agreement in the home and making an initial payment.

(c) **CANCELLATION AFTER THE THREE-BUSINESS DAY CANCELLATION PERIOD BUT PRIOR TO COMMENCEMENT OF CLASSES BY THE STUDENT:** If tuition is collected in advance and if the student does not begin classes, not more than \$150 shall be retained by the institution. Appropriate refunds for the student who does not begin classes shall be made within 30 days of the start of the quarter, term, or semester.

(d) **WITHDRAWAL AFTER COMMENCEMENT OF CLASSES BY THE STUDENT:**

(1) For institutions that obligate the student financially for tuition only for a period of time less than 300 clock hours, the following refund will be acceptable:

After completing less than 15 percent of the course, the in-

stitution shall refund at least 80 percent of the tuition, less \$150, thereafter.

After completing less than one-fourth of the course, the institution shall refund at least 70 percent of tuition, less \$150, thereafter.

After completing one-fourth but less than one-half of the course, the institution shall refund at least 45 percent of tuition, less \$150, thereafter.

After completing one-half or more of the course, the institution may retain 100 percent of tuition.

(2) For institutions which obligate the student financially for tuition for a period of time longer than a standard quarter or semester and up to one calendar year, in cases of withdrawal after commencement of classes by the student, the following refund policy for the stated tuition during the period of financial obligation will be acceptable.

During the first week of classes, the institution shall refund at least 90 percent of tuition, less \$150, thereafter.

During the next three weeks of classes, the institution shall refund at least 75 percent of tuition, less \$150, thereafter.

During the first 25 percent of the course, the institution shall refund at least 55 percent of the tuition, less \$150, thereafter.

During the second 25 percent of the course, the institution shall refund at least 30 percent of tuition, less \$150, thereafter.

Thereafter, the institutional policy may commit the student to the entire obligation.

(3) For institutions with programs longer than 12 months and which financially obligate the student for any period of time beyond 12 months, in addition to the refund practice as stated in (c)(2) above, the institution shall refund 100 percent of any tuition collected for the obligation to pay beyond the 12 months and shall release the student of the obligation to pay beyond the 12 months if the student withdraws during the prior 12-month period.

Units of credit earned are not the criterion in implementing this policy; rather, it is the amount of time attended. Any unused portion of the book fee will be refunded.

(4) Any correspondence regarding cancellation and settlement between the student and the institution, banks, collection agencies, lawyers or any third persons representing the institution must clearly acknowledge the existence of the cancellation and refund policy.

(5) If promissory notes or contracts for tuition are sold or discounted to third parties, the institution must comply with the cancellation and refund policy outlined in this Section. Holders in due course are to be notified of the policies of the institution.

(6) Business practices used by the institution must reflect sound ethical procedures.

(7) For courses consisting of a combination of home study lessons and residence training, not more than \$150 will be retained by the school for those students who fail to enter residence training, unless the school submits affirmative evidence acceptable to the proprietary school commission disclosing the home study lessons are of such quality and content to reasonably assure that the students will achieve the stated objective without the residence training portion of the course.

Andrew H. Gasperez
Executive Secretary

RULE

**Department of Education
Proprietary School Commission**

Commission Regulations Relating to
Agents and Schools

1. An owner may engage in the enrollment of students on

the school premises without securing an agent's permit. Other school personnel shall obtain an agent's permit to solicit student enrollments on and off the school premises.

2. The agent will also scrupulously avoid accepting employment or any other type of indemnification with an employment or sales agency other than the placement service provided by the school represented.

3. No agent or school shall utilize the services of an employment agency or a model agency to solicit students.

4. Proprietary schools and an employment agency, a sales agency, or a model agency owned by the same individual, or corporation shall conduct their business affairs separately.

5. A proprietary school shall not advertise under the heading of any agency or vice versa.

Andrew H. Gasperez
Executive Secretary

RULE

Department of Environmental Quality Office of Air Quality and Nuclear Energy

Under the authority of the Louisiana Environmental Quality Act, L.R.S. 30:1051 et seq., and particularly Sections 1061(D)(1) and 1084(B)(1), and in accordance with the provisions of the Administrative Procedure Act, La. R.S. 49:950 et seq., the Secretary adopted the following amendments to the Louisiana Air Quality Regulations.

The amendments will add Subpart H to Part IV of the Louisiana Air Quality Regulations and will amend Section 76.18 of Subpart A. Subpart H sets standards for equipment leaks (Fugitive Emissions) for equipment in volatile hazardous air pollutant (VHAP) service and defines benzene as a VHAP. The revision of Section 76.18 requires the reporting of any hazardous air pollutant discharged into the atmosphere.

The addition to Subpart H allows the Louisiana Air Quality Regulations to conform with federal regulations 40 CFR 61, Subpart J and Subpart V and allows the state to assume regulatory authority from the EPA. The revision to Section 76.18 insures that the Department of Environmental Quality is made aware of any discharge of a hazardous air pollutant to the atmosphere and can assess the danger to human health or the environment from any such discharge.

The Secretary initiated rulemaking procedures to adopt this rule on March 20, 1985. Prior to final adoption by the Secretary, this rule was forwarded to, and found acceptable by, the Joint Committees on Natural Resources.

Persons requesting copies and/or further information concerning the adoption of these amendments may contact William H. Davis, Office of Air Quality, Box 44096, Baton Rouge, La. 70804-4096, (504) 342-1206.

Patricia L. Norton
Secretary

RULE

Department of Environmental Quality Office of Air Quality and Nuclear Energy Air Quality Division

Under the authority of the Louisiana Environmental Quality Act, La. R.S. 30:1051 et seq., in particular Sections 1065(B) and 1084(B)(1) and in accordance with the Administrative Procedure Act, La. R.S. 49:950 et seq., the secretary of the Department of Environmental Quality, Patricia L. Norton, adopted the Louisiana Air Quality Division Fee System Regulations on May 10,

1985. The effective date of these regulations will be July 1, 1985.

The secretary initiated rulemaking procedures to adopt this rule on March 20, 1985. Prior to the final adoption by the secretary, this rule was forwarded to, and found acceptable by, the Joint Committees on natural Resources.

PART VI Fee Schedule

100.1 Scope and Purpose

It is the purpose of these regulations to establish a fee system for funding the monitoring, investigation and other activities required to be conducted for the maintenance of a safe and healthful environment by the Department of Environmental Quality in accordance with the Louisiana Environmental Quality Act (La. R.S. 30:1051 et seq.). Fees are required for all permits, licenses, registrations, and variances authorized by the Act.

100.2 Authority

These regulations provide fees as required by La. R.S. 30:1065.

100.3 Definitions

All terms used in these rules, unless the context otherwise required or unless specifically defined in the Louisiana Environmental Quality Act, or in other regulations promulgated by the secretary of the Department of Environmental Quality or his predecessor, shall have their usual meaning.

100.4 Application Fees

Each application or amendments thereto for which a fee is prescribed shall be accompanied by a remittance in the full amount of the fee. No application or amendments thereto shall be accepted or processed prior to payment of the full amount specified. No permit, license, registration, or variance, unless otherwise authorized by the secretary, shall be issued until such check or draft, has been accepted by the bank or drawee and the department's account has been credited with the amount of the fee.

100.5 Annual Fees

Unless otherwise provided herein, all activities for which an annual fee is provided shall be subject to the payment of such fee within 30 days from receipt of billing.

100.6 Methodology.

(1) Formula to apportion fees:

Annual compliance determination fee Variable

(based on type of facility and on rated production capacity/throughput)

New application fee Variable

(based on type of facility and on rated production capacity/throughput)

Major and minor modification modified permit fee Variable

(based on type of facility and on rated production capacity/throughput)

PSD application fee Surcharge of 50 percent of the application fee

"NESHAP" compliance fee surcharge of 25 percent of the annual compliance determination fee for that particular process/plant

(based on type of facility and on rated production capacity/throughput)

"NSPS" compliance fee surcharge of 25 percent of the permit application fee.

(2) Fee Methodology

i. All persons required to obtain a new or modified permit shall be subject to a permit fee (See Table 4.1). This fee shall be submitted with any application for a new or modified permit. The annual compliance determination fee for a new or modified source shall be paid during the fiscal year in which the process specified in the permit comes on line.

ii. The Standard Industrial Classification (SIC) codes listed in Table 4.1 shall be used to assess fees.

iii. The permit for multiple source permits shall be equal to the total amounts required by the individual processes involved, as listed in Table 4.1.

iv. All invoices for annual compliance determination fees for major sources shall be submitted to those sources between July 1st and December 31st of each year and remittances are due 30 days after receipt of the invoice. The annual compliance determination fee shall be applicable to the fiscal year beginning that same July 1st and ending the following June 30th. Failure to timely remit the annual compliance determination fee in accordance with the above shall be considered grounds for revoking an existing permit. Compliance fees not received for prior fiscal years are due upon receipt of new or duplicate invoices. Minor sources may or may not receive an annual compliance determination inspection. In this case the compliance determination fee must be paid within 30 days of the notification by the agency. Only one such fee shall be charged annually.

v. If a conditional permit is issued in accordance with adopted procedures, fees submitted with that application for permit shall be retained and be applicable to the regular permit when it is acted upon.

vi. If a process is not listed in table 4.1 and is not a source type exempted from fees by this regulation, then the department shall assign a fee based on the most similar processes and negotiated separately. The Air Quality Division (AQD) shall analyze each permit request to determine the number of processes involved and the permit fee associated with each.

vii. Periodically, the Air Quality Division (AQD) shall re-evaluate the permit fee schedule based upon the previous fiscal year reasonable costs and shall adjust fees in Table 4.1 so as to recover the reasonable costs involved in the operation of the permit system and submit such revised schedule to the secretary for approval action.

viii. A permit fee exempt list shall be presented to the secretary annually for approval. The permit fee exempt list shall be in the offices of the secretary staff and shall be available for public inspection. Any person may request permit fee exemption for a source class by application to the assistant secretary. Sources listed in the permit fee exempt list shall be exempt from the permit fee (Table 4.1) and from having to obtain a permit. The assistant secretary may grant initial approval and denial of the class exemption pending consideration by the secretary.

ix. When a company withdraws its application and claims refund for the permit fee, no refund shall be made, if the review of the application is essentially completed at the time of withdrawal. However, up to 50 percent refund may be made when the review is just initiated but not completed.

x. Although a process unit or a plant is operated at a reduced level or is operated during certain months only, the annual compliance fee will not be prorated. The annual compliance fee is charged on the rated capacity and not on the actual output/throughput level.

xi. When a permanent shutdown occurs and a company properly notifies the Air Quality Division, by official change in the Emission Inventory Questionnaire (EIQ) and permit, the compliance fee would be dropped for that shutdown portion of the pro-

cess/plant in the appropriate fiscal year only if that portion of the process/plant does not operate at any time during that fiscal year.

xii. Unless otherwise stated, generally, the minor modification fee is equal to the annual compliance fee (ACF), the major modification is 3 times the ACF and new application fee is 5 times the ACF. Where there is a minimum and/or maximum ACF established in a particular category, the same rationale shall apply to minimum and maximum permit fees.

xiii. NSPS fees may be waived when a PSD application fee is imposed.

xiv. The AQD administrator and his staff will determine the type of fee. This determination will be based on the work load and on the factors described as follows:

(a) New application fee (based on new capacity or incremental capacity) applies when:

(1) a new facility is added;

(2) a new operation in an existing facility is added;

(3) an existing operation is expanded by more than 80 percent in capacity.

(b) Major modification fee (based on existing capacity) applies when:

(1) the modification will trigger PSD review;

(2) the modification would have triggered PSD review without the use of contemporaneous emission reductions or banked emissions;

(3) the modification will increase 25 tons/yr or more of non-attainment pollutant;

(4) the modification will change emissions over 100 tons/yr;

(5) the modification will increase capacity of an existing operation by 40 percent.

(c) Minor modification fee (based on existing capacity) applies when a modification is not qualified under new application fee or major modification fee.

(d) If a modification is such that it does not increase capacity and changes emissions by less than 25 tons/year, the permit fee can be charged equal to the minimum minor modification permit fee for each process category involved.

100.7 Determination of Fee

These regulations apply to all registrants, specific licenses, permittees and other charges concerned with one or more of the various programs of the Department of Environmental Quality.

100.8 Method of Payment

Fee payment shall be made by check, draft or money order payable to the Department of Environmental Quality and mailed to the attention of the particular division involved at the following address: State of Louisiana, Department of Environmental Quality, Air Quality Division, Box 44096, Baton Rouge, LA 70804-4096.

100.9 Late Payment

Unless otherwise provided herein, annual fees or other charges not received within 15 days of the due date will be subject to a late charge at an additional 10 percent per month.

100.10 Failure to Pay

Failure to pay the prescribed application fee or annual fee as provided herein will constitute a violation of these regulations and shall subject the person to applicable enforcement actions under the Louisiana Environmental Quality Act including, but not limited to, revocation or suspension of the applicable permit, license, registration or variance.

100.11 Effective Date

The application fees prescribed herein shall be effective upon publication in the *Louisiana Register* as adopted.

The annual fees prescribed herein shall be effective for the state fiscal year in which these fee regulations are published in the

Louisiana Register as adopted and each state fiscal year thereafter. Fees submitted to the department in accordance with previous fee regulations for the state fiscal year in which these fee regulations

are published in the Louisiana Register as adopted shall be credited against the fees and due and payable under these fee regulations.

TABLE 4.1-AIR QUALITY DIVISION FEE SCHEDULE
JULY 1, 1985

AIR CONTAMINANT SOURCE	SICC	ANNUAL COMPLIANCE DETERMINATION	NEW APPLI-CATION	MODIFIED PERMIT FEES		ANNUAL COMPLIANCE FEE	
				MAJOR	MINOR	MIN.	MAX
1 COTTON GIN PER BALE GINNED IMMEDIATE PAST SEASON	724	0.00	0.17	0.10	0.03		
2 BITUMINOUS COAL AND LIGNITE MINING	1211	242.95	1214.75	728.85	242.95		
3 COAL PREPARATION	1211	607.38	3036.88	1822.13	607.38		
4 CRUDE OIL AND NATURAL GAS PRODUCTION	1311	48.59	242.95	145.77	48.59		
5 NATURAL GAS LIQUIDS PER UNIT	1321	121.48	607.38	364.43	121.48		
6 CONSTRUCTION SAND AND GRAVEL	1442	48.59	242.95	145.77	48.59		
7 INDUSTRIAL SAND	1446	48.59	242.95	145.77	48.59		
8 SALT MINING	1476	607.38	3036.88	1822.13	607.38		
9 SULFUR MINING	1477	607.38	3036.88	1822.13	607.38		
10 COMMERCIAL RICE MILLING	2044	242.95	1214.75	728.85	242.95		
11 ANIMAL FEED PREPARATION	2048	242.95	1214.75	728.85	242.95		
12 CANE SUGAR, EXCEPT REFINING ONLY	2061	607.38	3036.88	1822.13	607.38		
13 CANE SUGAR REFINING PER 1,000 LB/HR RATED CAPACITY	2062	4.86	24.30	14.58	4.86	600.00	
14 COTTONSEED OIL MILL	2074	121.48	607.38	364.43	121.48		
15 SOYBEAN OIL MILL	2075	85.03	425.16	255.10	85.03		
16 ANIMAL & MARINE FATS AND OIL (RENDERING) 10,000 OR MORE TON/YR	2077	291.54	1457.70	874.62	291.54		
17 ANIMAL & MARINE FATS AND OIL (RENDERING) LESS THAN 10,000 TON/YR	2077	145.77	728.85	437.31	145.77		
18 SHORTENING, TABLE OILS, MARGARINE AND OTHER EDIBLE FATS AND OILS	2079	60.74	303.69	182.21	60.74		
19 MALT BEVERAGES	2082	60.74	303.69	182.21	60.74		
20 COFFEE ROASTING PER 1,000,000 LB/YR RATED CAPACITY	2095	48.59	242.95	145.77	48.59		3050.00

TABLE 4.1-AIR QUALITY DIVISION FEE SCHEDULE
JULY 1, 1985

AIR CONTAMINANT SOURCE	SICC	ANNUAL COMPLIANCE DETERMINATION	NEW APPLI-CATION	MODIFIED PERMIT FEES		ANNUAL COMPLIANCE FEE	
				MAJOR	MINOR	MIN.	MAX
21 SAWMILL AND/OR PLANING ANOTE 10A LESS THAN 25,000 BD. FT/SHIFT	2421	121.48	607.38	364.43	121.48		
22 SAWMILL AND/OR PLANING ANOTE 10A MORE THAN 25,000 BD. FT/SHIFT	2421	364.43	1822.13	1093.28	364.43		
23 HARDWOOD MILL ANOTE 10A	2426	218.66	1093.28	655.97	218.66		
24 SPECIAL PRODUCT SAWMILL N.E.C. ANOTE 10A	2429	218.66	1093.28	655.97	218.66		
25 MILLWORK WITH 10 EMPLOYEES OR MORE	2431	218.66	1093.28	655.97	218.66		
26 HARDWOOD VENEER AND PLYWOOD	2435	485.90	2429.50	1457.70	485.90		
27 SOFTWOOD VENEER AND PLYWOOD	2436	485.90	2429.50	1457.70	485.90		
28 WOOD PRESERVING	2491	121.48	607.38	364.43	121.48		
29 PARTICLEBOARD/WAFERBOARD MANUFACTURE (O.S.B)	2492	485.90	2429.50	1457.70	485.90		
30 HARDBOARD MANUFACTURING	2499	364.43	1822.13	1093.28	364.43		
31 FURNITURE AND FIXTURES A) 100 OR MORE EMPLOYEES	2511	121.48	607.38	364.43	121.48		
32 FURNITURE AND FIXTURES B) MORE THAN 10 & LESS THAN 100 EMPLOYEES	2511	72.89	364.43	218.66	72.89		
33 PULP MILLS PER TON DAILY RATED CAPACITY	2611	1.82	9.11	5.47	1.82	1250.00	
34 PAPER MILL PER TON DAILY RATED CAPACITY ANOTE 1A	2621	1.82	9.11	5.47	1.82	1250.00	
35 PAPERBOARD MILLS PER TON DAILY RATED CAPACITY	2631	1.82	9.11	5.47	1.82	1250.00	
36 PAPER COATING	2641	72.89	364.43	218.66	72.89		
37 INSULATION MANUFACTURE	2649	121.48	607.38	364.43	121.48		
38 CORRUGATED BOXES	2653	182.21	911.06	546.64	182.21		
39 BUILDING BOARD AND TILE	2661	607.38	3036.88	1822.13	607.38		
40 COMMERCIAL PRINTING - BLACK AND WHITE PER PRESS MODULE ANOTE 4A	2752	72.89	364.43	218.66	72.89	350.00	

TABLE 4.1-AIR QUALITY DIVISION FEE SCHEDULE
JULY 1, 1985

AIR CONTAMINANT SOURCE	SICC	ANNUAL COMPLIANCE DETERMINATION	NEW APPLICACION	MODIFIED PERMIT FEES		ANNUAL COMPLIANCE FEE	
				MAJOR	MINOR	MIN.	MAX
41 COMMERCIAL PRINTING - COLOR PER PRESS MODULE ANOTE 4A	2752	121.48	607.38	364.43	121.48	600.00	
42 CAUSTIC/CHLORINE PER 1,000,000 LB/YR RATED CAP. BASED ON CL ANOTE 2A	2812	1.22	6.08	3.65	1.22	600.00	
43 CAUSTIC SODA PER 1,000,000 LB/YR RATED CAPACITY (SOLID OR FORMED)	2812	0.25	1.22	0.73	0.25	500.00	
44 INDUSTRIAL GASES	2813	242.95	1214.75	728.85	242.95		
45 INORGANIC PIGMENTS	2816	242.95	1214.75	728.85	242.95		
46 ALUMINUM SULFATE PRODUCTION PER 100 TON/YR RATED CAPACITY	2819	0.61	3.04	1.82	0.61	500.00	
47 ALUMINA PER 1,000,000 LB/YR RATED CAPACITY	2819	2.43	12.15	7.29	2.43		
48 CATALYST MFG. PER LINE	2819	607.38	3036.88	1822.13	607.38		
49 FLUOSILICATES	2819	364.43	1822.13	1093.28	364.43		
50 INDUSTRIAL INORGANIC CHEMICALS MFG. N.E.C. PER 1,000,000 LB/YR	2819	0.61	3.04	1.82	0.61	350.00	
51 INDUSTRIAL INORGANIC ACIDS N.E.C. PER 1,000,000 LB/YR RATED CAPACITY	2819	6.08	30.37	18.23	6.08	600.00	
52 NITRIC ACID MANUFACTURE PER 1,000 TON/YR RATED CAPACITY	2819	2.43	12.15	7.29	2.43	600.00	
53 PHOSPHORIC ACID MFG PER TON DAILY RATED CAPACITY	2819	0.61	3.04	1.82	0.61	500.00	
54 SULFURIC ACID MANUFACTURE PER TON DAILY RATED CAPACITY	2819	0.61	3.04	1.82	0.61	500.00	
55 POLYETHYLENE/POLYPROPYLENE MFG. PER 1,000,000 LB/YR RATED CAPACITY	2821	4.86	24.30	14.58	4.86	600.00	
56 PVC MANUFACTURE PER 1,000,000 LB/YR RATED CAPACITY	2821	6.08	30.37	18.23	6.08	600.00	
57 SYNTHETIC RESINS MANUFACTURE N.E.C. PER 1,000,000 LB/YR RATED CAPACITY	2821	6.08	30.37	18.23	6.08	600.00	
58 RUBBER MFG. PER 1,000,000 LB/YR RATED CAPACITY	2822	2.43	30.37	18.23	6.08	750.00	
59 CHARCOAL PER OVEN	2861	121.48	607.38	364.43	121.48		
60 GUM AND WOOD CHEMICALS PER UNIT	2861	364.43	1822.13	1093.28	364.43		

TABLE 4.1-AIR QUALITY DIVISION FEE SCHEDULE
JULY 1, 1985

AIR CONTAMINANT SOURCE	SICC	ANNUAL COMPLIANCE DETERMINATION	NEW APPLICACION	MODIFIED PERMIT FEES		ANNUAL COMPLIANCE FEE	
				MAJOR	MINOR	MIN.	MAX
61 STYRENE MONOMER PER 1,000,000 LB/YR RATED CAPACITY	2865	2.43	12.15	7.29	2.43	600.00	
62 HALOGENATED HYDROCARBONS PER 1,000,000 LB/YR RATED CAP.	2869	3.65	18.23	10.94	3.65	600.00	
63 ORGANIC OXIDES, ALCOHOLS, GLYCOLS PER 1,000,000 LB/YR RATED CAPACITY	2869	2.43	12.15	7.29	2.43	600.00	
64 AMMONIA MANUFACTURE PER TON DAILY RATED CAPACITY	2873	1.22	6.08	3.65	1.22	600.00	
65 FERTILIZER MANUFACTURE PER 1,000 TON/YR RATED CAPACITY	2873	0.61	3.04	1.82	0.61	350.00	
66 UREA AND UREAFORM PER 1,000 TON/YR RATED CAPACITY	2873	1.22	6.08	3.65	1.22	350.00	
67 PESTICIDES MFG. PER TRAIN	2879	485.90	2429.50	1457.70	485.90		
68 CARBON BLACK MANUFACTURE PER 1,000,000 LB/YR RATED CAPACITY	2895	7.29	36.44	21.87	7.29	600.00	
69 CHEMICAL AND CHEMICAL PREP. N.E.C. PER 1,000,000 LB/YR	2899	6.08	30.37	18.23	6.08	500.00	
70 DRILLING MUD-STORAGE AND DISTRIBUTION	2899	121.48	607.38	364.43	121.48		
71 DRILLING MUD-GRINDING	2899	485.90	2429.50	1457.70	485.90		
72 PETROLEUM REFINING PER 1,000 BBL/DAY RATED CAP. CRUDE THROUGHPUT ANOTE 3A	2911	30.37	151.85	91.11	30.37	600.00	
73 ASPHALTIC CONCRETE PAVING PLANTS PER TON/HR RATED CAPACITY ANOTE 5A	2951	0.92	4.55	2.73	0.92	250.00	
74 ASPHALT BLOWING PLANT(NOT TO BE CHARGED SEPARATELY IF IN REFINERY)	2951	364.43	1822.13	1093.28	364.43		
75 OLEFINS & AROMATICS N.E.C. PER 1,000,000 LB/YR RATED CAPACITY	2951	2.43	12.15	7.29	2.43	600.00	
76 BLENDING, COMPOUNDING, OR REFINING OF LUBRICANTS PER UNIT ANOTE 6A	2992	364.43	1822.13	1093.28	364.43		
77 PETROLEUM COKE CALCINING PER 1,000 TON/YR RATED CAPACITY	2999	4.86	24.30	14.58	4.86	600.00	
78 GLASS AND GLASS CONTAINER MFG.	3229	182.21	911.06	546.64	182.21		
79 NATURAL GAS FUEL PER LINE CEMENT MANUFACTURE PER 1,000 TON/YR RATED CAPACITY	3241	3.65	18.23	10.94	3.65	500.00	
80 GLASS AND GLASS CONTAINER MFG FUEL OIL PER LINE	3241	364.43	1822.13	1093.28	364.43		

TABLE 4.1-AIR QUALITY DIVISION FEE SCHEDULE
JULY 1, 1985

	AIR CONTAMINANT SOURCE	SICC	ANNUAL COMPLIANCE DETERMINATION	NEW APPLI-CATION	MODIFIED PERMIT FEES		ANNUAL COMPLIANCE FEE	
					MAJOR	MINOR	MIN.	MAX
81	BRICK MANUFACTURE PER 1,000 TON/YR RATED CAPACITY	3251	1.82	9.11	5.47	1.82		350.00
82	READY-MIX CONCRETE	3273	303.69	923.21	607.38	303.69		
83	LIME MANUFACTURING PER 1,000 TON/YR RATED CAPACITY	3274	3.65	18.23	10.94	3.65		
84	GYPNUM MANUFACTURE PER 1,000 TON/YR RATED CAPACITY	3275	3.65	18.23	10.94	3.65		350.00
85	ASESTOS PRODUCTS PER SITE OR PER PRODUCTION UNIT	3292	728.85	3644.25	2186.55	728.85		
86	CLAY KILN	3295	145.77	728.85	437.31	145.77		
87	ROCK CRUSHER	3295	133.62	668.11	400.87	133.62		
88	GRAY IRON AND STEEL FOUNDRIES	3321	194.36	971.80	583.08	194.36		
89	A) 3,500 OR MORE TON/YR PRODUCTION GRAY IRON AND STEEL FOUNDRIES	3321	97.18	485.90	291.54	97.18		
90	B) LESS THAN 3,500 TON/YR PRODUCTION MALLEABLE IRON FOUNDRIES	3322	194.36	971.80	583.08	194.36		
91	A) 3,500 OR MORE TON/YR PRODUCTION MALLEABLE IRON FOUNDRIES	3322	97.18	485.90	291.54	97.18		
92	B) LESS THAN 3,500 TON/YR PRODUCTION STEEL INVESTMENT FOUNDRIES	3324	194.36	971.80	583.08	194.36		
93	A) 3,500 OR MORE TON/YR PRODUCTION STEEL INVESTMENT FOUNDRIES	3324	97.18	485.90	291.54	97.18		
94	B) LESS THAN 3,500 TON/YR PRODUCTION STEEL FOUNDRIES NOT ELSEWHERE CLASSIFIED	3325	194.36	971.80	583.08	194.36		
95	A) 3,500 OR MORE TON/YR PRODUCTION STEEL FOUNDRIES NOT ELSEWHERE CLASSIFIED	3325	97.18	485.90	291.54	97.18		
96	B) LESS THAN 3,500 TON/YR PRODUCTION PRIMARY SMELTING AND REFINING OF COPPER PER 100,000 LB/YR RATED CAPACITY	3331	2.43	12.15	7.29	2.43		600.00
97	ALUMINUM PRODUCTION PER POT	3334	12.15	60.74	36.44	12.15		
98	REFINING OF NON-FERROUS METALS N.E.C. PER 1,000 LB/YR RATED CAPACITY	3339	0.02	0.12	0.07	0.02		600.00
99	SECONDARY SMELTING OF NON-FERROUS METALS PER FURNACE	3341	364.43	1822.13	1093.28	364.43		750.00
100	WIRE MANUFACTURE	3357	242.95	1214.75	728.85	242.95		

TABLE 4.1-AIR QUALITY DIVISION FEE SCHEDULE
JULY 1, 1985

	AIR CONTAMINANT SOURCE	SICC	ANNUAL COMPLIANCE DETERMINATION	NEW APPLI-CATION	MODIFIED PERMIT FEES		ANNUAL COMPLIANCE FEE	
					MAJOR	MINOR	MIN.	MAX
101	ALUMINUM FOUNDRIES(CASTINGS) PER UNIT	3361	97.18	485.90	291.54	97.18		
102	BRASS/BRONZE/COPPER-BASED ALLOY FOUNDRY PER FURNACE	3362	121.48	607.38	364.43	121.48		
103	METAL HEAT TREATING INCLUDING SHOTPEENING	3398	72.89	364.43	218.66	72.89		
104	DRUM MANUFACTURING AND/OR RECONDITIONING	3412	364.43	1822.13	1093.28	364.43		
105	METAL CAN MANUFACTURE	3441	242.95	1214.75	728.85	242.95		
106	FABRICATED PLATE WORK	3443	565.00	2825.00	1695.00	565.00		
107	ELECTROPLATING, POLISHING AND ANODIZING WITH 5 OR MORE EMPLOYEES	3471	72.89	364.43	218.66	72.89		
108	SANDBLASTING OR CHEM. CLEANING OF METAL	3471	364.43	1822.13	1093.28	364.43		
109	A) 10 OR MORE EMPLOYEES SANDBLASTING OR CHEM. CLEANING OF METAL	3471	182.21	911.06	546.64	182.21		
110	B) LESS THAN 10 EMPLOYEES COATING, ENGRAVING, AND ALLIED SERVICES	3479	133.62	668.11	400.87	133.62		
111	A) 10 OR MORE EMPLOYEES COATING, ENGRAVING, AND ALLIED SERVICES	3479	72.89	364.43	218.66	72.89		
112	B) LESS THAN 10 EMPLOYEES GALVANIZING AND PIPE COATING EXCLUDING ALL OTHER ACTIVITIES	3479	145.77	728.85	437.31	145.77		
113	PAINTING TOPCOAT PER LINE	3479	121.48	607.38	364.43	121.48		
114	POTTING PER LINE	3479	72.89	364.43	218.66	72.89		
115	SOLDERING PER LINE	3479	72.89	364.43	218.66	72.89		
116	WIRE COATING PER LINE	3479	242.95	1214.75	728.85	242.95		
117	OIL FIELD MACHINERY & EQUIPMENT	3533	121.48	607.38	364.43	121.48		
118	POWER CHAIN SAW MANUFACTURE PER LINE	3546	182.21	911.06	546.64	182.21		
119	COMMERCIAL GRAIN DRYER	3559	145.77	728.85	437.31	145.77		
120	ELECTRODE MANUFACTURE PER LINE	3624	170.07	850.33	510.20	170.07		

TABLE 4.1-AIR QUALITY DIVISION FEE SCHEDULE
JULY 1, 1985

AIR CONTAMINANT SOURCE	SICC	ANNUAL COMPLIANCE DETERMINATION	NEW APPLI-CATION	MODIFIED PERMIT FEES		ANNUAL COMPLIANCE FEE	
				MAJOR	MINOR	MIN.	MAX
121 TELEPHONE MANUFACTURE PER LINE	3661	425.16	2125.81	1275.49	425.16		
122 ELECTRICAL CONNECTOR MANUFACTURE PER LINE	3678	218.66	1093.38	655.97	218.66		
123 BATTERY MANUFACTURE PER LINE	3691	242.95	1214.75	728.85	242.95		
124 ELECTRICAL EQUIPMENT PER LINE	3694	145.77	728.85	437.31	145.77		
125 SHIP AND BOAT BUILDING A) 5001 OR MORE EMPLOYEES	3732	1822.13	9110.63	5466.39	1822.13		
126 SHIP AND BOAT BUILDING B) 2501 TO 5000 EMPLOYEES	3732	1214.75	6073.75	3644.25	1214.75		
127 SHIP AND BOAT BUILDING C) 1001 TO 2500 EMPLOYEES	3732	607.38	3036.88	1822.13	607.38		
128 SHIP AND BOAT BUILDING D) 201 TO 1000 EMPLOYEES	3732	364.43	1822.13	1093.28	364.43		
129 SHIP AND BOAT BUILDING E) 200 OR LESS EMPLOYEES	3732	121.48	607.38	364.43	121.48		
130 PLAY GROUND EQUIPMENT MANUFACTURE PER LINE	3949	182.21	911.06	546.64	182.21		
131 GRAIN ELEVATORS A) 20,000 OR MORE TON/YR	4221	388.72	1943.60	1166.16	388.72		
132 GRAIN ELEVATORS B) LESS THAN 20,000 TON/YR	4221	194.36	971.80	583.08	194.36		
133 A) PETROLEUM, CHEMICAL BULK STORAGE & TERMINAL (OVER 3,000,000 BBL CAP) ANOTE 7A	4226	3644.25	18221.25	10932.75	3644.25		
134 B) PETROLEUM, CHEMICAL BULK STORAGE & TERMINAL (1,000,000-3,000,000 BBL CAP) ANOTE 7A	4226	2429.50	12147.50	7288.50	2429.50		
135 C) PETROLEUM, CHEMICAL BULK STORAGE & TERMINAL (500,001-1,000,000 BBL CAP) ANOTE 7A	4226	1214.75	6073.75	3644.25	1214.75		
136 D) PETROLEUM, CHEMICAL BULK STORAGE & TERMINAL (500,000 BBL CAP OR LESS) ANOTE 7A	4226	607.38	3036.88	1822.13	607.38		
137 RAILCAR/BARGE/TANK TRUCK CLEANING HEAVY FUELS ONLY	4742	121.48	607.38	364.43	121.48		
138 RAILCAR AND BARGE CLEANING OTHER THAN HEAVY FUELS	4742	607.38	3036.88	1822.13	607.38		
139 TANK TRUCK CLEANING OTHER THAN HEAVY FUELS	4742	364.43	1822.13	1093.28	364.43		
140 A) ELEC. POWER GEN. PER MW (OVER 0.7% S IN FUEL)	4911	5.65	28.25	16.95	5.65	1150.00	

TABLE 4.1-AIR QUALITY DIVISION FEE SCHEDULE
JULY 1, 1985

AIR CONTAMINANT SOURCE	SICC	ANNUAL COMPLIANCE DETERMINATION	NEW APPLI-CATION	MODIFIED PERMIT FEES		ANNUAL COMPLIANCE FEE	
				MAJOR	MINOR	MIN.	MAX
141 B) ELEC. POWER GEN. PER MW (0.7% S OR LESS IN FUEL) ANOTE 8A	4911	3.39	16.95	10.17	3.39	550.00	
142 C) ELEC. POWER GEN. PER MW (NATURAL GAS FIRED)	4911	1.70	8.48	5.09	1.70	400.00	
143 NAT. GAS COMP. PER 100 H.P. (TURBINES) ANOTE 12A	4922	2.43	12.15	7.29	2.43		
144 RECIP. NAT GAS COMP. PER 100 H.P. A) > 50,000 H.P. ANOTE 12A	4922	10.94	54.67	32.80	10.94		
145 RECIP. NAT GAS COMP. PER 100 H.P. B) 20,000 TO 50,000 H.P. ANOTE 12A	4922	12.15	60.74	36.44	12.15		
146 RECIP. NAT GAS COMP. PER 100 H.P. C) 5,000 TO 20,000 H.P. ANOTE 12A	4922	14.58	72.89	43.73	14.58		
147 RECIP. NAT GAS COMP. PER 100 H.P. D) 2,500 TO 5,000 H.P. ANOTE 12A	4922	17.01	85.03	51.02	17.01		
148 RECIP. NAT GAS COMP. PER 100 H.P. E) 1,000 TO 2,500 H.P. ANOTE 12A	4922	18.23	91.11	54.67	18.23		
149 RECIP. NAT. GAS COMP. F) < 1,000 H.P. ANOTE 12A	4922	242.95	607.38	242.95	242.95		
150 COAL GASSIFICATION PER \$100,000 CAPITAL COST ANOTE 11A	4925	2.43	12.15	7.29	2.43		19450.00
151 CO-GENERATION PER \$100,000 CAPITAL COST ANOTE 11A	4939	2.43	12.15	7.29	2.43		12150.00
152 INCINERATORS A) 1,000 LB/HR AND GREATER CAPACITY	4953	121.48	607.38	364.43	121.48		
153 INCINERATORS B) LESS THAN 1,000 LB/HR CAPACITY	4953	48.59	242.95	145.77	48.59		
154 STEAM GEN UNITS PER 1000 LBS/HR STEAM CAP-NAT GAS OR COMB NON-FOSSIL FUELS	4961	0.61	3.04	1.82	0.61	100.00	
155 STEAM GEN UNITS PER 1000 LBS/HR STEAM CAP-FUELS WITH 0.7% S OR LESS	4961	1.22	6.08	3.65	1.22	250.00	
156 STEAM GEN UNITS PER 1000 LBS/HR STEAM CAP-FUELS WITH MORE THAN 0.7% S	4961	1.82	9.11	5.47	1.82	350.00	
157 CEMENT (BULK DISTRIBUTION)	5052	485.90	2429.50	1457.70	485.90		
158 WHOLESALE DISTRIBUTION OF COAL PER 1,000 TON/YR THROUGHPUT	5052	0.12	0.61	0.36	0.12	350.00	
159 WHOLESALE DISTRIBUTION OF COKE AND OTHER BULK GOODS PER 1000 TON/YR CAP. ANOTE 9A	5093	0.25	1.22	0.73	0.25	600.00	
160 FLOATING BULK LOADER A) OVER 100,000 TON/YR THROUGHPUT	5153	1214.75	6073.75	3644.25	1214.75		

TABLE 4.1-AIR QUALITY DIVISION FEE SCHEDULE
JULY 1, 1985

AIR CONTAMINANT SOURCE	SICC	ANNUAL COMPLIANCE DETERMINATION	NEW APPLI-CATION	MODIFIED PERMIT FEES		ANNUAL COMPLIANCE FEE	
				MAJOR	MINOR	MIN.	MAX.
161 FLOATING BULK LOADER B) 100,000 OR LESS TON/YR THROUGHPUT	5153	607.38	3036.88	1822.13	607.38		
162 GRAIN ELEVATORS-TERMINAL PER 10,000 BU/YR THROUGHPUT	5153	0.12	0.61	0.36	0.12	550.00	
163 WHOLESALE DISTRIBUTION OF CHEMICALS AND ALLIED PRODUCTS PER FACILITY	5161	303.69	1214.75	911.06	303.69		
164 PETROLEUM BULK PLANTS	5171	24.30	121.48	72.89	24.30		
165 PETROLEUM BULK TERMINAL	5171	242.95	1214.75	728.85	242.95		
166 PETROLEUM BULK STATION	5171	24.30	121.48	72.89	24.30		
167 STORAGE TANK	5171	0.00	242.95	121.48	121.48		
168 CRUDE OIL DISTRIBUTION	5172	364.43	1822.13	1093.28	364.43		
169 AUTOMOBILE, TRUCK AND VAN ASSEMBLY PER 1000 VEHICLES PER YEAR CAPACITY	3711	60.74	303.69	182.21	60.74		12150.00
170 CHEMICAL WASTE DISPOSAL FACILITY FOR NONHAZARDOUS WASTE	9998	1130.00	5650.00	3390.00	1130.00		
171 NEGOTIATED FEE	9999	0.00	0.00	0.00	0.00		
172 ELECTRIC TRANSFORMERS PER 1000 UNITS/YEAR	3612	56.50	282.50	169.50	56.50		
173 PAINT MANUFACTURING AND BLENDING	2851	226.00	1130.00	678.00	226.00		

DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR QUALITY DIVISION FEE SCHEDULE

JULY 1, 1985

EXPLANATORY NOTES FOR TABLE 4-1 FEE SCHEDULE

- NOTE: 1 - THIS CATEGORY DOES NOT INCLUDE BUILDING PAPER.
- NOTE: 2 - THIS CATEGORY IS CONSIDERED ONE PROCESS WITH THE FEE BASED ON THE RATED YEARLY CHLORINE CAPACITY.
- NOTE: 3 - THE FEE FOR THIS CATEGORY IS BASED ON CRUDE THROUGHPUT OF THE REFINERY. THROUGHPUT INCLUDES ADDITIONAL PURCHASED CHARGE STOCKS.
- NOTE: 4 - MODULE IS DEFINED AS A ROTARY PRINTING DEVICE CAPABLE OF PRINTING ONE SHEET AND COMMONLY ARRANGED IN SERIES TO COMPRISE A PRINT PRESS.
- NOTE: 5 - THE FEES FOR THIS CATEGORY APPLY TO BOTH BATCH AND CONTINUOUS PROCESSES.
- NOTE: 6 - THIS FEE APPLIES TO LUBRICANTS MEANING LUBRICATING OILS AND GREASES. THIS FEE IS NOT TO BE CHARGED FOR UNITS WHICH ARE PART OF A FACILITY FOR WHICH THE PETROLEUM REFINERY FEE WAS PAID.
- NOTE: 7 - THE FEES FOR THIS CATEGORY ARE BASED ON THE ORGANIC COMPOUND STORAGE CAPACITY OF THE FACILITY.

DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR QUALITY DIVISION FEE SCHEDULE
JULY 1, 1985
(CONTINUED)

EXPLANATORY NOTES FOR TABLE 4-1 FEE SCHEDULE

- NOTE: 8 - FOR AN ELECTRIC POWER GENERATION UNIT TO BE PLACED IN THIS CATEGORY IT MUST BURN FUEL OIL OR COAL OF LESS THAN .7% SULPHUR.
- NOTE: 9 - WHOLESALE GRAIN DISTRIBUTION IS NOT INCLUDED IN THIS CATEGORY.
- NOTE: 10- FACILITIES WITH NO FUEL OR WASTE BURNING EQUIPMENT ARE EXEMPTED FROM BOTH THE ANNUAL COMPLIANCE AND PERMIT FEES. POWER MUST BE SUPPLIED BY ELECTRIC MOTORS OR INTERNAL COMBUSTION ENGINES.
- NOTE: 11- FOR COAL GASIFICATION AND COGENERATION PROJECTS, WHEN COMPUTING APPLICATION FEES, THE CAPITAL COST FOR THE CONTROL EQUIPMENT THAT REDUCES EMISSIONS TO A LEVEL BELOW THE APPLICABLE NSPS REGULATIONS SHOULD BE DEDUCTED FROM THE CAPITAL COST.
- NOTE: 12- THE MAXIMUM FEE FOR THIS CATEGORY IS NOT TO EXCEED \$12,150.00 TOTAL FOR ANY ONE GAS TRANSMISSION COMPANY.

Persons requesting copies and/or further information concerning the rule may contact Gus Von Bodungen, Department of Environmental Quality, Air Quality Division, Box 44096, Baton Rouge, LA 70804.

Patricia L. Norton
Secretary

RULE

**Department of Environmental Quality
Office of Air Quality and Nuclear Energy**

Under the authority of the Louisiana Environmental Quality Act L.R.S. 30:1051 et seq., and particularly Section 1084 (B)(1) and in accordance with the provisions of the Administrative Procedure Act La. R.S. 49:950 et seq., the Secretary, Department of Environmental Quality has adopted the following admendments to the Louisiana Air Quality Regulations.

The amendments add Subparts Ka, L, O, P, Q, R, S, VV, GGG (New Source Performance Standards) and Test Methods 7C, 7D, 8, 11, 13A, 13B, 14, 15, 18, 21, and 22 to Part III of the Air Quality Regulations.

The addition of the above Subparts and test methods allows the Louisiana Air Quality Regulations to conform with federal regulations 40 CFR Part 60 (New Source Performance Standards) same Subparts and Appendix A.

The Secretary initiated rulemaking procedures to adopt this rule on March 20, 1985. Prior to final adoption by the Secretary, this rule was forwarded to, and found acceptable by the Joint Committee on Natural Resources.

Persons requesting copies and/or further information concerning the adoption of these amendments may contact Gus Von Bodungen, Office of Air Quality and Nuclear Energy, Box 44096, Baton Rouge, LA 70804-4096; (504) 342-1206.

Patricia L. Norton
Secretary

RULE

**Department of Environmental Quality
Office of Air Quality and Nuclear Energy**

Under the authority of the Louisiana Environmental Quality Act L.R.S. 30:1051 et seq., and particularly Section 1084 (B)(1) and in accordance with the provisions of the Administrative Procedure Act La. R.S. 49:950 et seq., the Secretary, Department of Environmental Quality has adopted the following amendments to the Louisiana Air Quality Regulations.

- a) Revision of Section 17.12 (Emission Inventories)
- b) Revision of Sections 22.3.2, 22.3.3, and 22.4 (Storage of VOC)
- c) Revisions of numbering system of Section 4.0 (Definitions)

The revision to Section 17.12 requires submittal of emission data in machine readable format for any source or facility which has the potential to emit 100 tons or more per year of any single pollutant. It also removes the burden of submitting annually an Emission Inventory Questionnaire (EIQ). However, it requires that a current EIQ be maintained at each facility.

The revision to Sections 22.3.2 and 22.3.3 (crude and

condensate storage tanks) adds compliance date of no later than December 31, 1987. The revision of Section 22.4 (small tanks) adds exemption for crude or condensate, which was inadvertently deleted on December 20, 1984.

The revision to Section 4.0 (Definitions) places the numbering sequence in its proper location in the Air Quality Regulations.

The Secretary initiated rulemaking procedures to adopt this rule on March 20, 1985. Prior to final adoption by the Secretary, this rule was forwarded to, and found acceptable by the Joint Committee on Natural Resources.

Persons requesting copies and/or further information concerning the adoption of these amendments may contact Gus Von Bodungen, Office of Air Quality and Nuclear Energy, Box 44096, Baton Rouge, LA 70804-4096; (504) 342-1206.

Patricia L. Norton
Secretary

RULE

**Department of Environmental Quality
Office of Air Quality and Nuclear Energy
Nuclear Energy Division**

Under the authority of the Louisiana Environmental Quality Act, La. R.S. 30:1051 et seq., and in particular, Sections 1065(B), 1104(B) and 1105.1, and in accordance with the provisions of the Administrative Procedure Act, La. R.S. 49:950 et seq., the secretary of the Department of Environmental Quality adopted revisions to the Louisiana Nuclear Energy Division Fee System Regulations on May 10, 1985. The effective date of these regulations will be July 1, 1985, and they supersede all previously adopted versions.

The secretary initiated rulemaking procedures to adopt this rule on March 20, 1985. Prior to the final adoption by the secretary, this rule was forwarded to and found acceptable by, the Joint Committee on Natural Resources.

Amendments to the Louisiana Radiation Regulations
Adopted May 10, 1985

Sec. Y.5 ANNUAL FEES. Unless otherwise provided herein, all activities for which an annual fee is provided shall be subject to the payment of such fee within 30 days from receipt of billing, except that any fee in excess of \$50,000, upon written application to, and approval of, the secretary, may be paid in installments over a period not to exceed 6 months.

Sec. Y:13. EFFECTIVE DATE. The fees prescribed herein shall be effective on July 1, 1985, or upon publication in the *Louisiana Register* as adopted.

**PART Y
APPENDIX A
NUCLEAR ENERGY PROGRAM FEE SCHEDULE**

	Initial Application Fee	Annual Maintenance Fee
I. Radioactive Material Licensing		
A. Medical Licenses:		
1. Therapy		
a. Teletherapy	220	220
b. Brachytherapy	220	220
2. Nuclear Medicine		
Group I, II & III or Group II and/or Group III	275	275
3. Nuclear Medicine		
Non-group License	165	165
4. Nuclear Pacemaker Implan- tation	110	110

	Initial Application Fee	Annual Maintenance Fee
5. Eye Applicators	110	110
6. Group I only or in vitro stud- ies or radio-immunoassays or calibration sources	110	110
7. Processing or manufacturing and distribution of radio- pharmaceuticals	440	330
8. Mobile Nuclear Medicine Services	440	330
9. "Broad Scope" Medical Li- censes	440	330
10. All Others	110	110
B. Source Material Licenses:		
1. For Mining, Milling, or Pro- cessing Activities, or Utiliza- tion which results in Concen- tration or Re-distribution of Naturally-Occurring Radioac- tive Material	2,190	2,190
2. For the concentration and re- covery of uranium from phos- phoric acid as "yellow cake" (powdered solid)	1,095	1,095
3. For the concentration of ur- anium from or in phosphoric acid	550	550
4. All other specific "source ma- terial" licenses	110	110
C. Special Nuclear Material (SNM) Licenses:		
1. For use of SNM in sealed sources contained in devices used in measuring systems	165	165
2. SNM used as calibration or reference sources	110	110
3. All other licenses or use of SNM in quantities not suffi- cient to form a critical mass, except as in I.A.4., I.C.1., I.C.2.	110	110
D. Industrial Radioactive Mate- rial Licenses:		
1. For processing or manufac- turing for commercial distri- bution	2,190	1,645
2. For Industrial Radiography operations performed in a shielded radiography instal- lation(s) or permanently des- ignated areas at the address listed in the license.	330	220
3. For Industrial Radiography operations performed at temporary jobsite(s) of the li- censee	1,095	825
4. For possession and use of ra- dioactive materials in sealed sources for irradiation of ma- terials where the source is not removed from the shield and is less than 10,000 Curies	550	275
5. For possession and use of ra-		

	Initial Application Fee	Annual Maintenance Fee		Initial Application Fee	Annual Maintenance Fee
radioactive materials in sealed sources for irradiation of materials when the source is not removed from the shield and is greater than 10,000 Curies, or where the source is removed from the shield	1,095	550	E. Radioactive Waste Disposal Licenses:		
6. For distribution of items containing radioactive material	550	550	1. Commercial waste disposal involving burial	273,750	273,750
7. Well-logging and subsurface tracer studies			2. Commercial waste disposal involving incineration of vials containing liquid scintillation fluids	2,190	1,095
a. Collar markers, nails, etc. for orientation	110	110	3. All other commercial waste disposal involving storage, packaging and/or transfer	1,095	1,095
b. Sealed sources less than 10 Curies and/or tracers less than or equal to 500 mCi	330	330	F. Civil Defense licenses	135	110
c. Sealed sources of 10 Curies or greater and/or tracers greater than 500 mCi but less than 5 Ci	550	550	G. Teletherapy Service Company License	550	550
d. Field Flood studies and/or tracers equal to or greater than 5 Curies	825	825	H. Consultants who:		
			1. do not possess sources	55	30
			2. possess calibration sources equal to or less than 500 mCi each	80	55
			3. possess calibration sources greater than 500 mCi	110	80
			II. Electronic Product Registration		
			A.		
			1. Medical diagnostic x-ray (per x-ray registration)	40	35
			2. Medical therapeutic x-ray (per registration)		
			a. Below 500 kVp	80	80
			b. 500 kVp to 1 MeV (including accelerator and Van de Graaff)	165	165
			c. 1 MeV to 10 MeV	220	220
			d. 10 MeV or greater	330	330
			3. Dental x-ray (per registration)	30	30
			4. Veterinary x-ray (per registration)	30	30
			5. Educational institution x-ray (teaching unit, per registration)	55	30
			6. Electron Microscope	30	30
			7. All other medical x-ray (per registration) except as otherwise noted	40	35
			B.		
			1. Industrial Accelerator (includes Van de Graaff machines and neutron generators)	165	165
			2. Industrial Radiography (per registration)	55	55
			3. All Other x-ray (per registration) except as otherwise noted		
			Storage-same fee	40	40
			III. General license which requires registration	30	0
			IV. Reciprocal Recognition		
			The fee for reciprocal recognition of a license or registration from another state or USNRC is the annual fee of the applicable category. The fee covers activities in the State of Louisiana for 1 year from the date of receipt.		
NOTE: Any licensee in paragraph D.1, D.2, D.3 or D.7 possessing, storing, or using radioactive material at more than one permanent location under a single license shall be assessed annually an additional fee of 10 percent of the annual maintenance fee for each such location within the State of Louisiana. Such additional fee shall not exceed an amount equal to the annual maintenance fee.					
8. Operation of a Nuclear Laundry	2,190	1,095			
9. Industrial research and development of radioactive materials or products containing radioactive materials	275	275			
10. Academic research and/or instruction	220	220			
11. Licenses of broad scope:					
a. Academic, Industrial, Research and Development, total activity equal to or greater than 1 Curie	550	550			
b. Academic, Industrial, Research and Development, total activity not greater than 1 Curie	330	330			
12. Gas chromatographs, sulfur analyzers, lead analyzers, or similar laboratory devices	110	110			
13. Calibration sources equal to or less than 1 Curie per source	110	110			
14. Level or Density Gauges	165	165			
15. Pipe Wall Thickness Gauges	220	220			
16. Soil Moisture and Density Gauges	165	165			
17. All other specific industrial licenses except as otherwise noted	220	220			

	Initial Application Fee	Annual Maintenance Fee
V. Shielding Evaluation (per room)		
A. Diagnostic	30	*
B. Therapeutic (below 500 kVp)	55	*
C. Therapeutic (500 kVp to 1 MeV)	80	*
D. Therapeutic (1 MeV to 10 MeV)	110	*
E. Therapeutic (10 MeV or greater)	165	*
F. Industrial and industrial radiography	110	*
VI. Device, Product, or Sealed Source Evaluation		
A. Device evaluation (each)	275	*
B. Sealed source design evaluation (each)	110	*
C. Update Sheet	55	*
VII. Testing to determine qualifications of employees, per test administered	55	*
VIII. Laboratory samples	110-550	(charges depend on types of analyses performed)
IX. Nuclear Electric Generating Station (per site)		
Located in Louisiana		120,500
Located near Louisiana (Plume Exposure Pathway Emergency Planning Zone - includes area in Louisiana)		87,600

Persons requesting copies and/or further information concerning the rule may contact William H. Spell, Administrator, Louisiana Nuclear Energy Division, Box 14690, Baton Rouge, LA 70898, or by phone at (504) 925-4518.

Patricia L. Norton
Secretary

RULE

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

Under the authority of the Louisiana Environmental Quality Act, La. R.S. 30:1051 et seq., and in particular Section 1065(B) and in accordance with the provisions of the Administrative Procedure Act, La. R.S. 49:950 et seq., the secretary of the Department of Environmental Quality adopted revisions to the Fee System of the Hazardous Waste Division. The effective date of these regulations will be July 1, 1985.

The secretary initiated rulemaking procedures to adopt this rule on March 8, 1985. Prior to the final adoption by the secretary, this rule was forwarded to, and found acceptable by, the Joint Committees on Natural Resources.

Fee System Regulations CHAPTER 25 Fee Schedules

25.1 Applicability

The regulations in this Chapter apply to generators of haz-

ardous waste as well as treaters, storers, and disposers of hazardous waste except for those provisions as provided in 7.1 and 9.1.

25.2 Scope and Purpose

It is the purpose of these regulations to establish a fee system for funding the monitoring, investigation and other activities required to be conducted for the maintenance of a safe and healthful environment by the Department of Environmental Quality in accordance with the Louisiana Environmental Quality Act (La. R.S. 30:1051 et seq.). Fees are required for all permits, licenses, registrations, and variances authorized by the Act.

25.3 Authority

These regulations provide fees as required by La. R.S. 30:1065.

25.4 Definitions

See Chapter 2.

25.5 Application Fees

Treaters, Storers and/or Disposers

a) A one-time application fee is charged to cover application, evaluation, and other related program costs.

b) Each application thereto for which a fee is prescribed shall be accompanied by a remittance in the full amount of the fee. No application or amendments thereto shall be accepted or processed prior to payment of the full amount specified unless approved by the administrative authority. Major amendments may be considered as a separate application for purposes of calculating fees.

25.6 Calculation of Application Fees

a) The applicant is required to calculate his appropriate application fee according to the schedule included in the permit application form. Payment of this fee must be attached to the application.

b) Fee schedule:

Item	Fee
Site analysis - per acre site size	250 ¹
Process and plan analysis	1,000
Facility analysis - per facility ²	500
Management/financial analysis	1,000

NOTES: Fee equals total of the four items.

25.7 Provision for collection of additional fees should application fees paid be less than program costs:

Operators who paid an application fee of \$15,000 will be assessed an additional fee equalling the deficit, apportioned equally, provided that no operator pays more than the calculated fee in 25.6.

25.8 Provision of funds collected in excess of program costs:

Excess funds over program cost generated by this fee shall be credited to the following year's budget.

25.9 Annual Maintenance Fees—Treaters, Storers, and/or Disposers

a) Unless otherwise provided herein, all activities for which an annual fee is provided shall be subject to the payment of such fee within 30 days from receipt of billing.

25.10 Calculation of Annual Maintenance Fees

Formula to apportion fees:

Fee per site + fee per facility + fee based on volume

Fee Per Site:

Off-site Disposer (Commercial) \$30,500.

Off-site Disposer (Non-commercial) \$6,100.

On-site Disposer \$3,050.

Fee Per Facility:

Standard for all disposers \$1,830. ea.
(For each facility)

¹ Up to 100 acres, no additional fee thereafter

² Incinerator, landfarm, treatment pond, etc., each counted as a facility

* Certain charges are one time and do not recur.

RULE

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

Fee Based on Volume:

Less than	1,000 tons	\$1,220.
Less than	10,000 tons	\$2,440.
Less than	100,000 tons	\$3,660.
Less than	1,000,000 tons	\$4,880.
More than	1,000,000 tons	\$6,100.
Maximum fee (cut-off):		
Off-site (Commercial)		\$48,800.
Off-site (Non-commercial)		\$24,400.
On-site		\$18,300.

Note: The higher fee for off-site disposal is due to cost of the manifest system and emergency response to transport spills. (Neither cost is applicable to on-site disposers.)

25.11 Generators of Hazardous Waste

a) All generators of hazardous waste, must file or have on file a notification of that facility, using Notification Form HW-1 available from the administrative authority (See 3.2a).

For generators of hazardous waste, the Notification Form HW-1 shall be deemed a registration upon acceptance and approval by the administrative authority.

25.12 Registration fees—Generators

a) An initial and annual monitoring and maintenance fee is charged for each generator registration. There is no fee for modifying an existing registration based on any change of information submitted on Notification Form HW-1.

Initial fee \$6.10

25.13 Annual Monitoring and Maintenance Fees

a) Fee will annually be \$183.

25.14 Method of Payment

Fee payment shall be made by check, draft or money order payable to the Department of Environmental Quality and mailed to the attention of the Hazardous Waste Division at the following address: Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, Box 94307, Baton Rouge, LA 70804-4307.

25.15 Late Payment

Unless otherwise provided herein, annual fees or other charges not received within 15 days of the due date will be subject to a late charge at an additional 10 percent per month.

25.16 Failure to Pay

The prescribed application fee or annual fee as provided herein will constitute a violation of these regulations and shall subject the person to applicable enforcement actions under the Louisiana Environmental Quality Act including, but not limited to, revocation or suspension of the applicable permit, license, registration or variance.

25.17 Effective Date

The application fees prescribed herein shall be required for all applications filed on or after these fee regulations are published in the *Louisiana Register* as adopted.

The annual fees prescribed herein shall be effective for the state fiscal year in which these fee regulations are published in the *Louisiana Register* as adopted and each state fiscal year thereafter. Fees submitted to the department in accordance with previous fee regulations for the state fiscal year in which these fee regulations are published in the *Louisiana Register* as adopted shall be credited against the fees and due and payable under these fee regulations.

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

Patricia L. Norton
Secretary

Under the authority of the Louisiana Environmental Quality Act, La. R.S. 30:1051 et seq., and in particular Sections 1065(B) and 1124(B)(1), (2), and (3) and in accordance with the provisions in the Administrative Procedure Act, La. R.S. 49:950 et seq., the secretary of the Department of Environmental Quality adopted revisions to the Solid Waste Fee System, Section 6.4.5, of the Solid Waste Rules and Regulations (SWRR) on May 10, 1985. The effective date of these regulations will be July 1, 1985.

The revisions to Section 6.4.5 of the SWRR increased the processor/disposer permit application fee and the annual permit maintenance fee for operators of solid waste facilities by 60 percent. Revisions to the format of Section 6.4.5. and Section 7.3.2.A.2 of the SWRR were made to achieve clarity. Also, a late payment penalty provision was included in Section 6.4.5.B.5, to provide consistency with the department's other environmental programs fee systems.

The secretary initiated rulemaking procedures to adopt this rule on March 20, 1985. Prior to the final adoption by the secretary this rule was forwarded to and found acceptable, by the Joint Committees on Natural Resources.

Section 6.4.5 Solid Waste Fee System

A. Permit Application Fee

1. Applicants for standard permits shall pay a \$800 permit application fee.

2. Payment of the permit application fee shall be due upon submission of the permit application and shall accompany each permit application submitted after promulgation of these revised regulations.

b. Annual Permit Maintenance Fee

1. Operators of all solid waste disposal facilities which have been issued a standard permit or interim permit shall be charged an annual permit maintenance fee for each permit.

2. Calculation of Annual Maintenance Fee

Base fee per permit + fee based on volume = annual permit maintenance fee

a. Base fee per permit for industrial solid waste sites-\$1,600.

b. Base fee per permit for non-industrial solid waste sites-\$400.

c. Fee will be based on volume as reported in the Disposer Annual Report.

(1) Industrial Waste- \$.16/ton or,
\$.21/cubic yard

(2) Non-Industrial Waste
Amts. exceeding 75,000 \$.04/ton or,
tons
Amts. exceeding 250,000 \$.02/cubic yard
cubic yards

d. Maximum annual permit maintenance fee per permit for industrial solid waste sites-\$16,000.

e. Maximum annual permit maintenance fee per permit for non-industrial solid waste sites-\$4,000.

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

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

h. Sites which are permitted to handle both industrial solid waste and non-industrial solid waste will be assessed the base fee for industrial solid waste disposal sites. In addition, these sites will be assessed the volume fee for any industrial solid waste received,

plus the volume fee for any non-industrial solid waste exceeding the limits as provided in Section 6.4.5.B.2.c.(2).

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

4. Payment of annual permit maintenance fee shall be due within 45 days of operator's receipt of invoice from the administrative authority.

5. Late Payment - Unless otherwise provided herein, annual fees or other charges not received within 15 days of the due date will be subject to a late charge at an additional 10 percent per month.

6. Failure to Pay - Failure to pay the prescribed application fee or annual fee as provided herein will constitute a violation of these regulations and shall subject the person to applicable enforcement actions under the Louisiana Environmental Quality Act including, but not limited to, revocation or suspension of the applicable permit, license, registration or variance.

7. The annual fees prescribed herein shall be effective retroactive for the state fiscal year in which these fee regulations are published in the *Louisiana Register* as adopted, and each state fiscal year thereafter.

7.3.2 Administrative Requirements

A. Recordkeeping and Reports

1. The operator shall maintain all records concerning quantity and type of waste handled, processed, or disposed necessary to effectively manage the operation and prepare the necessary reports. These records shall be maintained for the life of the facility and shall be kept on file for at least three years after closure.

2. The operator shall submit annual reports to the administrative authority stating amounts (expressed in tons/year or cubic yards/year) and types of solid waste handled during the permit maintenance period. The operator shall submit to the administrative authority all calculations used in determining amounts of solid waste received for disposal during the annual reporting period. A form to be used for this purpose must be obtained from the administrative authority.

a. The reporting period for the processor/disposer annual report shall be from July 1 through June 30, commencing upon promulgation of these revised regulations and terminating upon closure of the site in accordance with the permit.

b. Annual reports shall be submitted to the administrative authority within 30 days of the end of the annual reporting period. Extensions of this deadline may be granted by the administrative authority for good cause.

3. The operator shall submit semi-annual reports of analysis of groundwater samples from monitoring wells.

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

Patricia L. Norton
Secretary

RULE

Department of Environmental Quality Office of Water Resources

Under the authority of the Louisiana Environmental Quality Act, La. R.S. 30:1051 et seq., and in particular Section 1094 (A)(3) and (B)(3) and in accordance with the provisions of the Administrative Procedure Act, La. R.S. 49:950 et seq., the secretary of the Department of Environmental Quality, Patricia L. Norton, adopted the Louisiana Water Pollution Control Fee System Reg-

ulations on May 10, 1985. The effective date of these regulations will be July 1, 1985.

The secretary initiated rulemaking procedures to adopt this rule on March 20, 1985. Prior to the final adoption by the secretary, this rule was forwarded to, and found acceptable by, the Joint Committees on Natural Resources.

Persons requesting copies and/or further information concerning the rule may contact Barbara Romanowsky, Department of Environmental Quality, Water Pollution Control Division, Box 44066, Baton Rouge, LA 70804.

Patricia L. Norton
Secretary

RULE

Department of Health and Human Resources Board of Electrolysis Examiners

The Louisiana State Board of Electrolysis Examiners has adopted the following rules and regulations.

Rule 1. Source of Authority: Title

The rules and regulations herein contained constitute, comprise and shall be known as the "rules and regulations of the State Board of Electrolysis Examiners." These rules and regulations are adopted and promulgated pursuant to the authority granted to, and imposed upon the said board under the provisions of Louisiana Revised Statutes, Title 37, Sections 37:3051 through 3077.

Rule 2. General Definitions

There is incorporated herein by reference all of the definitions set forth and contained in R.S. 37:3051 and R.S. 49:951. The following words and terms, when used in these rules and regulations, shall have the following meaning unless the text hereof or the definitions contained in the above-cited statutes clearly indicate otherwise.

A. *Electrology* means the art and practice of removing hair from the normal skin of the body by the application of an electric current to the hair papilla by means of a needle or needles so as to cause growth inactivity of the hair papilla and thus permanently remove hair.

B. *Electrolysis* means the process by which hair is removed from the normal skin by the application of an electric current to the hair root by means of a needle or needles being inserted into the hair follicle, whether the process employs direct electric current or short wave alternating electric current.

C. *Electrologist* means any person who for compensation practices electrolysis for the permanent removal of hair, except a physician licensed to practice medicine who performs electrolysis in his practice or a person who engages, on behalf of a manufacturer or distributor, solely in demonstrating the use of any machine or other article for the purpose of sale, without charge to the person who is the subject of the demonstration.

D. *Board* means the State Board of Electrolysis Examiners.

Rule 3. Exceptions and Rights

A. The provisions of these rules and regulations shall not authorize the use of roentgen rays and radium for diagnostic and therapeutic purposes or the use of electricity for surgical purposes, including cauterization, removal of warts, moles, or skin deformities of any kind.

B. Electrolysis treatment shall not be performed in areas of high bacterial colonization, such as the ear canals and nostrils, nor shall treatment be performed on moles or to remove eyelashes, except in special instances after consultation with a physician.

C. A health history shall be completed on each patient prior to any treatment. No patient with a history of diabetes and no car-

diac patient with a pacemaker shall be treated without the consent of a physician. Persons suspected of having a communicable disease shall not be treated without first having been examined by a physician.

D. Techniques of sterilization of needles shall be the same as is used in hospitals, using pressure heat or any other sterilization of needles deemed appropriate by the board.

E. A practitioner beginning electrology after July 1, 1983, shall neither conduct nor allow any other business or trade to be conducted in the office suites, treatment rooms, reception or waiting rooms used for his or her practice. These same restrictions are in effect for any practitioner who relocates after July 1, 1983 regardless of the date his practice of electrology began. (cf Act 942 - 1984 Legislative Session amending RS 37:3052).

Rule 4. Board Composition, Conflict Provision and Reimbursement.

A. The State Board of Electrolysis Examiners is created within the Department of Health and Human Resources. It shall be composed of five members, all to be appointed by the governor to serve at his pleasure. Four members shall be licensed electrologists who have been engaged in the practice of electrology for at least the five years prior to their appointment. Of these four, two members shall be appointed from a list of five names submitted to the governor by the Louisiana Electrologist Association and two members shall be appointed from a list of five names submitted to him by the Registered Electrologist Association of Louisiana. (Act 942 - 1984 Legislative Session). One member shall be appointed from a list of three physicians licensed to practice in this state and recommended by the Louisiana State Medical Society. If the governor determines that the nominees of the Louisiana Electrologist Association or of the Registered Electrologist Association of Louisiana or of the Louisiana State Medical Society are not suitable, he may decline to appoint from such list submitted and shall call upon the association or the society to nominate an additional list of persons. He may repeat such call until a list containing a qualified person or persons meeting his approval is submitted. Members of the board shall be residents of this state.

B. A vacancy occurring in the membership of the board shall be filled for the unexpired term in the manner provided in Subsection A of this Section for appointment.

C. No member of the board shall have any direct or indirect financial interest in the manufacture or sale of equipment or supplies used in the practice of electrology, nor shall any member have any connection with the management or ownership of a school of electrology.

D. Each member of the board shall receive a per diem fixed by the board at not more than \$50 per day for each day in actual attendance at its meetings. Each member shall be reimbursed for his actual travel, clerical, and incidental expenses necessarily incurred while engaged in the discharge of his official duties as determined by the board. The per diem and expenses shall be paid out of the moneys credited to the board as provided by R.S. 37:3062(B).

Rule 5. Organization of Board, Quorum, Meetings, Records.

A. Within 14 days after the appointment of its initial members, the board shall hold a meeting for the purpose of organization and shall elect from its membership a chairman, a vice-chairman, and a secretary-treasurer. Officers shall be elected for terms of one year, or until the successor of each is elected. Thereafter, the board shall annually and in like manner elect its officers.

B. The board shall hold regular meetings at least once in each year for the purpose of examining applicants and at any other time the board or its chairman deems necessary, at a time and place designated by the chairman. Special meetings may be called by

the chairman upon giving at least 72 hours notice thereof by registered or certified mail to the post office address of each member of the board and of persons who previously have indicated that they have business before the board.

C. A majority of the total membership of the board shall constitute a quorum for the transaction of business, including the granting, suspending, or revoking of a certificate or license to practice electrology.

D. The board shall keep a record of its proceedings, and a register of all applicants for certificates or licenses, which shall contain the name and location of the institution which granted the applicant a diploma, the date granted, and information as to whether a license has been granted or refused. The record and register shall be prima facie evidence of all matters recorded therein.

Rule 6. General Powers and Duties

A. The board shall be the sole and exclusive authority in the state to issue licenses to practice electrolysis and to administer the provisions of R.S. 37:3061, et seq.

B. The board shall have authority to examine for, grant, deny, approve, revoke, suspend and renew the licenses of electrologists and shall review applications for licenses of electrologists at least once each calendar year. It may conduct hearings on charges for the revocation or suspension of a license.

C. The board is authorized to promulgate such rules and regulations as are necessary and reasonable for the enforcement of RS 37:3051 et seq. for the establishment, operation, and approval of any electrology schools and electrology apprenticeship programs in Louisiana, and for requiring each school of electrology and electrology apprenticeship program to establish and maintain in force a bond to be determined by the board, but not to exceed the sum of \$10,000 in favor of the state, with surety by a corporate bonding company authorized to do business in this state.

D. The board is authorized to issue licenses to approved schools. No school may operate without a license issued by the board. The fee for such license shall be \$500 payable at the time the school makes application for a license. The annual renewal fee shall be \$300 which shall be due on or before July 1 of each year. Each license for an electrology school in this state shall be renewed on or before July of each year upon application therefor accompanied by the renewal fee prescribed in R.S. 37:3072(A).

E. The board shall initiate an action for the prosecution of any person who violates any provision of this Chapter and may apply to any court having jurisdiction for an injunction to restrain and enjoin violations thereof. It shall keep a record of all proceedings relating thereto.

F. The board is authorized to employ counsel to carry out the provisions of this Chapter, if the fees of the counsel and the costs of all proceedings, except criminal prosecutions, are paid by the board out of the moneys credited to the board.

Rule 7. Licensure of Electrologists and Instructors

A. No person shall engage or attempt to engage in the practice of electrology in the state who does not hold a valid license issued by the board in accordance with the provisions of this Chapter.

B. The board shall license as an electrologist and issue an appropriate certificate to any person who files with it a verified application therefor, accompanied by the application fee required by this Part, together with evidence, verified by oath and satisfactory to the board, that he is at least 18 years of age; is of good moral character; is a resident of this state and has been a resident of this state for 30 days immediately prior to the time of application; has graduated from an accredited high school; after high school graduation has successfully completed a course in electrolysis in a school of electrology which maintains the standards established and ap-

proved by the board or that he has completed a like number of hours in the subject areas specified in an apprenticeship program approved by the board; at the time of certification, is free of any infectious disease; and has passed an examination given and graded by the board which shall consist of a written examination and a practical demonstration of abilities, and has paid any other fees required by the Statute. Each such school of electrology and each such electrology apprenticeship program shall include at least 450 hours of clinical experience, 150 hours of lectures on insertion techniques, modalities, healing and regrowth problems, and office management. Each applicant shall provide his subject for the practical demonstration. Within 10 days after each examination the official in charge shall deliver the question and answer papers to the board. The board shall examine and rate the answers and shall transmit an official report to each applicant for license, stating the rating of the candidate in each subject and whether or not the board approves the candidate for a license. If a candidate fails one or more parts of an examination, he may take the parts in which he has failed in a subsequent examination. If after two attempts the examination is not satisfactorily completed, the candidate thereafter shall be required to repeat and take the entire examination.

C. The board may license any person as an instructor of electrology who has practiced as an electrologist for at least seven years and has completed such other specified training as shall be required by the board for teaching electrology.

D. After investigation of the applicant and other evidence submitted, the board shall notify each applicant that the application and evidence submitted for consideration is satisfactory and accepted, or unsatisfactory and rejected. If an application is rejected, the notice shall state the reasons for the rejection.

E. The examination shall be given annually at such time and place and under such supervision as the board determines, and specifically at such other times as in the opinion of the board the number of applicants warrants. The board shall designate the date, time and place of examination and shall give public notice thereof and, in addition, shall notify each person who has made application for examination to the board.

Rule 8. Examination Requirements for Electrologists

A. All applications for the state board examination must be received by the board at least 30 days prior to the date of said examination.

B. An applicant must pass all parts of the state board examination within two years of his first examination date.

Rule 9. Requirements for Licensure of Schools of Electrolysis.

A. Each applicant for a license to conduct a school of electrolysis shall submit the following to the board:

1. a fully-completed written application form
2. the required application fee, and
3. a surety bond approved by board in the amount of \$1,000 per student, or \$10,000 per school (whichever amount is greater) in favor of the State of Louisiana.

B. Before a school license can be renewed, proof of an up-to-date bond must be submitted.

C. The following documents must be submitted prior to approval of a license for any school:

1. a detailed projected floor plan
2. a copy of the planned school curriculum
3. a true copy of the student contract used
4. a true copy of the student's permission to receive electrolysis treatment
5. a true copy of the school manual
6. names and qualifications of the instructors and lecturers in accordance with the board regulations.

D. Every electrolysis office and electrolysis school shall be

open for inspection to any board member or any investigator of the board during regular business hours.

E. When an inspection of an electrolysis office or electrolysis school is made by a member or investigator of the board, the owner or person in charge shall sign an inspection slip. Any violations shall be corrected within three months.

F. No licensed electrologist shall refer to or permit any reference to his or her license in advertising or promoting any method of hair removal other than electrolysis.

Rule 10. Sanitary Requirements for Offices and Schools

A. Every electrolysis office and school shall be adequately lighted, well ventilated and kept in a clean and sanitary condition at all times.

B. All instruments shall be kept clean and sterilized with a medically approved method as prescribed by the board. Before use upon a patient, each electrolysis needle and forceps shall be first wiped clean with a 70 percent alcohol solution, and then be sterilized by one of the following methods:

1. Saturated steam, 250°, 15 Psi, 30 minutes
2. Dry heat, 380°, 60 minutes
3. Glass bead sterilizer, 475° - 500°, 30 seconds.

C. Every electrologist, instructor or student must wash his or her hands immediately prior to the treating of the patient, and must rewash his or her hands if for any reason the treatment is interrupted.

D. Clean tissues, paper towels or freshly laundered towels shall be used for each patient. Before any patient is permitted to recline in a chair or on a table, said object shall be covered with a clean professional size towel or drape or a clean professional type tissue.

E. The skin area to be treated must first be cleaned with water and surgical soap, such as Septasol, or liquid antiseptics, such as Zephirin Chloride (1:750 or 1:500), or Betadine or any other form of approved cleanser for the skin.

F. Areas of the body not to be treated are the mucous membranes, inclusive of the vermilion border of the lip and the external auditory canal of the ear, the areola of the breast, and the tissues of the nostrils. Conditions of the skin not to be treated are warts, moles, cutaneous papillomas (skin Tags), any type skin eruption, ingrown eyelashes, eyelids, vascular spider (spider nevus) and any type of infected or inflamed areas.

G. A professional lamp will be focused on the treatment area at all times.

H. Every patient must be treated on a professional treatment table or chair, which shall be used for the purpose of electrolysis treatment only. The exception to the preceding is if the patient is physically handicapped, the patient may be treated in a wheelchair or stretcher.

I. Professional type forceps shall be used in the treatment of patients.

J. All treatment shall be given in privacy within an enclosed area.

K. The electrolysis treatment room shall be provided with a separate entrance leading directly from the exterior of the house or which can be reached from the entrance of the house without passing through any part of the living quarters.

L. The treatment room shall be closed from adjacent rooms by walls or doors. During treatment, such doors shall remain closed.

M. Every such office shall have hand-washing facilities with hot and cold water in the treatment room or an adjacent room which can be reached without passing through any part of the living quarters.

N. No electrologist, instructor or student shall treat a person who is infected with impetigo, any contagious disease, skin malignancy, or any disease dangerous to the public.

O. No electrologist, instructor, or student shall treat a diabetic patient nor anyone wearing a pacemaker without the written authorization of the patient's physician.

P. Before treatments are instituted, the electrologist, instructor, or student must explain the following matters to the patient:

1. the procedure
2. treatment
3. after care treatment
4. possible effects of treatment
5. treatment fee

Q. Smoking is prohibited by electrologists, instructors, or students, lecturers or patients during treatment.

R. All electrologists, instructors, and students shall wear appropriate clothing, with clean fingernails, and white uniform, or white smock or white laboratory jackets.

S. A complete case history of each patient's electrolysis treatment shall be maintained, which shall include the following data:

1. name, address, telephone number, sex and date of birth of the patient
2. types of hair and of skin, if other than normal
3. patient's medical history and physical condition
4. date of each treatment
5. area of treatment
6. patient's reaction to treatment
7. skin reaction to treatment
8. duration of treatment
9. setting of equipment for area being treated
10. allergies
11. have attached any letters or other data concerning the patient.

T. Every electrologist shall display his or her license and renewal certificate in a conspicuous place in his or her principal office. Every electrologist who maintains more than one office shall display in a conspicuous place in every branch office a certified statement of registration provided by the board.

Rule 11. Addition Requirements for Schools

A. Every school shall prominently display its license near the entrance. Licensure of the school is for one location only. Each location must apply separately.

B. Every school shall furnish to each student upon enrollment a true signed copy of the school contract and a copy of the school manual text covering the complete school curriculum as approved by the board. The school shall also furnish at the time of enrollment a copy of the statutes and rules and regulations governing electrologists.

C. Within 10 days after each student's enrollment, every school shall furnish the board with

1. The name, address, date of enrollment, telephone number and specification of day or evening class of each student, recorded on the school's stationery.

2. A certificate signed by a licensed physician stating that the student is free of contagious or communicable disease.

3. A statement signed by the student stating that he or she has received a copy of the Statutes and the rules and regulations governing electrologists and is cognizant of the fact that in order to qualify for a state board diploma or its equivalent, one must have attained the age of 18 years.

4. A signed copy of the student's permission to receive electrolysis treatment, and any restrictions thereof.

D. Every school shall provide each student with a separate locker for the student's clothes and effects.

E. School quarters shall be large enough to accommodate

the student body, lecturers and practical demonstrations and shall have proper and sufficient equipment for practical work.

F. The school shall have available for the use of students, several types of machines for electrolysis.

G. Every school shall provide and maintain adequate professional and necessary modern equipment for the student body. A list of equipment shall be submitted to the board for its approval and any additions or subtractions from this list must be reported to the state board.

H. Only FCC approved type of epilators which conform to Federal Food and Drug Administration rules and regulations shall be used by each school or apprenticeship programs in training students. H-1 electronic tweezers or non-needle methods are prohibited within the practice or teaching of electrolysis schools and apprenticeship programs.

I. Every school shall maintain one complete set of reference books for each 12 students enrolled. These reference books must be approved by the board.

J. Every school shall keep a daily record of the attendance of every student and record of the time devoted by every student to each subject of study; shall establish credits and shall hold examinations before issuing diplomas. These records or any part of the information contained therein shall be available to any member or investigator of the board at any time upon request. Each school shall submit to the board in writing every three months a record of the time completed by every student in practical and theoretical work. (The first day of January, April, July and October.)

K. No practical work may be done by students except within the school premises and under direct supervision of a licensed instructor. Hours of credit shall be given to a student for time spent as a patient in the ratio of one hour practical credit for every two hours spent as a patient.

L. Every school shall maintain regular class hours with a daily schedule, which shall be submitted to the board for approval.

M. Each group of 12 students or less engaged in practical work simultaneously shall have at least one licensed instructor in attendance at all times, and necessary equipment will be provided at all times for each student.

N. No school shall directly or indirectly accept any remuneration or make any charge for services rendered by its students at said school for practice work but a school may make a reasonable nominal charge to cover expenses of equipment and materials used.

O. A school may advertise as such but shall not in any way hold itself out as an electrolysis office.

P. No school premises shall be used for the private practice of electrolysis.

Q. Any student who leaves a school for any reason shall be reimbursed according to the school contract.

R. No student shall be an instructor for another student.

S. No student, upon graduation from school and pending the state board examination, may engage in the practice of electrolysis other than on the school premises until fully licensed.

T. Every school shall provide the student with an office, properly equipped, and with enough space for the student to properly take a history in confidence, and in private.

Rule 12. Additional requirements for electrolysis office suites, treatment rooms, reception or waiting rooms wherein the electrolysis practice relocates after July 1, 1983 or begins operation after that date. (cf Act 942 - 1984 Legislative Session amending R.S. 37:3052).

A. Every electrolysis office shall have a separate entrance, away from other businesses or residential rooms.

B. Separate toilet facilities must be made available, without entering other businesses or residential rooms.

C. Separate facilities for hand washing shall be provided separate from other business or residential facilities.

D. Every office shall be provided with such instruments, implements, or equipment that are pertinent to the practice of electrolysis.

E. Every office of electrolysis shall be subject to public health standards for treating patients.

F. All devices, instruments, and epilators shall conform to the Federal Food and Drug Administration rules and regulations relating to such devices as amended, May 29, 1976, and shall be F.C.C. (Federal Communication Commission) approved.

Rule 13. Regulations for Apprenticeship Programs.

A. Every person wishing to supervise and instruct a student under an apprenticeship program must petition the board for approval. The petition for approval must show that:

1. the petitioner is a licensed electrologist;
2. the petitioner has practiced as an electrologist for at least seven years and meets the qualifications set forth for instructors by the board;
3. the petitioner resides in Louisiana.

B. Each supervisor or instructor of an apprenticeship program must offer the same number of hours of training in clinical experience and lectures on insertion techniques, modalities, healing, and regrowth problems, and office management, as specified in Rule 7. of these rules and regulations.

C. Each supervisor of an electrologist apprentice shall furnish the apprentice with a signed copy of the contract, a copy of the text to be used and a copy of the Statutes, rules and regulations governing electrologists.

D. Within 10 days after commencement of an apprenticeship program, each supervisor shall furnish the board with:

1. the name, address, date of enrollment, telephone number, and specification of approximate time of day the apprentice will be working with the supervisor;
2. a certificate signed by a licensed physician stating that the apprentice is free of contagious or communicable diseases;
3. a statement signed by the apprentice that he has received a copy of the Statutes and rules and regulations governing electrologists, and is cognizant of the fact that in order to qualify for a state board license, one must have a high school diploma and must have attained the age of 18 years;
4. a signed copy of the apprentice's permission to receive electrolysis treatment, and any restrictions thereof;
5. a daily record of the apprentice's attendance, and a record of the time devoted to each subject of study shall be kept. These records shall be available for inspection to any member or investigator of the board at any time upon request.

E. Each supervisor or instructor must file reports of attendance and training of each apprentice every three months (the first day of January, April, July and October). Said reports must be signed by the supervisor and countersigned by the apprentice.

F. No person shall supervise more than one electrologist apprentice at any one time.

G. No practical work may be done by an apprentice except under the direct supervision of his supervisor or instructor.

Rule 14. Curriculum Regulations for Electrolysis Schools

All electrolysis schools shall maintain the following course of studies for their students.

A. Every school teaching electrolysis shall maintain a course of study of not less than 600 hours, extending over a period of not less than six months. Each course shall include 150 hours of academic study and 450 hours of practical training.

B. No student shall devote more than five days a week and no more than six hours a day to formal training in electrolysis (including practical training).

C. The 450 hours of practical training shall involve epilation whereby the licensed instructor demonstrates how to proceed on each area to be treated, namely the legs, body, arms, face (including hair line and eyebrow shaping) and all other areas not specifically prohibited in Rule 3 (B) and/or Rule 10 (F).

D. The 150 hours of academic study shall include the following:

1. Histology and Hair and Skin structure (emphasis on hair and skin structure)	35
2. Bacteriology, Sterilization and Hygiene (Basic fundamentals)	35
3. Electricity (principles of electricity, its effects and uses)	20
4. Basic Dermatology	20
5. Physiology (emphasis on endocrinology)	15
6. Equipment (approved electrolysis machines and necessary equipment for an electrolysis office)	10
7. Professional conduct and office management	15
TOTAL	150 hours

Rule 15. Suspension or Revocation of License

A. After notice and an opportunity for hearing, the board may suspend or revoke any license or certificate issued to any electrologist for any of the following causes:

1. conviction of a crime;
2. fraud, deceit, or perjury in obtaining a diploma or certificate of licensure;
3. habitual drunkenness;
4. habitual use of morphine, opium, cocaine, or other drugs having similar effect;
5. deceiving or defrauding or attempting to deceive or defraud the public;
6. obtaining or attempting to obtain payment for electrolic services by fraud, deceit, or perjury;
7. incompetency, gross negligence, or gross misconduct in professional activities;
8. intentional violation of federal, state, or municipal laws or regulations relative to contagious and infectious diseases or other public health matters.

B. Nothing in this Section shall be construed to prevent a licensed practitioner from mailing education material to his patients or the dissemination of educational material approved by electrolysis societies or associations and the board.

Rule 16. Complaints and Hearing Procedure.

A. Registration of complaints.

1. Any person, public officer, association, or the board, may prefer charges against any licensee for due cause.
2. Such charges shall be in writing, signed, and shall be submitted to the board.

B. Hearing procedures.

1. The board, or any person or persons appointed by it for the said purpose, shall hold a preliminary hearing to determine whether a formal hearing on the charges is necessary.
2. The board may dismiss the charges and take no action thereon, by preliminary hearing, in which event the charges and the order dismissing the charge shall be filed with the board.
3. If the board or the person or persons thus appointed by it decide that the charges shall be heard, the board shall designate a hearing officer to determine the charges and set a time and place for a formal hearing.
4. A copy of the charges together with notice of the time and place of the formal hearing, shall be served on the accused at least 10 days before the date fixed for the hearing.

5. Where personal service cannot be effected and such fact is certified on oath by any person duly authorized to make legal service, the board shall cause to be published twice in each of two successive weeks, a notice of the formal hearing in a newspaper published in the parish in which the accused was last known to reside, and, on or before the date of the first publication, a copy of the charges and of such notice shall be mailed to the accused at his last known address.

6. When publication of the notice is necessary, the date of the formal hearing shall be not less than 10 days after the last day of publication of the notice.

7. Upon the conclusion of the formal hearing the board may revoke the license of the accused, or suspend such license for a fixed period, or reprimand, or take other disciplinary action, or dismiss the charges.

8. An order of suspension made by the board may contain such provisions as to reinstatement of the license as the board shall direct.

9. The board, in its discretion, may direct a rehearing or take additional evidence, and may rescind or affirm the prior determination after such rehearing, but nothing in this subdivision shall preclude appropriate relief under and pursuant to the laws of the state providing for the review of administrative determination by the courts of the state, as specifically outlined in Title 49:959 of the state Statutes.

C. Conduct of Formal Hearings

1. At any formal hearing conducted pursuant to these rules, any party to the proceedings may appear personally and with counsel and shall be given the opportunity to produce evidence and witnesses and to cross-examine witnesses.

2. At any formal hearing conducted pursuant to these rules, if a party shall appear without counsel, the board or person(s) designated as hearing officers or hearing officer shall advise such party of his right to be represented by counsel; and that, if he desires to proceed without counsel, he may call witnesses, cross-examine witnesses, and produce evidence in his behalf.

3. Appearances shall be noted on the official record of formal hearings.

4. The board or designated hearing officer may grant adjournments upon request of any party to the proceedings, provided that an adjournment shall not be for any indefinite period of time, but shall be set down for a certain day.

5. If an adjournment is requested in advance of the formal hearing date, such request shall be submitted to the board in writing, and shall specify the reason for such request.

6. In considering an application for adjournment of a formal hearing the board or hearing officer shall consider whether the purpose of the formal hearing will be affected or defeated by the granting of such adjournment.

7. The board or designated hearing officer shall issue subpoenas and subpoena duces tecum upon request of any party to the proceedings of any formal hearing set down by the board. No subpoena shall be issued until the party who wishes to subpoena the witnesses first deposits with the agency a sum of money sufficient to pay all fees and expenses to which a witness in a civil case is entitled pursuant to R.S. 13:3661 and R.S. 13:3671. Witnesses subpoenaed to testify before an agency only to an opinion founded on special study or experience in any branch of science, or to make scientific or professional examinations, and to state the results thereof, shall receive such additional compensation from the party who wishes to subpoena such witness as may be fixed by the agency with reference to the value of the time employed and the degree of learning or skill required. Whenever any person summoned under this Section neglects or refuses to obey such summons, or to produce books, papers, records, or other data, or to

give testimony, as required, the agency may apply to the judge of the district court for the district within which the person so summoned resides or is found, for an attachment against him for contempt. It shall be the duty of the judge to hear the application and, if satisfactory proof is made, to issue an attachment, directed to some proper office, for the arrest of such person and, upon his being brought before him, to proceed to hearing of the case; and upon such hearing, the judge shall have the power to make such order as he shall deem proper, not inconsistent with the law for the punishment of contempts, to enforce obedience to the requirements of the summons and to punish such person for his default or disobedience.

8. The board or hearing officer shall not be bound by the rules of evidence in the conduct of a formal hearing, but the determination and recommendations of the hearing officer shall be founded upon sufficient legal evidence to sustain it.

9. Upon the conclusion of a formal hearing, the board shall take such action upon such written findings and determinations as it deems proper, and shall execute an order in writing carrying such findings and determination into effect. When in an adjudication proceeding a majority of the officials of the board who are to render the final decision have not heard the case or read the record, or the proposed order is not prepared by a member of the agency, the decision, if adverse to a party to the proceeding other than the agency itself, shall not be made final until a proposed order is served upon the parties, and an opportunity is afforded to each party adversely affected to file exceptions and present briefs and oral argument to the officials who are to render the decision. The proposed order shall be accompanied by a statement of the reasons therefor and of the disposition of each issue of fact or law necessary to the proposed order, prepared by the person who conducted the formal hearing or by one who has read the record. No sanction shall be imposed or order be issued except upon consideration of the whole record and as supported by and in accordance with the reliable, probative, and substantial evidence. The parties by written stipulation may waive, and the agency in the event there is no contest may eliminate, compliance with this Section.

10. The order of the board may include the assessment of civil penalties as provided by law. A final decision or order adverse to a party in an adjudication proceeding shall be in writing or stated in the record. A final decision shall include findings of fact and conclusions of law. Findings of fact, if set forth in statutory language shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. If, in accordance with agency rules, a party submitted proposed findings of fact, the decision shall include a ruling upon each proposed finding. Parties shall be notified either personally or by mail of any decision or order. Upon request, a copy of the decision or order shall be delivered or mailed forthwith to each party and to his attorney of record. The parties by written stipulation may waive, and the agency in the event there is no contest may eliminate, compliance with the Section.

11. The record, minutes and evidence of a formal hearing shall be made available to all parties for examination at the office of the board, or at such place as the board may direct. Copies of the minutes may be purchased at the rate per page covering the cost thereof.

Rule 17. Fees

A. The board shall fix and collect uniform fees, which shall not exceed the following amounts for each type of fee, and which shall not be refundable:

- | | |
|---|-------|
| 1. Application fee for license to practice electrology | \$150 |
| 2. For issuing duplicate of certificate of license | 10 |
| 3. Application for certificate of annual renewal of license to practice electrology | 75 |

- 4. Application fee for license of electrology school 500
- 5. Application for certificate of annual renewal license of an electrologist school 300
- 6. Delinquency fee 25

B. All fees received by the board and all fines collected under the provisions of these rules shall be transmitted to the state treasurer, who shall place them in a special fund to the credit of the State Board of Electrolysis Examiners. The board shall have authority to expend the moneys in said fund for the operating expenses of the board and for other expenses incurred in the administration and enforcement of this Chapter.

Rule 18. Renewal of License

A. Each license to practice electrology in this state shall be renewed annually on or before December 1 of each year, upon application therefor, accompanied by the renewal fee prescribed in R.S. 37:3072 (A).

B. When any electrologist or electrolysis school licensed hereunder fails to register and pay the annual registration fee within 30 days after the registration fee becomes due, the license or certificate of such person or school shall be revoked automatically at the expiration of 30 days after the registration was required, without further notice or hearing. However, any person or school whose license or certificate is automatically revoked as provided herein may make application in writing to the board for the reinstatement of such license or certificate and, upon good cause being shown, the board in its discretion may reinstate such license or certificate upon payment of all past due renewal fees and the payment of an additional sum of \$50.

Rule 19. Penalty

Whoever violates any provision of this Chapter, upon conviction shall be fined not less than \$100 or more than \$500, or be imprisoned for not more than six months, or both. Each day of violation shall constitute a separate offense.

Rule 20. Grandfather Clause

Any person who has been practicing electrolysis as an electrologist in this state prior to July 1, 1979 shall be eligible to be licensed upon application therefor and payment of the license fee fixed hereafter, but without examination.

Patricia D. Sibille
Chairperson

RULE

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

The Department of Health and Human Resources, Office of Family Security, adopts the following rule in the Title XIX Medical Assistance Program.

RULE

Effective May 20, 1985, the rule which amended Title XIX (Medicaid) State Plan Attachment 3.1-A, Item 12 (a)(6) effective for services beginning September 1, 1983, published as a final rule August 20, 1983, Vol. 9, No. 8, pages 552-561, in the *Louisiana Register*, is amended to delete the rule from the Title XIX State Plan Attachment 3.1 A, Item 12(a)(6) and add the rule to the Chapter XIX, Medical Assistance Manual, Medications as follows:

**CHAPTER XIX - MEDICAL ASSISTANCE MANUAL -
MEDICATIONS**

Louisiana Maximum Allowable Cost (LMAC) Regulations

A state program, Louisiana Maximum Allowable Costs, (LMAC) has been established for certain drugs reimbursable un-

der Title XIX. The LMAC shall be applicable unless a lower federal MAC for the respective products is established.

The LMAC Program methodology used in the Pharmacy Program to determine allowable costs is as follows:

(1) The wholesale cost of a specific strength/unit of a drug by a single manufacturer, labeler, etc. is the average wholesale cost of that drug as listed in the most current edition of American Druggist Blue Book/or its revisions, hereinafter referred to as the Blue Book.

(2) The LMAC list is the DHHR MAP listing of drugs, as generic name, by strength/unit and dosage which are reimbursable with a LMAC.

(3) Estimated Acquisition Cost (EAC) is the agency's best estimate of what providers are generally paying for a drug. The basis for determining the EAC will be the current American Druggist Blue Book and its revisions. The agency has determined that the EAC for multi-source drugs with an LMAC shall be the LMAC or the Blue Book wholesale cost whichever is less.

(4) The LMAC, determined and calculated for a multiple source drug (as defined in 42 CFR 447.332), is the median wholesale cost of a drug for a specific strength/unit. The median wholesale cost is determined by listing the wholesale costs for a drug for a specific strength/unit for each readily available manufacturer, labeler, etc., and taking the median of those wholesale costs (one-half of the manufacturers, etc., will be above the median cost and one-half of the manufacturers will be below the median cost).

All LMAC costs will be computed as described above. The LMAC costs may be adjusted by the agency based on changes in the availability and EAC of the drugs. Any LMAC cost revisions will be based on The American Druggist Blue Book Data Center information. Such LMAC cost revisions will be sent to pharmacist and physicians providers on a timely, monthly basis. A complete LMAC cost list will be distributed annually.

The list was determined by a study of the availability of drugs in the Louisiana Medical Assistance Program (MAP) for the purpose of determining reasonable estimated acquisition costs of drugs to allow for the effective and efficient administration of the MAP.

The LMAC limits shall be applicable for the specified drugs unless the prescriber has certified, in his own handwriting, that a specified brand is medically necessary for the recipient.

In no case may a recipient be required to provide payment for any difference in a prescription price that may occur with implementation of the LMAC limit, nor may OFS use a cost which exceeds the established maximums except as specified below.

This program shall track the U.S. Department of Health and Human Services regulations regarding exceptions to their MAC limitations. The specific guidelines regarding procedures for such exceptions provide that:

- (a) the certification must be in the physician's handwriting;
- (b) the certification may be written directly on the prescription or on a separate sheet which is attached to the prescription;
- (c) a standard phrase written on the prescription, such as "brand necessary" will be acceptable;
- (d) a printed box on the prescription blank that could be checked by the physician to indicate brand necessity is unacceptable;
- (e) a handwritten statement transferred to a rubber stamp and then stamped on the prescription blank is unacceptable.

Those multiple-source drugs that are reimburseable under Title XIX LMAC program are as follows:

DRUG NAME	STRENGTH/UNIT	DOSAGE FORM
Acetaminophen Combination		Tablet
Acetaminophen	300.000 MG	
Codeine	30.000 MG	
Acetaminophen Combination		Tablet
Acetaminophen	300.000 MG	
Codeine	60.000 MG	
Acetaminophen Combination		Solution
Acetaminophen	120.000 MG	
Codeine Phosphate	12.000 MG	
Acetazolamide	125.000 MG	Tablet
Acetazolamide	250.000 MG	Tablet
Allopurinol	100.000 MG	Tablet
Allopurinol	300.000 MG	Tablet
Aminophylline	105.000 MG/5ML	Solution
Aminosalicylate Sodium	500.000 MG	Tablet
Amitriptyline HCL	10.000 MG	Tablet
Amitriptyline HCL	25.000 MG	Tablet
Amitriptyline HCL	50.000 MG	Tablet
Amitriptyline HCL	75.000 MG	Tablet
Amitriptyline HCL	100.000 MG	Tablet
Amitriptyline HCL	150.000 MG	Tablet
Amoxicillin Trihydrate	125.000 MG/5ML	Suspension
Amoxicillin Trihydrate	250.000 MG	Capsule
Amoxicillin Trihydrate	250.000 MG/5ML	Suspension
Amoxicillin Trihydrate	500.000 MG	Capsule
Ampicillin Sodium	1.000 G	Injection
Ampicillin Sodium	2.000 G	Injection
Ampicillin Sodium	250.000 MG	Injection
Ampicillin Sodium	500.000 MG	Injection
Ampicillin Trihydrate	125.000 MG/5ML	Suspension
Ampicillin Trihydrate	250.000 MG	Capsule
Ampicillin Trihydrate	250.000 MG/5ML	Suspension
Ampicillin Trihydrate	500.000 MG	Capsule
Belladonna Combination		Capsule
Belladonna Alkaloids		
Phenobarbital	15-20 MG	
Belladonna Combination		Tablet
Belladonna Alkaloids	15-20 MG	
Phenobarbital		
Butalbital Combination		Capsule
Butalbital		
Aspirin		
Caffeine		
Butalbital Combination		Tablet
Butalbital		
Aspirin		
Caffeine		
Calcium Chloride	100.000 MG/1ML	Injection
Calcium Lactate	300.000 MG	Tablet
Calcium Lactate	600.000 MG	Tablet
Carisoprodol	350.000 MG	Tablet
Cefazolin Sodium	1.000 G	Injection
Cefazolin Sodium	250.000 MG	Injection
Cefazolin Sodium	500.000 MG	Injection
Cephadrine	250.000 MG	Capsule
Cephadrine	250.000 MG/5ML	Suspension
Cephadrine	500.000 MG	Capsule
Chloral Hydrate	250.000 MG	Capsule

Chloral Hydrate	500.000 MG	Capsule
Chloral Hydrate	500.000 MG/5ML	Solution
Chlorothiazide	250.000 MG	Tablet
Chlorothiazide	500.000 MG	Tablet
Chlorpheniramine Maleate	10.000 MG/1ML	Injection
Chlorpromazine HCL	10.000 MG	Tablet
Chlorpromazine HCL	25.000 MG	Tablet
Chlorpromazine HCL	25.000 MG/1ML	Injection
Chlorpromazine HCL	30.000 MG/1ML	Solution
Chlorpromazine HCL	50.000 MG	Tablet
Chlorpromazine HCL	100.000 MG	Tablet
Chlorpromazine HCL	100.000 MG/1ML	Solution
Chlorpromazine HCL	200.000 MG	Tablet
Chlorthalidone	25.000 MG	Tablet
Chlorthalidone	50.000 MG/1ML	Tablet
Chlorthalidone	100.000 MG	Tablet
Clotrimazole	1.000 %	Cream, Vaginal
Clotrimazole	1.000 %	Cream, Topical
Clotrimazole	1.000 %	Solution
Clotrimazole	100.000 MG	Suppository
Cloxacillin	500.000 MG	Capsule
Cloxacillin Sodium	125.000 MG/5ML	Solution
Cloxacillin Sodium	250.000 MG	Capsule
Codeine Phosphate Combination		Tablet
Codeine Phosphate	15.000 MG	
Acetaminophen	300.000 MG	
Codeine Phosphate Combination		Tablet
Codeine Phosphate	15.000 MG	
Aspirin	300.000 MG	
Codeine Phosphate Combination		Tablet
Codeine Phosphate	30.000 MG	
Aspirin	300.000 MG	
Codeine Phosphate Combination		Tablet
Codeine Phosphate	60.000 MG	
Aspirin	300.000 MG	
Colchicine	500.000 MCG	Tablet
Colchicine	600.000 MCG	Tablet
Copper Chloride	400.000 MCG/ 1ML	Injection
Copper Sulfate	2.000 MG/1ML	Injection
Corticotropin	25.000 U	Injection
Cortisone Acetate	5.000 MG	Tablet
Cortisone Acetate	10.000 MG	Tablet
Cortisone Acetate	25.000 MG	Tablet
Cortisone Acetate	25.000 MG/1ML	Injection
Cortisone Acetate	50.000 MG/1ML	Injection
Cyanocobalamin	1.000 MG/1ML	Injection
Cyanocobalamin	100.000 MCG/ 1ML	Injection
Cyproheptadine HCL	2.000 MG/5ML	Solution
Cyproheptadine HCL	4.000 MG	Tablet
Dexamethasone	.500 MG/5ML	Solution
Dexamethasone	1.500 MG	Tablet
Dexamethasone	4.000 MG	Tablet
Dexamethasone	250.000 MCG	Tablet
Dexamethasone	500.000 MCG	Tablet
Dexamethasone	750.000 MCG	Tablet

Dexamethasone Sodium Phosphate	4.000 MG/1ML	Injection
Dicloxacillin Sodium	250.000 MG	Capsule
Dicloxacillin Sodium	500.000 MG	Capsule
Dicyclomine HCL	10.000 MG	Capsule
Dicyclomine HCL	10.000 MG/5ML	Solution
Dicyclomine HCL	20.000 MG	Tablet
Diethylstilbesterol	1.000 MG	Tablet
Diethylstilbesterol	5.000 MG	Tablet
Diethylstilbesterol	1.000 MG	Tablet, EC
Diethylstilbesterol	5.000 MG	Tablet, EC
Digitalis	100.000 MG	Tablet
Digitoxin	50.000 MCG	Tablet
Digitoxin	100.000 MCG	Tablet
Digitoxin	150.000 MCG	Tablet
Digitoxin	200.000 MCG	Tablet
Digoxin	50.000 MCG/ 1ML	Solution
Digoxin	100.000 MCG/ 1ML	Injection
Digoxin	125.000 MCG	Tablet
Digoxin	250.000 MCG	Tablet
Digoxin	250.000 MCG/ 1ML	Injection
Digoxin	500.000 MCG	Tablet
Diphenhydramine HCL	12.500 MG/ 5ML	Solution
Diphenhydramine HCL	25.000 MG	Capsule
Diphenhydramine HCL	50.000 MG	Capsule
Diphenhydramine HCL	50.000 MG/ 1ML	Injection
Diphenoxylate HCL Combination		Tablet
Diphenoxylate HCL	2.500 MG	
Atropine Sulfate	25.000 MCG	
Dipivefrin HCL	.100 %	Solution
Dipyridamole	25.000 MG	Tablet
Dipyridamole	50.000 MG	Tablet
Dipyridamole	75.000 MG	Tablet
Disulfiram	250.000 MG	Tablet
Disulfiram	500.000 MG	Tablet
Doxepin HCL	10.000 MG	Capsule
Doxepin HCL	10.000 MG/1ML	Solution
Doxepin HCL	25.000 MG	Capsule
Doxepin HCL	50.000 MG	Capsule
Doxepin HCL	75.000 MG	Capsule
Doxepin HCL	100.000 MG	Capsule
Doxepin HCL	150.000 MG	Capsule
Echothiophate Iodide	.030 %	Solution
Echothiophate Iodide	.060 %	Solution
Echothiophate Iodide	.125 %	Solution
Echothiophate Iodide	.250 %	Solution
Ephedrine Sulfate	25.000 MG	Capsule
Ephedrine Sulfate	50.000 MG	Capsule
Ephedrine Sulfate Syrup	20.000 MG/5ML	Solution
Epinephrine HCL	1.000 MG/1ML	Injection
Epinephrine HCL	100.000 MCG/1ML	Injection
Ergocalciferol	8000.000 U/1ML	Solution
Ergocalciferol	25000.000 U	Capsule
Ergocalciferol	50000.000 U	Capsule

Ergocalciferol	500000.000 U/1ML	Injection
Ergotamine Tartrate	2.000 MG	Soluble Tablet
Erythromycin	250.000 MG	Enteric Coated Tablet
Erythromycin Ethylsuccinate	400.000 MG/5ML	Suspension
Erythromycin Stearate	250.000 MG	Tablet
Erythromycin Stearate	500.000 MG	Tablet
Estrogens Conjugated	1.250 MG	Tablet
Estrogens Conjugated	2.500 MG	Tablet
Estrogens Conjugated	300.000 MCG	Tablet
Estrogens Conjugated	625.000 MCG	Tablet
Ferrous Gluconate	300.000 MG	Tablet
Ferrous Sulfate	125.000 MG/1ML	Solution
Ferrous Sulfate	220.000 MG/5ML	Solution
Ferrous Sulfate	300.000 MG	Tablet
Ferrous Sulfate	300.000 MG	Enteric Coated Tablet
Fluocinolone Acetonide	.010 %	Solution
Fluocinolone Acetonide	.010 %	Cream
Fluocinolone Acetonide	.025 %	Ointment
Fluocinolone Acetonide	.025 %	Cream
Fluoxymesterone	5.000 MG	Tablet
Fluoxymesterone	10.000 MG	Tablet
Fluphenazine HCL	2.500 MG	Tablet
Fluphenazine HCL	5.000 MG	Tablet
Folic Acid	1.000 MG	Tablet
Folic Acid	800.000 MCG	Tablet
Furosemide	10.000 MG/1ML	Injection
Furosemide	20.000 MG	Tablet
Furosemide	40.000 MG	Tablet
Furosemide	80.000 MG	Tablet
Gentamicin Sulfate	.300 %	Solution
Gentamicin Sulfate	40.000 MG/1ML	Injection
Glutethimide	500.000 MG	Tablet
Griseofulvin	250.000 MG	Capsule
Griseofulvin	250.000 MG	Tablet
Griseofulvin	500.000 MG	Tablet
Guanethidine Monosulfate Combination		Tablet
Guanethidine Monosulfate	10.000 MG	
Hydrochlorothiazide	25.000 MG	
Guanethidine Sulfate	10.000 MG	Tablet
Guanethidine Sulfate	25.000 MG	Tablet
Heparin Sodium	100.000 U/1ML	Injection
Heparin Sodium	1000.000 U/1ML	Injection
Heparin Sodium	5000.000 U/1ML	Injection
Heparin Sodium	10000.000 U/1ML	Injection
Heparin Sodium	20000.000 U/1ML	Injection
Heparin Sodium	40000.000 U/1ML	Injection
Hydralazine HCL	10.000 MG	Tablet
Hydralazine HCL	25.000 MG	Tablet
Hydralazine HCL	50.000 MG	Tablet
Hydralazine HCL	20.000 MG/1ML	Injection
Hydrochlorothiazide	25.000 MG	Tablet

Hydrochlorothiazide	50.000 MG	Tablet
Hydrochlorothiazide	100.000 MG	Tablet
Hydrochlorothiazide Combination		Tablet
Hydrochlorothiazide	25.000 MG	
Reserpine	125.000 MCG	
Hydrocortisone	10.000 MG	Tablet
Hydrocortisone	20.000 MG	Tablet
Ibuprofen	400.000 MG	Tablet
Idoxuridine	.100 %	Solution
Imipramine HCL	10.000 MG	Tablet
Imipramine HCL	25.000 MG	Tablet
Imipramine HCL	50.000 MG	Tablet
Isoniazid	100.000 MG	Tablet
Isoniazid	300.000 MG	Tablet
Isoproterenol HCL	.250 %	Solution
Isosorbide Dinitrate	2.500 MG	Soluble Tablet
Isosorbide Dinitrate	5.000 MG	Soluble Tablet
Isosorbide Dinitrate	5.000 MG	Tablet
Isosorbide Dinitrate	10.000 MG	Tablet
Isosorbide Dinitrate	20.000 MG	Tablet
Levodopa	100.000 MG	Capsule
Levodopa	250.000 MG	Capsule
Levodopa	500.000 MG	Capsule
Levothyroxine Sodium	25.000 MCG	Tablet
Levothyroxine Sodium	50.000 MCG	Tablet
Levothyroxine Sodium	100.000 MCG	Tablet
Levothyroxine Sodium	125.000 MCG	Tablet
Levothyroxine Sodium	150.000 MCG	Tablet
Levothyroxine Sodium	175.000 MCG	Tablet
Levothyroxine Sodium	200.000 MCG	Tablet
Levothyroxine Sodium	300.000 MCG	Tablet
Lidocaine HCL	1.000 %	Injection
Lidocaine HCL	2.000 %	Injection
Lidocaine HCL	20.000 MG/1ML	Injection
Lidocaine HCL	40.000 MG/1ML	Injection
Lindane	1.000 %	Suspension
Lindane	1.000 %	Solution
Lithium Carbonate	300.000 MG	Capsule
Lithium Carbonate	300.000 MG	Tablet
Magnesium Sulfate	500.000 MG/1ML	Injection
Manganese Chloride	100.000 MCG/1ML	Injection
Manganese Sulfate	100.000 MCG/1ML	Injection
*Meclizine	12.500 MG	Tablet
*Meclizine	25.000 MG	Tablet
Medroxyprogesterone Acetate	10.000 MG	Tablet
Metaproterenol Sulfate	10.000 MG	Tablet
Metaproterenol Sulfate	10.000 MG/5ML	Solution
Metaproterenol Sulfate	20.000 MG	Tablet
Metaproterenol Sulfate	650.000 MCG	Aerosol
Methenamine Mandelate	1.000 G	Enteric Coated Tablet

* Only brands bearing the federal legend are payable. Over-the-counter (OTC) brands are not payable.

Methenamine Mandelate	500.000 MG	Enteric Coated Tablet
Methenamine Mandelate	500.000 MG/5ML	Suspension
Methocarbamol	500.000 MG	Tablet
Methocarbamol	750.000 MG	Tablet
Methylphenidate HCL	5.000 MG	Tablet
Methylphenidate HCL	10.000 MG	Tablet
Methylphenidate HCL	20.000 MG	Tablet
Metronidazole	250.000 MG	Tablet
Metronidazole	500.000 MG	Tablet
Nitrofurantoin	50.000 MG	Tablet
Nitrofurantoin	50.000 MG	Capsule
Nitrofurantoin	100.000 MG	Tablet
Nitrofurantoin	100.000 MG	Capsule
Nitroglycerin	2.000 %	Ointment
Nitroglycerin	2.500 MG	Extended Release Capsule
Nitroglycerin	6.000 MG	Extended Release Capsule
Nitroglycerin	6.500 MG	Extended Release Capsule
Nitroglycerin	9.000 MG	Extended Release Capsule
Nitroglycerin	150.000 MCG	Soluble Tablet
Nitroglycerin	300.000 MCG	Soluble Tablet
Nitroglycerin	400.000 MCG	Soluble Tablet
Nitroglycerin	600.000 MCG	Soluble Tablet
Norethindrone Acetate	5.000 MG	Tablet
Nystatin	100000.000 U	Suppository
Nystatin	100000.000 U/1G	Cream
Nystatin	100000.000 U/1G	Ointment
Nystatin	100000.000 U/1ML	Suspension
Nystatin	500000.000 U	Tablet
Oxacillin Sodium	1.000 G	Injection
Oxacillin Sodium	2.000 G	Injection
Oxacillin Sodium	250.000 MG	Capsule
Oxacillin Sodium	250.000 MG/5ML	Solution
Oxacillin Sodium	500.000 MG	Capsule
Oxacillin Sodium	500.000 MG	Injection
Oxyphenbutazone	100.000 MG	Tablet
Pancreatin Triple Strength	300.000 MG	Enteric Coated Tablet
Papaverine HCL Sustained Action	150.000 MG	Capsule
Paregoric		Tincture
Penicillin G Potassium	400,000.000 U	Tablet
Penicillin G Potassium	500,000.000 U	Tablet
Penicillin G Potassium	20000000.000 U	Injection

Penicillin G Potassium, Buffered	20000000.000 U	Injection
Penicillin G Potassium Buffered	5000000.000 U	Injection
Penicillin G Procaine	300000.000 U/1ML	Injection
Penicillin G Procaine	500000.000 U/1ML	Injection
Penicillin G Procaine	600000.000 U/1ML	Injection
Penicillin V Potassium	125.000 MG/5ML	Solution
Penicillin V Potassium	250.000 MG	Tablet
Penicillin V Potassium	250.000 MG/5ML	Solution
Penicillin V Potassium	500.000 MG	Tablet
Pentaerythritol Tetranitrate	10.000 MG	Tablet
Pentaerythritol Tetranitrate	20.000 MG	Tablet
Phenazopyridine HCL	100.000 MG	Tablet
Phenobarbital	15.000 MG	Tablet
Phenobarbital	30.000 MG	Tablet
Phenobarbital	60.000 MG	Tablet
Phenobarbital	100.000 MG	Tablet
Phenobarbital Combination Phenobarbital	15.000 MG	Tablet
Hyoscyamine Sulfate	100.000 MCG	
Atropine Sulfate	20.000 MCG	
Scopolamine Hydrochloride	6.000 MCG	
Phenobarbital Combination Phenobarbital	15.000 MG	Solution
Hyoscyamine Sulfate	100.000 MCG	
Atropine Sulfate	20.000 MCG	
Scopolamine Hydrobromide	6.000 MCG	
Alcohol	23.000 %	
Phenobarbital Elixir	20.000 MG/5ML	Solution
Phenobarbital Sodium	125.000 MG/1ML	Injection
Phenylbutazone	100.000 MG	Capsule
Phenylbutazone	100.000 MG	Tablet
Phenytoin Sodium	50.000 MG/1ML	Injection
Physostigmine Sulfate	.250 %	Ointment
Phytonadione	10.000 MG/1ML	Injection
Pilocarpine HCL	.500 %	Solution
Pilocarpine HCL	.500 %	Viscous Solution
Pilocarpine HCL	1.000 %	Solution
Pilocarpine HCL	1.000 %	Viscous Solution
Pilocarpine HCL	2.000 %	Solution
Pilocarpine HCL	2.000 %	Viscous Solution
Pilocarpine HCL	3.000 %	Solution
Pilocarpine HCL	3.000 %	Viscous Solution
Pilocarpine HCL	4.000 %	Solution
Pilocarpine HCL	4.000 %	Viscous Solution
Pilocarpine HCL	5.000 %	Solution
Pilocarpine HCL	6.000 %	Solution
Piperazine Hexahydrate Citrate	500.000 MG/5ML	Solution
Potassium Chloride	2.000 MEQ/1ML	Injection
Potassium Chloride	6.700 MEQ/5ML	Solution
Potassium Chloride	13.300 MEQ/5ML	Solution

Potassium Chloride	750.000 MG	Extended Release Tablet
Potassium Gluconate	6.700 MEQ/5ML	Solution
Prednisone	5.000 MG	Tablet
Prednisone	10.000 MG	Tablet
Prednisone	20.000 MG	Tablet
Prednisone	50.000 MG	Tablet
Probenecid	500.000 MG	Tablet
Procainamide HCL	250.000 MG	Capsule
Procainamide HCL	375.000 MG	Capsule
Procainamide HCL	500.000 MG	Capsule
Prochlorperazine Edisylate	5.000 MG/1ML	Injection
Prochlorperazine Maleate	5.000 MG	Tablet
Prochlorperazine Maleate	10.000 MG	Tablet
Prochlorperazine Maleate	25.000 MG	Tablet
Promethazine HCL	6.250 MG/5ML	Solution
Promethazine HCL	12.500 MG	Tablet
Promethazine HCL	25.000 MG	Tablet
Promethazine HCL	25.000 MG/5ML	Solution
Promethazine HCL	50.000 MG	Tablet
Propantheline Bromide	15.000 MG	Tablet
Propoxyphene Combination		Capsule
Propoxyphene HCL	65.000 MG	
Aspirin	230.000 MG	
Caffeine	30.000 MG	
Phenacetin	150.000 MG	
Propoxyphene Combination		Capsule
Propoxyphene HCL	65.000 MG	
Acetaminophen	600.000 MG	
Propoxyphene HCL	65.000 MG	Capsule
Propoxyphene Combination		Tablet
Propoxyphene HCL	65.000 MG	
Acetaminophen	600.000 MG	
Propylthiouracil	50.000 MG	Tablet
Quinidine Sulfate	100.000 MG	Tablet
Quinidine Sulfate	200.000 MG	Tablet
Quinidine Sulfate	300.000 MG	Tablet
Reserpine	100.000 MCG	Tablet
Reserpine	250.000 MCG	Tablet
Reserpine Combination		Tablet
Reserpine	100.000 MCG	
Hydralazine HCL	25.000 MG	
Hydrochlorothiazide	15.000 MG	
Sodium Bicarbonate	1.000 MEQ/1ML	Injection
Sodium Chloride	.900 %	Inhalant
Sodium Chloride	2.000 MEQ/1ML	Injection
Sodium Chloride	4.000 MEQ/1ML	Injection
Sodium Fluoride	2.200 MG	Tablet, Chewable
Spironolactone	25.000 MG	Tablet
Spironolactone Combination		Tablet
Spironolactone	25.000 MG	
Hydrochlorothiazide	25.000 MG	
Sulfacetamide Sodium	10.000 %	Ointment
Sulfacetamide Sodium	15.000 %	Solution
Sulfacetamide Sodium	30.000 %	Solution

Sulfamethoxazole Combination		Suspension
Sulfamethoxazole	200.000 MG	
Trimethoprim	40.000 MG	
Sulfamethoxazole Combination		Tablet
Sulfamethoxazole	400.000 MG	
Trimethoprim	80.000 MG	
Sulfamethoxazole Combination		Tablet
Sulfamethoxazole	800.000 MG	
Trimethoprim	160.000 MG	
Sulfanilamide Combination		Suppository
Sulfanilamide	1.000 G	
Aminacrine HCL	15.000 MG	
Allantoin	150.000 MG	
Sulfanilamide Combination		Cream
Sulfanilamide	15.000 %	
Aminacrine HCL	.200 %	
Allantoin	1.500 %	
Sulfathiazole Combination		Cream
Sulfathiazole	3.400 %	
Sulfacetamide	2.900 %	
Sulfabenzamide	3.700 %	
Urea	.600 %	
Sulfinpyrazone	100.000 MG	Tablet
Sulfinpyrazone	200.000 MG	Capsule
Sulfisoxazole	500.000 MG	Tablet
Terbutaline Sulfate	2.500 MG	Tablet
Terbutaline Sulfate	5.000 MG	Tablet
Tetracycline HCL	125.000 MG/5ML	Suspension
Tetracycline HCL	250.000 MG	Capsule
Tetracycline HCL	500.000 MG	Capsule
Thioridazine HCL	10.000 MG	Tablet
Thioridazine HCL	15.000 MG	Tablet
Thioridazine HCL	25.000 MG	Tablet
Thioridazine HCL	50.000 MG	Tablet
Thioridazine HCL	100.000 MG	Tablet
Thioridazine HCL	150.000 MG	Tablet
Thyroglobulin	100.000 MG	Tablet
Thyroglobulin	200.000 MG	Tablet
Thyroid	15.000 MG	Tablet
Thyroid	30.000 MG	Tablet
Thyroid	60.000 MG	Enteric Coated Tablet
Thyroid	60.000 MG	Tablet
Thyroid	100.000 MG	Tablet
Thyroid	125.000 MG	Tablet
Thyroid	125.000 MG	Enteric Coated Tablet
Thyroid	200.000 MG	Tablet
Thyroid	250.000 MG	Tablet
Thyroid	300.000 MG	Tablet
Tolbutamide	250.000 MG	Tablet
Tolbutamide	500.000 MG	Tablet
Triamcinolone Acetonide	.025 %	Cream
Triamcinolone Acetonide	.025 %	Ointment
Triamcinolone Acetonide	.100 %	Ointment
Triamcinolone Acetonide	.100 %	Cream

Triamcinolone Acetonide	.500 %	Cream
Triamcinolone Acetonide	.500 %	Ointment
Triamcinolone Acetonide	40.000 MG/1ML	Injection
Trihexyphenidyl HCL	2.000 MG	Tablet
Trihexyphenidyl HCL	2.000 MG/5ML	Solution
Trihexyphenidyl HCL	5.000 MG	Tablet
Vitamin A	25000.000 U	Capsule
Vitamin A	50000.000 U	Capsule

This action is based on meetings with representatives of the Health Care Financing Administration (HCFA) Regional Office which were held in Dallas, Texas, on January 30, 1985, in which the Office of Family Security, Medical Assistance Program, was instructed to remove this detailed information from the Title XIX State Plan. This is not a policy change, but is considered a minor technical change.

Implementation is subject to approval by the Health Care Financing Administration (HCFA) as required for all Title XIX policy changes. If disapproved by HCFA, the policy prior to this proposed amendment remains 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

Effective May 20, 1985, the Department of Health and Human Resources, Office of Preventive and Public Health Services, Seafood Sanitation Unit, in order to implement the provisions of LSA R.S. 40:607 (B) and 604 is adopting these additional regulations to amend the Food Regulations of the Food, Drug and Cosmetic Regulations, dated September, 1968 (the "Red Book"). This regulation provides rules for the construction and operation of shellfish (oysters, clams) depuration plants which will be utilized to purify potentially hazardous, sewage-contaminated shellfish that would otherwise be unfit for human consumption. The regulations also provide rules applicable to the harvesting and transporting of contaminated shellfish from unapproved (contaminated) growing waters to the depuration plants.

A new Chapter entitled "Seafood Regulations" is established, and 6.101-6.123 provides for the controlled depuration of shellfish as follows:

6.101 Permit Requirements

(a) The controlled depuration of shellfish (oysters, clams, and mussels) is prohibited, unless the operator of the establishment has an unsuspended or unrevoked permit-to-operate issued by the Department of Health and Human Resources. Upon receipt of an application for a permit-to-operate, an inspection will be made by a duly authorized representative of the state health officer, and if the establishment is found properly equipped, in accordance with regulations, a permit will be issued authorizing the owner or operator of said establishment to engage in the business of depurating shellfish. Plans and specifications shall be submitted for review and approval prior to the construction of depuration plant.

Such permit may be suspended or revoked at any time for violation of these regulations. A suspended or revoked permit may be reinstated or re-issued when the proper improvements have been made.

(b) The depuration plant owner shall designate a plant supervisor and assistant plant supervisor to be accountable for compliance with all applicable state laws and regulations.

(c) The depuration plant shall be used for no purpose other than the treatment of shellfish and research activities related thereto. Persons not employed by the shellfish depuration plant or representing the Department of Health and Human Resources, the Department of Wildlife and Fisheries, or the U.S. Food and Drug Administration shall not be allowed access to the depuration plant or the laboratory except by permission of the plant supervisor or assistant plant supervisor.

6.102 Tank Design and Construction

(a) The tank(s) shall be designed to allow for the uniform flow of sea water with no turbulence where shellfish are located. The tank(s) shall be of sufficient size to allow at least 8 cubic feet of sea water per bushel of shellfish in the tank(s). If the tank(s) is (are) rectangular in shape, length to width ratios shall be from 2:1 to 4:1. The maximum depth of tank(s) shall be 48 inches. The flow rate in the tank(s) shall be l gpm/bushel.

(b) Tanks shall be designed so that scum and sludge (shellfish feces and pseudo-feces, sand, grit, etc.) can be easily removed or flushed out. The bottom shall be sloped longitudinally at least ¼ to ½ inch per foot toward the outlet end.

(c) To facilitate proper cleaning and sanitation, as well as a proper treatment of shellfish, tanks shall be constructed from impervious, non-toxic and inert materials. Coatings, when used, may include epoxy resins, powdered polyesters, vinyl bituminous water-tank paint, and paraffin. The coatings are not only for waterproofing but should provide a smooth, hard, non-porous surface for cleanliness.

6.103 Plant Sanitation

(a) The general sanitation requirement of the plant, physical structure, equipment and utensils, and the sanitary requirements for operations, processes, and personnel shall follow the regulations issued under the Federal Food, Drug, and Cosmetic Act: "Human Food; Current Good Manufacturing Practice in Manufacture, Processing, Packing, or Molding," 21 CFR, Part 128, issued May 1969, and where applicable the sanitation requirements for plant, handling of shellstock, and personnel given in Part II of the National Shellfish Sanitation Program Manual of Operations, 1965 Revision, and Chapter IX, Louisiana State Sanitary Code, as revised March 20, 1984.

(b) Material: Equipment surfaces that come into direct contact with the shellfish shall be made of smooth, corrosion-resistant, impervious, non-toxic materials which will not readily disintegrate or crack; and shall be so constructed as to be readily cleaned, and shall be kept in good repair.

6.104 Plumbing and Related Facilities

(a) Plumbing shall be installed in compliance with state and local plumbing ordinances. Lavatories shall have running hot and cold water through a common mixer valve and shall be so located that their use by plant personnel can be readily observed. Signs shall be posted in toilet rooms and near laboratories, directing em-

employees to wash their hands before starting work and after each interruption. Signs shall be so located that their use by plant personnel can be readily observed.

(b) Pump volutes and impellers shall be of a material which is non-toxic.

(c) Plant domestic sewage shall be discharged into a sewage disposal system constructed in accordance with state and local requirements.

6.105 Floors

Floors of rooms in which shellfish are handled or stored shall be constructed of concrete or other material impervious to water, shall be graded to drain quickly; shall be free from cracks and uneven surfaces that interfere with proper cleaning or drainage; and shall be maintained in good repair.

6.106 Lighting

To insure constant conditions for the shellfish undergoing the treatment process, a minimum of 10 footcandles of illumination shall be provided at the water surface level inside the depuration tanks. The water surfaces shall not be subjected to the variations of direct sunlight.

6.107 Heating and Ventilation

Working rooms shall be heated and ventilated.

6.108 Water Supply

The water supply for depuration and non-depuration uses shall be from a source approved by the Department of Health and Human Resources. When sea water is used in depuration process it must be obtained from an area that is currently approved for that purpose by the Department of Health and Human Resources. The sea water that is used for depuration purposes may be recirculated through depuration tanks but shall be discarded at the conclusion of the 48-hour treatment process.

6.109 Rodent Control

The depuration plant shall be free from rodents, vermin, and domestic animals.

6.110 General Cleanliness

The treatment plant shall be kept clean and free of litter and rubbish. Miscellaneous and unused equipment and articles which are not necessary to plant operations shall not be stored in rooms used for depuration or shellstock storage. Culled shellstock shall be removed promptly from the plant.

6.111 Health of Personnel

Any person known to be infected with any disease in a communicable form shall be excluded from handling shellfish in the plant pending appropriate treatment and return to health.

6.112 Depuration - Laboratory Procedures

(a) An on-site laboratory shall be provided. The laboratory shall be evaluated and meet the minimum requirements of the Department of Health and Human Resources and the U.S. Food and Drug Administration. The laboratory shall be supervised and operated by a person or persons approved in writing by the Department of Health and Human Resources and shall also meet the minimum requirements of the U.S. Food and Drug Administration.

(b) The laboratory shall conduct routine bacterial examinations of process water and shellfish, and special examinations when necessary or required.

(c) Bacterial examinations of shellfish and seawater shall be made in accordance with "The Recommended Procedures for Bacterial Examination of Sea Water and Shellfish," 4th edition/1970 of the American Public Health Association, or other methods approved by the Department of Health and Human Resources.

(d) All other physical, chemical, or biological tests shall be conducted according to the "Standard Methods for the Examination of Water and Waste Water," 15th edition/1980 prepared

and published by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation, or other methods approved by the Department of Health and Human Resources.

6.113 Depuration - Plant Operation

(a) Source of Shellfish: Shellfish shall be accepted for treatment at a shellfish depuration plant only from areas approved for this purpose by the Department of Health and Human Resources. A detailed description of all areas from which shellfish may be taken for treatment purposes, updated as necessary, shall be filed by the Department of Health and Human Resources with the Department of Wildlife and Fisheries and the plant supervisor. The plant supervisor or assistant plant supervisor shall inspect all containers of raw shellfish upon arrival at the plant to verify that they contain the species and quantity stated on the surveillance officer's reports.

(b) Shellfish Containers: Shellfish shall be accepted for treatment and released after treatment in clean containers only.

(c) Culling: All untreated shellfish prior to, or upon arrival at the plant, shall be thoroughly inspected and culled by the plant supervisor or assistant plant supervisor. All dead shellfish, or shellfish in broken or cracked shells shall be destroyed.

(d) Washing Shellfish: Before treatment, all shellfish shall be thoroughly washed or hosed with water taken from a source approved by the Department of Health and Human Resources. After treatment, all shellfish shall be thoroughly washed or hosed again with water taken from a source approved by the Department of Health and Human Resources.

(e) Baskets Used in Treatment Process: All baskets used in the treatment process shall be of suitable size, designed for easy handling, and made of impervious material(s). Baskets shall be of such design to allow water to flow freely over the shellfish in the treatment tanks. Baskets shall not be filled beyond the level which will allow free circulation of water during the treatment process. The height of the shellfish in the baskets shall not exceed three inches. Baskets shall be stacked in such a manner as to allow free circulation of water. Containers used for treatment purposes shall not be used for any other purpose and no other equipment shall be placed in the treatment tanks.

(f) Shellfish Treatment: All shellfish, upon receipt at the treatment plant, shall be promptly treated or placed in controlled storage. Shellfish shall be treated for a period of 48 hours or for such time as authorized by the Department of Health and Human Resources.

(g) Washing Treatment Tanks: After each 24 hours that the shellfish are in the treatment tanks, the sea water in the tanks shall be drained out and the shellfish hosed down thoroughly with water from a supply approved by the Department of Health and Human Resources. Feces, pseudo-feces and any other waste matter shall be flushed out of the tank. The treatment tanks shall be sanitized with an approved sanitizing agent prior to being refilled with treated sea water.

6.114 Depuration - Shellfish Sampling Procedures

(a) Start up Phase: When shellfish are delivered to the depuration plant, the following schedule shall be followed:

(1) One or more shellfish samples (12 or more shellfish per sample) shall be collected for bacterial examination before the shellfish are submitted to the treatment process.

(2) Three or more shellfish samples, (12 or more shellfish per sample) randomly selected from three or more locations in each tank, shall be collected for bacterial examination after 24 hours of depuration.

(3) Three or more shellfish samples, (12 or more shellfish per sample) randomly selected from three or more locations in each tank, shall be collected for bacterial examination after the shellfish have completed the treatment process.

(b) The above schedule shall be followed until such time as the Department of Health and Human Resources, after review of the results, determines that the shellfish from such areas are responding properly to the treatment process, and that the treatment process is successfully reducing bacterial levels. After such a determination, the routine sampling procedure shall be followed. A routine sampling procedure defining a program of daily sampling shall be established by the Department of Health and Human Resources. Written permission from the Department must be obtained prior to the initiation of routine monitoring procedures.

(c) In the event of the installation of a new laboratory, new laboratory equipment, employment of new laboratory personnel, initiation of new laboratory procedures, or the alteration of treatment or procedures, the Department of Health and Human Resources may require reinitiation of "start-up phase" procedures until such time as the Department, after review of the results, determines that the laboratory and/or treatment procedures are providing valid results. Written permission from the Department shall be obtained before routine monitoring procedures are again followed.

6.115 Depuration Process Water Control - Sampling

(a) All controlled processes require quality tests to determine if standards are being met and if controls are effective. The treatment of shellfish is a controlled process designed to reduce bacterial contamination to an acceptable level. To insure the continuing effectiveness of the shellfish treatment process, the minimum sampling procedure as described below, shall be followed:

(b) Incoming Sea Water

(1) Type of Test: Temperature, Turbidity, Salinity, Dissolved Oxygen, Bacteriological.

(2) Frequency: Prior to initiation of 48-hour treatment process, and after tanks have been drained and refilled following first 24-hours of treatment.

(c) Effluent from Ultraviolet Light Treatment Unit

(1) Type of Test: Bacteriological.

(2) Frequency: Once per day per unit.

6.116 Depuration Treatment Process Water - Standards

(a) Bacteriological: All water to be used in shellfish treatment tanks shall be subjected to either ultraviolet light treatment or treatment with ozone. The treated water shall be of bacterial quality equal to or better than the quality of water required in the U.S. Public Health Service Drinking Water Standards, as stated in Public Law 93-523 (Safe Drinking Water Act).

(b) Dissolved Oxygen: The amount of dissolved oxygen in the water in the treatment tanks shall be at least 5 mg/L and shall be measured daily at the discharge end of the tanks.

(c) Temperature: Treatment tank water temperatures shall be measured daily during the treatment process at the discharge end of the tanks. The temperature of sea water shall be maintained between 10°C and 35°C.

(d) Turbidity: Turbidity in the treatment process water shall not exceed 20 J.T.U. (Jackson Turbidity Units) or its equivalent and shall be measured daily at the tank intake.

(e) Salinity: Salinity of the treatment process water may vary from a minimum of 10 parts per 1000 to a maximum of 30 parts per 1000 and shall be measured daily.

(f) pH: pH of the treatment process water shall range from greater than or equal to 7.0 to less than or equal to 8.4 and shall be measured daily.

(g) Metallic Ions and Compounds: Levels of metallic ions and compounds shall not exceed levels found in approved shellfish harvesting areas and shall be measured if required by the Department of Health and Human Resources.

(h) Pesticides, detergents, and radionuclides: Levels of pesticides, detergents, and/or radionuclides shall not exceed lev-

els found in approved shellfish harvesting waters and shall be measured if required by the Department of Health and Human Resources.

6.117 Table 1

Table 1. DEPURATION TREATMENT PROCESS WATER STANDARDS

Parameter	Minimum	Maximum
Bacteriological (total coliform/100ml)	0	Less than 1
Dissolved Oxygen (milligrams/liter)	5.0	Saturation
Temperature	10°C	35°C
Turbidity (Jackson Turbidity Units)	0	20 units
Salinity	10ppt	30ppt
pH	7.0	8.4
Metallic Ions and Compounds	Not exceeding levels found in approved shellfish harvesting areas.	
Pesticides, Detergents and Radionuclides	Not exceeding levels found in approved shellfish harvesting areas.	

6.118 Depuration - Shellfish Meat Standards

(a) Shellfish meats shall not be released for sale if the median fecal coliform MPN of the treated shellfish samples exceeds 20 per 100 grams of sample, or if any sample fecal coliform MPN exceeds 70 per 100 grams of sample.

(b) The use of the Elevated Temperature Coliform Plate Count is authorized for the bacteriological evaluation of hard clams, *Mercenaria spp.*, only.

(c) Should the Department of Health and Human Resources suspect contamination of shellfish by metallic ions and compounds, pesticides, detergents, radionuclides, marine toxins, and/or any toxic substance or adulterate, the department may require that shellfish meats be analyzed for such contaminants before suspect shellfish are released for sale.

6.119 Depuration - Ultraviolet UV Unit

(a) Any UV unit which provides the required treatment and desired results may be used for the purification of water to be used in the treatment process. The unit shall be designed to deliver, at peak load, at least one gallon per minute of treated water per bushel of shellfish.

(b) Cautions and Maintenance

(1) UV tubes shall be checked for intensity (commercial meters are available) on a monthly basis and shall be replaced when they reach a point of 60 percent efficiency. A log of intensity shall be kept and an orderly numbering procedure for units and bulbs established.

(2) UV tubes and reflectors shall be cleaned daily. Cleaning may be done with a damp cloth and sponge.

(3) Signs stating "Ultraviolet Light Danger to Eyes - Do not look at Bulbs Without Eye Protection" shall be displayed in full view of personnel and authorized visitors. Skin protection, especially for the face and hands, shall be provided for personnel monitoring the bulbs. Eye protection may be accomplished by use of ordinary glasses with solid side pieces or special goggles made for this purpose. Protection for the head may be afforded by a hat and hand protection may be accomplished by the use of gloves. Face protection may be afforded by the use of certain clear plastics.

(4) An automatic shutoff switch shall be provided to break the electric circuit, thus shutting off the current to the UV bulb when the lid of the UV is raised.

(5) A device of some kind, i.e., clock, off-on current re-

cord, etc., shall be installed in line with all UV units to measure continuity of operation as well as to measure bulb life.

(6) The complete treatment system including all equipment surfaces that come into direct contact with treatment water and/or shellfish shall be cleaned and sanitized in conformance with approved procedures outlined in Chapter IX, Section 9:032 of the State Sanitary Code.

6.120 Depuration - Shellstock Storage

(a) Refrigeration of Shellstock: Treated shellfish shall be placed under refrigeration immediately, and shall be stored at a temperature not to exceed 10°C. Refrigerated storage compartments shall be provided for treated shellfish, and all such shellfish shall be kept wholly separate from untreated shellfish. Said compartments shall be under supervision of the plant supervisor or assistant plant supervisor, and adequate measures shall be taken to prevent the unauthorized removal of any shellfish. All shellfish shall be handled and stored under such sanitary conditions as will protect the quality of the product.

(b) Controlled Storage: Shellfish which are received at the treatment plant which cannot be processed immediately shall be placed in controlled storage. The temperature at which shellfish are held shall not vary more than plus or minus 6°C from the temperature of the process water. (To avoid bacterial multiplication or spoilage of the shellfish, the maximum storage temperature shall be 21°C.)

6.121 Depuration - Tagging and Release of Shellfish

(a) No shellfish shall be removed from the treatment plant until approved for release by the plant supervisor or assistant plant supervisor as provided in these rules and regulations. All containers of treated shellfish, before being released from the depuration plant, shall be tagged in conformance with Chapter IX, Section 9:050, Louisiana State Sanitary Code as revised March 20, 1984. The tag shall also include the permit number given the treatment plant by the Department of Health and Human Resources and the date the shellfish were released from the treatment plant.

6.122 Depuration Records

(a) Records containing the following information shall be available at the depuration plant at all times for shellfish presently undergoing the treatment process:

(1) Parish(es) from which shellfish were harvested.
(2) Name, location and/or lease number(s) of harvesting area(s).

- (3) Copy of relaying permit(s).
- (4) Date received.
- (5) Quantity of shellfish in tank(s).
- (6) Date and time of initiation of treatment.

(b) Records containing the following information shall be available at the depuration plant at all times for each lot of shellfish which have completed the treatment process.

(1) Parish(es) from which shellfish were harvested.
(2) Name, location and/or lease number(s) of harvesting area(s).

- (3) Copy of relaying permit(s).
- (4) Date received in plant.
- (5) Date released from plant.
- (6) Date and time of initiation of treatment.
- (7) Date and time of termination of treatment.
- (8) Number of hours treated.
- (9) All laboratory results as specified.

(c) The plant supervisor or assistant plant supervisor shall send to the Department of Health and Human Resources, Office of Preventive and Public Health Services, Seafood Sanitation Unit, Box 60630, New Orleans, LA 70160, on a weekly basis, a copy of the daily records required under this regulation and the results

of all shellfish and water samples analyzed during that weekly period.

6.123 Depuration - Harvesting Permit

(a) Any person, firm or corporation engaging wholly or part-time in the business of harvesting shellfish from areas not approved by the state health officer for delivery to a controlled depuration plant shall be required to have an unsuspended or unrevoked harvesting - for - depuration permit issued by the Department of Health and Human Resources.

(b) Harvesting - for - depuration permits shall be granted only to responsible individuals on the following conditions:

(1) Harvesting shall be permitted only during daylight hours.

(2) All leases used for harvesting - for - depuration shall be "red flagged" so that they may be easily spotted by both aircraft and boat.

(3) The sacking of shellfish and/or the storage of empty sacks aboard approved harvesting boats shall be prohibited.

(4) A copy of the harvesting - for - depuration permit shall be kept on board the vessel at all times during active period of permit.

(5) All harvesting and transporting of shellfish shall be done under the effective supervision of a bonded surveillance officer approved in writing by the Department of Health and Human Resources and the Department of Wildlife and Fisheries. The payment of the surveillance officers' salary and expenses shall be the responsibility of the permittee.

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

RULE

Department of Health and Human Resources Office of the Secretary

The Department of Health and Human Resources has adopted changes to the "Rate Setting for Residential Care System Manual," effective May 20, 1985. This change is in accordance with L.R.S. 15:1081-1086 and 42 CFR 447.252 through 42 CFR 447.274. This revision is necessary to provide the Department with the flexibility to set rates at a lower level, should it become necessary.

AMENDMENTS TO THE RATE SETTING FOR RESIDENTIAL CARE MANUAL

1. On page 3.3-7, add after the second sentence in the first paragraph, "(New providers are not considered in determining the median)." Change the minimum budget screen from "10 percent" to "0 percent."

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

RULE

Department of Health and Human Resources Office of the Secretary

The Department of Health and Human Resources has adopted changes effective May 20, 1985, to the "Rate Setting for Residential Care System Manual." These changes are in accordance with L.R.S. 15: 1081-1086 and 42 CFR 447.252 through 42 CFR 447.274. These revisions are necessary to clarify existing rules.

AMENDMENTS TO THE RATE SETTING FOR RESIDENTIAL CARE MANUAL

1. On page 1.4-1, change number 4 to "One represen-

tative from the Office of Mental Health (OMH).” Change number 6 to “One representative from the Division of Licensing and Certification (DLC).” Add as number 10, “One representative from the Office of Prevention and Recovery from Alcohol and Drug Abuse (OPRADA).”

2. On page 3.1-1, add at the end of the second paragraph: “HIM-15 can be obtained from the superintendent of documents, U.S. Government Printing Office, Washington, D.C. 20402 [telephone number: (202) 783-3238]. The official title is *Medicare Provider Reimbursement Manual* and the publication number is HCFA-Pub-15-1. The approximate cost is \$200.”

3. On page 3.2-3, under “EVENT,” number 1, change the date to “June 30.” Under “DATE,” change the first date to “September 1”; change the second date to “October 1”; and change the third date to “October-June.” Change numbers 4, 5, and 6 to the following:

- | | |
|--|-----------|
| “4. DHHR budget projections for upcoming state fiscal year | Oct./Nov. |
| 5. DHHR budget submitted to Division of Administration | December |
| 6. Governor submits budgets to State Legislature” | March |

4. On page 3.2-4, change numbers 7, 8, 9, and 10 to the following:

- | | |
|---|----------------------------------|
| “7. Providers submit cost reports for six months ending December 31 | April 1 |
| 8. Appropriation of DHHR funding by legislature | July |
| 9. Notice sent to providers | July |
| 10. Deadline for providers to appeal | 30 days after rate notification” |

5. On page 3.2-5, number 2, in the first sentence, change “are reviewed” to “may be reviewed,” and before “programmatic content” add “shall be reviewed for.” Change the last sentence to “Program offices have the authority to reduce costs considered unreasonable.” Delete the sentence “Inflation screen exceptions are identified.”

6. On page 3.2-5, add as number 4, “Inflation screen exceptions are identified.” Change all subsequent numbers accordingly.

7. On page 3.3-3, change all of the first paragraph prior to the sentence beginning with the words “Non-allowable costs . . .” to:

“a. Reasonableness Review

The program office in coordination with the rate administrator will review the budgets to reduce unreasonable costs. A review of the budget items versus actual costs as reflected in the cost reports will be part of the reasonableness review. If projected costs are significantly higher than annualized actual costs as reported on cost reports, then the provider will be asked to provide justification for those projected costs. If the justification provided is considered to be inadequate, then the cost will be considered unreasonable and disallowed. The reasonableness review will also involve a comparison of costs between facilities to determine if a provider’s costs are significantly higher than similar facilities. If the costs are significantly higher, the provider will be asked to provide justification. If the justification provided is not considered to be adequate, then the cost will be considered unreasonable and disallowed.

b. Review for Unallowable Costs”

8. On page 3.3A, add to the last paragraph, “And, the budgets will be reviewed for misclassification of amounts and any misclassifications found will be properly classified.

9. On page 3.3-4, change number 5 to, “State operated

and other facilities that fall under the jurisdiction and receive funding from local political subdivisions.” Add to number 6, “and family violence programs.”

10. On page 3.3-5, add as the last sentence, “Facilities with special provider status cannot be funded with Title XIX funds.”

11. On page 3.3-10, add as a last sentence to the first paragraph under number 1, “Once a rate is set based on an assigned level of care, the rate will remain the same throughout the remaining state fiscal year, even if the level of care assignment changes.”

12. On page 3.3-20, change the third definition of a new provider to:

“A change in ownership of an existing facility will not result in a classification as a new provider for rate setting purposes. A change in facility site and a change in capacity will also not result in a classification as a new provider for rate setting purposes. These latter two changes, if they occur after the effective date of a rate, may however necessitate the resubmission of budgets and a change in rate, if the budgeted costs are significantly different than originally submitted. Any rate change in these latter two instances must be approved by the Rate Setting Policy Committee.”

13. On page 3.3-20, add as a last paragraph, “New providers are not eligible for the incentive allowance in basic support, nor for any profit allowance. A provider shall be considered new until it operates for a full state fiscal year with a rate set under the guidelines set forth in this manual.”

14. On page 3.5-1, change the “Due Date” to “9/1.” Under “Information Required,” change the first date to “6/30.”

15. On page 3.5-2, change the “Due Date” to 4/1.” Under “Information Required,” change the date to “12/31.” In paragraph number 2, add in the middle of the first sentence after “cost reports and budgets,” “with all forms completed.” Delete Schedules G-1 and G-2 from the list of required forms. Also, delete the sentence, “New providers submit Schedules G-1 and G-2 instead of C-1 and C-2. Ongoing providers submit Schedules G-1 and G-2 in addition to C-1 and C-2 when justifying new programs and services.”

16. On page 3.5-3, add as the next to last paragraph, “All costs submitted on cost reports and budgets must be resident care related. A knowing inclusion of costs in violation of this requirement, as well as other requirements of HIM-15, could subject the provider to criminal prosecution under L.R.S. 14:70.1 or L.R.S. 14:133.”

17. On page 3.5-3, add as the last paragraph, “For allocated or shared costs, separate cost report and budget forms must be completed showing the total costs prior to allocation. The method of allocation and the percentage of allocation to each individual provider must also be shown. If there are costs included in a provider’s budget from several organizational layers, a separate set of cost report and budget forms must be included for each layer.”

18. On page 3.5-9, add as the next to last sentence, “A column has been added for identification of the line item on Forms C-1 and C-2 on which the salary amounts are found.”

19. On page 3.5-29, delete the instructions for completion of Forms G-1 and G-2.

20. On page 3.8-1, delete “that net equity, as used in computing the profit factor, is properly reported.” Change the last paragraph to, “New providers will be subject to a desk audit after the conclusion of their first year of operation. Ongoing providers will be subject to desk audit on a random sample basis. Field audits will be conducted on a reasonable number of providers each year. Providers submitting budgets exceeding the budget screen amount for their group will be subject to a greater probability of audit than providers submitting budgets below the budget screen.”

21. On page 3.8-1A, add as the second paragraph, "Errors in documentation submitted by providers to justify projected costs, misstatements concerning related organization transactions, balance sheet errors, depreciation errors, and in-kind contribution errors, may result in a recomputation of the rate(s) affected by the errors or misstatements." Change the percentage in the first sentence of the first paragraph to "10 percent" from "15 percent."

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

RULE

Department of Health and Human Resources Office of the Secretary

The Department of Health and Human Resources has adopted changes to the "Rate Setting for Residential Care System Manual." This change is in accordance with L.R.S. 15:1081-1086 and 42 CFR 447.252 through 42 CFR 447.274. This revision is necessary to clarify the forms utilized in rate setting.

AMENDMENTS TO THE

RATE SETTING FOR RESIDENTIAL CARE MANUAL

1. On Form G, Budgeted Staff Positions, add a column entitled "C-1 or C-2 Line Item."
2. On Schedule C-1, add the following:
 - a. C-1-9 - add "give detail on nature of expense"
 - b. C-1-11 - add "provide copy of policy"
 - c. C-1-22 - move to C-1-44 and change numbering accordingly. Add to C-1-44 "must provide detailed schedule"
 - d. C-1-23 - change to C-1-22 and add "specify"
 - e. C-1-25 - change to C-1-24 and add "specify each and amount"
 - f. C-1-30a - change to C-1-29a and change to read "This facility's share of all allocated or shared costs in the Basic Support area must be shown on this line. A separate budget must be provided showing the line by line totals of any costs allocated or shared and the method and percentage of allocation."
 - g. C-1-30c - change to C-1-29c and add "show method and/or percentage"
 - h. C-1-41 - change to C-1-40 and add "specify"
 - i. C-1-43 - change to C-1-42 and add "provide detailed schedule"
 - j. C-1-44 - change to C-1-43 and add "provide detailed schedule"
 - k. C-1-45 - add "provide detailed schedule"
 - l. C-1-47 - add "provide copy"
 - m. C-1-48 - add "provide copy"
 - n. C-1-49 - add "provide copy"
 - o. C-1-51 - add "specify"
 - p. C-1-69 - add "specify"
 - q. C-1-76 - add "specify"
 - r. C-1-79 - add "specify"
3. On Schedule C-2, change the following:
 - a. C-2-17 - change to "Use this line to show this facility's share of allocated or shared costs in the programmatic area. A separate budget must be provided showing the line by line totals of any costs allocated and the method and percentage of allocation."
 - b. C-2-24 - add "specify"
 - c. C-2-39 - add "specify"

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

RULE

Department of Health and Human Resources Office of the Secretary

The Department of Health and Human Resources has adopted changes to the "Rate Setting for Residential Care System Manual." This change is in accordance with L.R.S. 15:1081-1086 and 42 CFR 447.252 through 42 CFR 447.274. This revision is necessary to clarify the groupings of providers.

AMENDMENTS TO THE

RATE SETTING FOR RESIDENTIAL CARE MANUAL

1. On page 3.3-4, change the first sentence to, "Providers will be grouped as follows:" Change number 5 to "State operated facilities or other facilities operated by and funded, in whole or in part, by a local governing authority." Add to number 6 "and family violence programs."

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

RULE

Department of Health and Human Resources Office of the Secretary

The Department of Health and Human Resources has adopted changes to the "Rate Setting for Residential Care System Manual." This change is in accordance with L.R.S. 15:1081-1086 and 42 CFR 447.252 through 42 CFR 447.274. This revision is necessary to create a new level of care to appropriately adjust for the nonambulatory population residing in facilities.

AMENDMENTS TO THE

RATE SETTING FOR RESIDENTIAL CARE MANUAL

1. On page 3.3-14, in the first sentence describing Level VI, delete the phrase "and/or total care." In the second paragraph, after "Direct-care staffing ratio is budgeted and filled 1 to 1 . . .," delete "or any more restrictive staffing ratio." Delete the word constant from the last sentence of that same paragraph. Add the following as a new last paragraph:

"Level VII - Population served is non-ambulatory and requires total care.

The focus of treatment is of a professional nature. Habilitation may also include recreational and therapeutic programs. Individual plans, procedures, and goals are written.

Direct-care staffing ratio is budgeted and filled at a greater than a 1 to 1 ratio. Treatment is planned and delivered by qualified professionals. Professional staff are in the facility at all times and are used in lieu of or supplemental to, direct care staff because of the severity of handicaps of the clients. The clients require extremely intensive medical, psychiatric, or psychological treatment."

2. On page 3.3-15 c, change "15 percent" to "30 percent," change "10 percent" to "20 percent," and change "5 percent" to "10 percent." Add "four levels below the median - 40 percent" and "four levels above the median - 40 percent." Change paragraph d to: "An exception to the above adjustments will be made if the level of care is Level VI or VII. If the facility is a Level VI facility and the medium level in its group is Level IV or below, the adjustment upward will be 40 percent. If the facility is a Level VII facility, and the median level in its group is Level IV or below, the adjustment upward will be 60 percent."

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

RULE

**Department of Health and Human Resources
Office of the Secretary**

The Department of Health and Human Resources has adopted changes to the "Rate Setting for Residential Care System Manual." This change is in accordance with L.R.S. 15:1081-1086 and 42 CFR 447.252 through 42 CFR 447.274. This revision is necessary for the Department to remain in compliance with Section 2314 of the Deficit Reduction Act of 1984 which amended the federal requirements regarding reimbursement under Medicare and Medicaid for capital related costs.

**AMENDMENTS TO THE
RATE SETTING FOR RESIDENTIAL CARE MANUAL**

- 1. On page 3.5-20A, add the following:
"n. Revaluation of Assets

In establishing an appropriate allowance for depreciation, interest on capital indebtedness and, if applicable, a return on equity capital with respect to an asset of a facility which has undergone a change of ownership, the valuation of the asset will be the lesser of the allowable acquisition cost of the asset to the first owner of record on or after July 18, 1984, or the acquisition cost of such asset to the new owner. Costs of legal fees, negotiation, or settlement of the sale are not reimbursable."

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

RULE

**Department of Natural Resources
Office of Conservation**

**AMENDMENT TO STATEWIDE ORDER NO. 29-N-1
UNDERGROUND INJECTION CONTROL PROGRAM
REGULATIONS FOR CLASS I, III, IV, AND V WELLS**

Pursuant to power delegated under the laws of the State of Louisiana and particularly Title 30 of the Louisiana Revised Statutes of 1950, Sections 30:1 D, and 4 C (1); and after a public hearing held under Docket No. UIC 85-8 in Baton Rouge, LA on April 1, 1985, and following publication of notice as required by the Louisiana Administrative Procedure Act, Title 49, Sections 950 through 970 of the Louisiana Revised Statutes of 1950, as amended, the following rules and regulations are promulgated by the Commissioner of Conservation as being reasonably necessary to govern the siting, construction and operation of Class I or IV injection wells used for the injection of industrial waste or waste products into the subsurface, Class III wells which inject for extraction of minerals or energy, or any other use of an injection well described herein (Class V), excluding Class II injection wells which are regulated by Statewide Order No. 29-B.

Statewide Order No. 29-N-1

Table of Contents

- Part 70 Permit Modification, Revocation and Reissuance, Termination, and Transfer
- 20.07 Prohibition of Class IV Wells

The following activities are prohibited:

A. The construction, operation, or maintenance of any Class IV well is prohibited except for wells used to inject contaminated groundwater that has been treated and is being reinjected into the same formation from which it was drawn as part of a clean-up plan approved by appropriate State and Federal agencies.

B. This prohibition does not apply to the following:

- 1. Wells used to inject hazardous waste into aquifers or portions thereof which have been exempted pursuant to Section 20.08, provided the exempted aquifer into which waste is injected underlies the lowermost formation containing a USDW; and

2. Wells used to inject hazardous waste where no USDW exists within one quarter mile of the well bore in any underground formation, provided that a determination is made that such injection is into a formation sufficiently isolated to ensure that injected fluids do not migrate from the injection zone.

40.05 Duty to reapply. If the permittee wishes to continue an activity regulated by a permit after the expiration date of a permit, the permittee must apply for and obtain a new permit.

40.10 Compliance. Except for Class III wells, compliance with a permit during its term constitutes compliance, for purposes of enforcement, with the Act and these regulations.

50.05 D. The Commissioner may give permission to commence injection for an interim period of 30 days following the inspection required in Section 40.12 (B) (2). Final permission to inject will be given only upon receipt and approval of the completion report required in paragraph (A) of this section.

PART 70 Permit Modification, Revocation and Reissuance, Termination, and Transfer or Renewal

70.05 A. The Commissioner may terminate a permit during its term for the following causes:

70.05 A.2. The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time, or

Effective Date and Compliance

A. This Amendment shall be effective on and after July 1, 1985.

B. Failure to comply with the requirements of this Amendment in a timely manner will subject an operator to the suspension or revocation of his permit(s) and/or the imposition of penalties pursuant to L.R.S. 30:18.

Herbert W. Thompson
Commissioner

RULE

**Department of Natural Resources
Office of the Secretary**

Under the authority of the State and Local Coastal Resources Management Act of 1978, L.R.S. 49:213.11, in accordance with the provisions in L.R.S. 49:950 et seq., and pursuant to the Notice of Intent published on March 20, 1985, the secretary has adopted the following amended rules and procedures for Coastal Use Permits. The effective date for the amended rules is May 20, 1985.

The amendments to the rules revise Part III C (1) of Appendix cl, "Rules and Procedures for Coastal Use Permits" and adds Parts III C (2), (3), (4) and (5) to Appendix cl.

The rule change establishes a system for the charging of fees for CUP applications based on \$20 per application, \$0.04 per cubic yard of dredge or fill material with a maximum of \$2,020 for any one permit issued. The amendment enables the Coastal Management Division (CMD) to recover from permit application fees part of the cost for the regulatory portion of the Louisiana Coastal Resources Program (LCRP).

The adopted amendments are as follows:

I

Amend Part III C. (1) of Appendix cl, "Rules and Procedures for Coastal Use Permits" as follows:

C. Fee Schedule

(1) The following schedule of fees will be charged for the processing and evaluation of Coastal Use Permit applications.

(a) A non-refundable application fee shall accompany each application or request for determination submitted to the Coastal Management Division. The fee shall be \$20 for each application and \$20 for each request for determination.

(b) In addition to the non-refundable application fee, the following fees will be assessed according to total volume of material disturbed for each permit issued.

1. Proposed projects which involve fewer than 125 cubic yards of dredge or fill volume shall not be assessed additional fees.

2. Proposed projects which involve 125 cubic yards of dredging and/or filling but less than 50,000 cubic yards shall be assessed at the rate of \$0.04 per cubic yard.

3. Proposed projects which involve 50,000 cubic yards or more of dredging and/or filling shall be assessed the maximum volume disturbed fee of \$2,000.

II.

Add Part III C. (2) as Follows:

(2) If the appropriate fees are not included along with the Coastal Use Permit application, the application will be considered incomplete, and returned to the applicant. The application fee and additional fees, if any, should be paid separately.

III.

Add Part III C. (3) as follows:

(3) A Coastal Use Permit Application which has been returned to the applicant by the Coastal Management Division or withdrawn by the applicant and is subsequently resubmitted shall be subject to an additional processing fee which will consist of an application fee and a permit fee if the application has undergone substantial revisions, pursuant to Part IV (A) (1) of these Rules (Appendix cl).

IV.

Add Part III C. (4) as follows:

(4) Individual applications authorized under any existing or future CMD CUP general permits will be assessed only the application fee unless the secretary determines that full individual permit processing is in the public interest. If it is determined that a general CMD permit application requires full CUP processing, both the application and permit fee will be assessed.

V.

Add Part III C. (5) as follows:

(5) Nothing contained in Part III C. (1) - (5) shall affect the right of local governments and parishes with approved programs to assess fees for processing and evaluating Coastal Use Permit Applications.

B. Jim Porter
Secretary

RULE

**Department of Public Safety
Liquefied Petroleum Gas Commission**

In accordance with the provisions of LRS 49:950, the Administrative Procedure Act, and LRS 40:1846 relative to the authority of the Liquefied Petroleum Gas Commission to make and enforce rules and regulations, notice is hereby given that the commission adopted the following changes to its rules and regulations at the public hearing on April 25, 1985.

Amend and reenact Paragraph 1.1(b) to read:

(b) Any person, firm or corporation desiring to enter the liquefied petroleum gas business in the State of Louisiana must file formal application with the Liquefied Petroleum Gas Commission (Class I, 90 days; all others, 30 days) prior to date of commission meeting. Presence of applicant or representative is required at the commission meeting when the application is heard. In no case will

the applicant's supplier be the authorized representative. Application form will be furnished by the commission upon request.

Amend and reenact Paragraph 1.1(c)(3) to read:

3. Must have on file in the office of the director a Certificate of Insurance signed by a Louisiana resident agent, showing kinds and amounts in force; said certificate shall be considered evidence of general liability insurance coverage in the minimum sum of \$100,000; said certificate must bear the clause that in the event the insurance company intends to cancel, the insurance company will notify the director of the Liquefied Petroleum Gas Commission 30 days prior to date of cancellation.

(a) In lieu of such general liability insurance coverage the applicant may post with the commission bonds or other securities issued by the United States of America or the State of Louisiana, or certificates of deposit or similar instruments issued by a lending institution regulated by an agency of this state or of the federal government, in the minimum sum of \$100,000, which bonds or securities shall be held in trust by the commission for the benefit of any person, firm or corporation to which such legal liability may accrue.

(b) Nothing in this Paragraph shall be construed as reducing the insurance requirements imposed by the laws or rules and regulations of the federal government upon persons, firms or corporations engaged in the liquefied petroleum gas business.

Amend and reenact Paragraph 1.1(c)(3)(a) to change its designation to 1.1(c)(5)(a).

Amend and reenact Paragraph 1.1(c)(4) to read:

4. Must furnish bond of \$5,000 with application, payable to the State of Louisiana, satisfactory to the commission to insure compliance with the law and the rules and regulations.

(a) In lieu of such bond, the applicant may post with the commission bonds or other securities issued by the United States of America or the State of Louisiana, or certificates of deposit or similar instruments issued by a lending institution regulated by an agency of this state or of the federal government, in the sum of \$5,000, which bonds or securities shall be held in trust by the commission for the benefit of any person, firm or corporation to which such legal liability may accrue.

Add Paragraph 1.1(d)(1) to read:

(1) The commission may assess a civil penalty of not less than \$50 nor more than \$500 for each violation of the rules and regulations adopted by this commission. Civil penalties may be assessed only by a ruling of the commission based on an adjudicatory hearing held in accordance with the Administrative Procedure Act. The commission may institute civil proceedings to enforce its ruling in the district court for the parish in which the commission is domiciled or the district court for the parish in which the violation occurred.

Amend and reenact Paragraph 1.1(f)(a) Class I to read:

(a) Must file formal application with the Liquefied Petroleum Gas Commission 90 days prior to the date of the commission meeting at which time the application is to be considered, listing the names and addresses of the principal owners or, in the case of a corporation, the names and addresses of the principal officers and directors. The name and address of the manager must also be furnished. Presence of the applicant is required at the commission meeting when the application is heard. Only with special approval of the commission, under extenuating circumstances, will the commission allow applicant to be represented by another party. Application forms will be furnished by the commission upon request.

Enact Paragraphs 1.1(f)(c)(1) Class I; 1.1(f)(c)(1) Class II; 1.1(f)(c)(1) Class III; 1.1(f)(c)(1) Class IV; 1.1(f)(c)(1) Class V; 1.1(f)(c)(1) Class VI; 1.1(f)(d)(1) Class VII; 1.1(f)(d)(1) Class VII-E; and 1.1(f)(d)(1) Class VIII to read:

(1) In lieu of such bond, the applicant may post with the commission bonds or other securities issued by the United States of America or the State of Louisiana, or certificates of deposit or similar instruments issued by a lending institution regulated by an agency of this state or of the federal government, in the sum of \$5,000, which bonds or securities shall be held in trust by the commission for the benefit of any person, firm or corporation to which such legal liability may accrue.

Amend and reenact Paragraphs 1.1(f)(d) Class I; 1.1(f)(d) Class II; 1.1(f)(d) Class III; 1.1(f)(d) Class IV; 1.1(f)(d) Class V; 1.1(f)(d) Class VI; and 1.1(f)(d) Class VIII to read:

(d) Must furnish evidence of general liability insurance in the minimum sum of \$100,000 covering applicant's legal liability. In lieu of such insurance, the applicant may post with the commission bonds or other securities issued by the United States of America or the State of Louisiana, or certificates of deposit or similar instruments issued by a lending institution regulated by an agency of this state or of the federal government, in the sum of \$100,000, which bonds or securities shall be held in trust by the commission for the benefit of any person, firm or corporation to which legal liability may accrue.

Enact Paragraphs 1.1(f)(d)(1) Class I; 1.1(f)(d)(1) Class II; 1.1(f)(d)(1) Class III; 1.1(f)(d)(1) Class IV; 1.1(f)(d)(1) Class V; 1.1(f)(d)(1) Class VI; 1.1(f)(d)(1) Class VII; 1.1(f)(e)(1) Class VII-E; and 1.1(f)(e)(1) Class VIII to read:

(1) Nothing in this Paragraph shall be construed as reducing the insurance requirements imposed by the laws or rules and regulations of the federal government upon persons, firms or corporations engaged in the liquefied petroleum gas business.

Amend and reenact Section 1.1(f) Class II to read:

Class II - Holders of these permits may install, and service LP-Gas containers, piping, and appliances, but may not deliver gas. This class will also apply to the installation and service of LP-Gas containers, piping and appliances on mobile homes, motor homes, travel trailers, or any other recreational vehicle.

Amend and reenact Paragraphs 1.1(f)(a) Class II; 1.1(f)(a) Class III; 1.1(f)(a) Class IV; 1.1(f)(a) Class V; 1.1(f)(a) Class VI; 1.1(f)(a) Class VII and 1.1(f)(a) Class VIII to read:

(a) Must file formal application with the Liquefied Petroleum Gas Commission 30 days prior to the date of the commission meeting at which time the application is to be considered. Presence of the applicant or his representative is required at the commission meeting when the application is heard. In no case will the applicant's supplier be the authorized representative. Application forms will be furnished by the commission upon request.

Amend and reenact Sections 1.1(f)(e) Class VII, 1.1(f)(e) Class VII-E; and 1.1(f)(e) Class VIII to read:

(e) Must furnish evidence of general liability insurance in the minimum sum of \$100,000 covering applicant's legal liability. In lieu of such insurance, the applicant may post with the commission bonds or other securities issued by the United States of America or the State of Louisiana, or certificates of deposit or similar instruments issued by a lending institution regulated by an agency of this state or of the federal government, in the sum of \$100,000, which bonds or securities shall be held in trust by the commission for the benefit of any person, firm or corporation to which legal liability may accrue.

Delete Section 1.1(f) Class IX.

Amend and reenact Paragraph 1.2(h) to read:

(h) Odorizing Gases—Liquefied petroleum gases shall be odorized in accordance with the following provisions:

(1) Except as otherwise provided in Subparagraph (2) of this Paragraph, each refinery, commercial storage facility, natural gas processing plant, pipeline, or other person which sells liquefied petroleum gas to a transporter, dealer or distributor shall odorize the liquefied petroleum gas in accordance with this Section.

(2) Liquefied petroleum gas shall not be required to be odorized if it is to be delivered to a manufacturer, to any facility for further processing, or to a commercial storage facility for storage.

(3) Liquefied petroleum gas which is required to be odorized shall be effectively odorized by an approved agent of such character as to indicate positively, by a distinctive odor, the presence of gas down to concentration in air of not over one-fifth the lower limit of combustibility.

(4) The odorization requirements shall be considered to be met by the use of one pound of ethyl mercaptan, one pound of thiophane, or one and four tenths pounds of amyl mercaptan per 10,000 gallons of liquefied petroleum gas, subject to the provisions of Subparagraph (5) of this Paragraph.

(5) In order to maintain the minimum concentrations of odorant in the liquefied petroleum gas at the point of use by the consumer, the rules and regulations recommend that each person who is required to odorize gas under this Paragraph use one and one-half pounds of odorant per 10,000 gallons of liquefied petroleum gas at the point of odorization.

(6) The commission may authorize the use of other odorants which are equal in effectiveness to the odorants specified in this Section.

(7) The commission shall require each person who transports liquefied petroleum gas that is exempt from the odorization requirements of this Section to keep records of all purchases of unodorized gas for three years. The records shall include bills of lading, loading tickets and records of all deliveries of unodorized gas. Each delivery ticket and bill of lading shall be identified by reference to the bill of lading number.

Add Paragraph 1.2(m) to read:

(m) A dealer shall not serve any liquefied petroleum gas system which the dealer knows or should know is not installed pursuant to the Liquefied Petroleum Gas Commission regulations or in a dangerous condition. All new installations or reinstallations must be checked by the dealer for tightness of lines, poor workmanship, use of unapproved pipe or appliances or use of poor piping design. All improper installations shall be corrected before the dealer services such installation or reinstallation with fuel for the first time. Any subsequent servicing dealer shall not be responsible for unauthorized changes in or failures of an existing system or connected appliances.

(1) No individual shall be subject to a criminal fine or imprisonment under this Paragraph as a result of any willful and wrongful acts of a fellow employee or subordinate employee whose willful and wrongful act was carried out without the knowledge of the individual. Whoever is found to be guilty of any of the following acts shall be fined not more than \$50,000, or imprisoned with hard labor for not more than 10 years, or both:

(a) Willful or knowing violations of a rule or regulation of the commission which endangers human life or health.

(b) Failure to properly odorize gas as required by law and Section 1.2(h) of the rules and regulations of the Liquefied Petroleum Gas Commission.

(2) Anyone violating this Section shall also be liable for all damages resulting from any fire or explosion involving that ship-

ment. The liability imposed by this Paragraph may not be delegated by contract or practice to any transporter or subcontractor responsible for the transportation of the liquefied petroleum gas.

(3) A permit may be suspended or revoked by the commission whenever the commission has assessed two or more penalties against a bonded dealer for willful violation of or failure to comply with such rules and regulations provided the second or succeeding penalty or penalties have been imposed for violations of, or failure to comply with the regulations of the commission committed after the imposition of the first penalty or forfeiture, reserving to the bonded dealer the right to resort to the courts for reinstatement of the permit suspended or revoked. The commission may suspend or revoke the permit of any person who violates the provisions of R.S. 40:1846.1(C)(1) and (2). Any dealer who continues to operate after such permit is revoked or during the period of such suspension shall be liable to prosecution under the provisions hereof in the same manner as if no such permit had ever been issued. A permit may be revoked or suspended only by a ruling of the commission based on an adjudicatory hearing held in accordance with the Administrative Procedure Act. The commission may institute civil proceedings to enforce its rulings in the district court for the parish in which the commission is domiciled or in the district court for the parish in which the violation occurred which gave rise to the suspension or revocation occurred.

Add Paragraph 1.2(n) to read:

(n) Each dealer shall transmit a notice once each year to each customer stating that liquefied petroleum gas systems are potentially dangerous, that a leak in the system could result in a fire or explosion, and that systems should be inspected periodically.

Add Paragraph 1.2(o) to read:

(o) Each dealer facility subject to the regulations of the commission shall submit to an inspection by a representative of the commission at least once every three years, which inspections may be conducted without prior notice by the commission or its representative.

Add Paragraph 1.2(p) to read:

(p) Permits required under these general requirements shall not be transferred. All dealers, regardless of operation, must hold a permit and may not operate under a permit of another dealer.

Amend and reenact Paragraph 1.4 to read:

(a) Form 1-A shall be used for all installations and re-installations of DOT and ASME containers, and must be filed with the commission by the twentieth day of the following month (except in the case of a bulk storage installation, which shall be filed at the time of installation). A manufacturer's data sheet must be attached to all Forms 1-A on the original installation of an ASME container.

(b) Form 5-A shall be used to report all tanks sold in the State of Louisiana. Manufacturers, on date of shipment, shall file, in duplicate, Form 5-A, attaching the original data sheet, as well as a list of the fittings and the manufacturer of the fittings, for each tank reported. This report shall be filed with the office of the director of the Liquefied Petroleum Gas Commission.

Amend and reenact Paragraph 2.21(a) to read:

(a) At time of installation, bulk storage tank is to be reported to the commission on Form 1-A, which will be furnished by the Liquefied Petroleum Gas Commission.

Amend and reenact Paragraph 3.3(b) to read:

(b) Tank trucks transporting liquefied petroleum gas shall be placarded on each end and each side with a UN 1075 placard.

The name of the transporter must be painted on each side and rear with letters at least four inches high.

Enact Paragraphs 3.5(b), 3.5(c) and 3.5(d) to read:

(b) All truck cargo tanks, less any fittings, shall be tested and inspected by being subjected to a hydrostatic test at least once every five years. Test pressure shall be one and one-half times the design working pressure of the container.

(c) Truck cargo tanks shall be marked QT or NQT (whichever is applicable) with one and one-half inch letters.

(d) Tank truck bills of lading shall indicate the type of liquefied petroleum gas and quantity of product being transported. They shall also be marked with the UN 1075 product classification.

Amend and reenact Paragraph 3.6(a) to read:

(a) Shut-Off Valves: All shut-off valves and accessory equipment (liquid or gas) shall be suitable for liquefied petroleum gas service, and designed for not less than the maximum pressure to which they may be subjected. Valves and accessories which may be subjected to container pressure shall have a rated working pressure of at least 250 pounds per square inch gauge. All trucks with a capacity of less than 3,500 gallons shall be equipped with one remote shut-off; a fusible link is recommended, but not required; trucks with a capacity of over 3,500 gallons shall be equipped with two remote shut-offs located at opposite ends of the trailer and with a fusible link. ASME containers of 3,500 gallons or less with design working pressure of no less than 250 psig; manufactured according to the ASME Code prior to 1981; is operated in intrastate service and was used to transport liquefied petroleum gas prior to January 1, 1981 are exempt from the remote shut-off requirements of this Paragraph.

Amend and reenact Paragraph 3.17 to read:

(a) Tank truck drivers and their helpers shall not smoke or allow smoking in the truck, within 25 feet of the truck, while making deliveries, filling the truck or making repairs to the truck or trailer.

Enact Paragraph 3.20(b) to read:

(b) Tanks with a capacity of less than 1,000 gallons shall be placarded with a UN 1075 placard on 2 sides while being transported over the highways. Tanks with a capacity of 1,000 gallons or more shall be placarded with a UN 1075 placard on four sides; front or rear placard may be on the vehicle. While in transit, skid tanks may not contain liquefied petroleum gas in excess of five percent of tank capacity.

Amend and reenact Section 5.7(d) to read:

(d) Dealer Responsibility: All new installations must be checked by the dealer for tightness of lines, poor workmanship, use of unapproved pipe or appliances or use of poor piping design. All improper installations shall be corrected before the dealer services the installation with fuel for the first time. The subsequent servicing dealer shall not be responsible for unauthorized changes in or failures of an existing system or connected appliances.

Delete Paragraph 5.7(a)(3).

Add Paragraph 5.7(j)(8) to read:

(8) Tanks with a capacity of less than 1,000 gallons shall be placarded with a UN 1075 placard on two sides while being transported over the highways. Tanks with a capacity of 1,000 gallons or more shall be placarded with a UN 1075 placard on four sides; front or rear placard may be on the vehicle. While in transit, portable tanks may not contain liquefied petroleum gas in excess of five percent of tank capacity.

Amend and reenact Section 5.8(c) to read:

(c) Dealer Responsibility: All reinstallations must be checked by the dealer for tightness of lines, poor workmanship, use of unapproved pipe or appliances or use of poor piping design. Where there is evidence of poor workmanship, design, or of the use of unapproved material or appliances, it is the dealer's responsibility to report such condition to the commission and refuse to service the system with fuel.

Amend and reenact Paragraph 5.9(j)(2)(e) to read:

(e) Regulators: All containers shall be equipped with an approved first stage regulator installed as close to container as practicable and shall be located outside of building and be properly protected.

Amend and reenact Paragraph 2.4(b) to read:

(b) After installation, all tanks shall be painted on two sides or on two ends, where readily visible with the word "Flammable" in red letters not less than six inches high on a sharply contrasting background. In case of a hemispherical tank such words shall be similarly painted at opposite locations on the outside of the tank. The warning sign "No Smoking Or Open Flame Permitted Within 25 Ft." shall also be painted on the container where readily visible, or on a sign adjacent to the container where readily visible from the approach to the container, in red letters two inches high on a light background. In addition, there shall be painted on the container lettering not less than two inches high where readily visible, or a sign carrying such lettering shall be installed where readily visible on the premises, indicating the name of the person or firm operating the container.

Where two or more containers are installed in a battery, the word "Flammable" shall be painted on the outside of each tank in the battery, and the warning sign "No Smoking Or Open Flame Permitted Within 25 Ft." shall be painted, where readily visible from the approach to the battery, on the nearest tank to such approach or on a sign adjacent thereto.

The above provisions shall not apply to any container of 3,500 gallon capacity or less utilized for storing gas used only by the owner or operator of the premises.

Delete Paragraph 1.4(a)1(c) and (d).

Delete Paragraph 1.4(a)2.

Delete Paragraph 1.4(c).

Delete Paragraph 1.4(d).

Delete Paragraph 1.4(e).

Delete Paragraph 5.7(a)(3).

By Order of Louisiana Liquefied Petroleum Gas Commission.

Lionel T. Ortego
Director

RULE

Department of Public Safety and Corrections Office of Motor Vehicles

Notice is hereby given that the commissioner of the Department of Public Safety and Corrections, pursuant to Notice of Intent published in the *Louisiana Register* on March 20, 1985, and in accordance with the authority granted under R.S. 32:707, and upon the recommendations of the House Committee on Judiciary has adopted the following rules and regulations for the implementation of R.S. 32:707 following public hearing conducted on April

22, 1985, in Baton Rouge, before the House Committee on Judiciary.

DEFINITION

The term *Total Loss* when used in these rules and in R.S. 32:707 shall mean a motor vehicle which has sustained damages equivalent to 75 percent or more of the market value as determined by the most current (NADA) National Automobile Dealers Association Handbook.

ISSUANCE

Vehicles stolen and recovered without damage will not be issued a certificate of salvage. On a total loss due to theft, the certificate of title will be assigned from registered owner to insurance company and reassigned to buyer.

Stolen vehicles recovered as a total loss due to extensive damage will be sold with a Certificate of Salvage.

When title is re-issued on a rebuilt salvage vehicle whether in-state vehicle or out-of-state vehicle the words "Reconstructed Vehicle" rather than RCV code letters will be on face of title.

As extenuating circumstances arise, the insurance companies and authorized agents will be allowed more than 10 days to submit the title to the Office of Motor Vehicles so that title can be obtained from lienholders and company/agent is given enough time to dispose of vehicle and submit the title along with the executed Certificate of Salvage.

A certificate of origin cannot be accepted with a salvage certificate. The vehicle must be registered and taxes paid.

PROCEDURES

If the owner of any vehicle sells, transfers as scrap or permanently dismantles, damages or destroys beyond repair or otherwise made permanently unusable as a vehicle, and there is no settlement with an insurance company on the basis of a total loss, the owner must send the title and license plate to the Office of Motor Vehicles.

When an insurance company as a result of having paid a total loss claim acquires a certificate of title to a vehicle and obtains possession or control of the vehicle for any cause other than theft, such company or its authorized representative must send the title and license plate to the Office of Motor Vehicles along with a copy of Certificate of Salvage issued to buyer.

If an insurance company has acquired a certificate of title to a vehicle and obtains possession of the vehicle in settlement of a theft loss claim, and upon recovery of the vehicle it is determined that the vehicle has been damaged to an extent that it would be considered a total loss, such insurance company or its authorized representative must send the title and license plate to the Office of Motor Vehicles along with a copy of Certificate of Salvage issued in the name of the buyer of the vehicle.

Whenever any vehicle, is acquired, either from in state or from another state, and the vehicle purchased is salvage, or to be dismantled, the purchaser must send the title and license plate to the Office of Motor Vehicles. However, if the seller has complied with those requirements, and the new purchaser has in his possession a non-negotiable receipt for a salvage vehicle, no further requirements are necessary.

PROCEDURES TO FOLLOW WHEN A JUNKED VEHICLE IS SOLD TO ANOTHER PARTY

Assign the non-negotiable receipt for salvage vehicle (Certificate of Salvage) on the reverse side to the purchaser.

Purchaser must retain non-negotiable receipt at the office or location where vehicle is maintained.

NOTE: Vehicle must be registered, titled and taxes paid by the purchaser of a salvage vehicle when purchaser is not a licensed dealer.

CERTIFICATE OF SALVAGE FORM INSTRUCTIONS

The Certificate of Salvage, Form # DPSMV1690 must be executed showing all the information requested. The name of the

Insurance Company underwriting the loss or the authorized agent selling the vehicle must be shown in the space provided at the bottom of the form.

The Louisiana title or out-of-state title that is being surrendered must be listed on the Certificate of Salvage form. The title must be properly assigned by the registered owner to the insurance company on reverse side, and if a lien is recorded, it must be released by the recorded lienholder.

The name and address of the purchaser of the salvage vehicle must be shown in the space provided ("Issued To") at the top of the form.

The Certificate of Salvage, white original, Part 1 must be issued to the buyer and delivered along with the vehicle.

The Certificate of Salvage, Part 2 (yellow copy) must be surrendered in person or by mail along with the title to the Office of Motor Vehicles, Box 64886, 109 S. Foster Dr., Baton Rouge, LA 70896.

The Certificate of Salvage, Part 3 (pink copy) must be retained with the insurance company file.

Buster J. Guzzardo, Sr.
Administrator

RULE

Department of Transportation and Development Office of Public Works

The Department of Transportation and Development, Office of Public Works (OPW) in cooperation with the Louisiana Geological Survey of the Department of Natural Resources, and the State Planning Office of the Office of the Governor, pursuant to the Notice of Intent published in the *Louisiana Register* on March 20, 1985 is adopting as rules the following guidelines and procedures for implementing the Statewide Flood Control Program as authorized by R.S. 38:90, established by Act 351 of the 1982 Regular Session.

I. PROCEDURES FOR IMPLEMENTING STATEWIDE FLOOD CONTROL PROGRAM

This Section describes the sequence of events involved in implementing the Statewide Flood Control Program. The sequence begins and ends each year during the Regular Session of the Legislature. Specific procedures are described briefly in this Section and are presented more fully in the Pre-Application, Application, and Evaluation of Proposed Projects and Distribution of Funds Sections of this document.

A. Pre-Application and Resolution (April 1-May 1)

Sponsoring authorities are to complete the pre-application, and must submit their completed pre-applications and resolutions to OPW not later than 4 p.m. on May 1. Pre-applications received after May 1 will not be eligible for the program in the current year. Pre-applications must include documentation of the flooding problem in order to be considered.

B. Evaluation Committee Review of Pre-Applications (May 1-June 1)

Pre-applications will be reviewed and screened by the Flood Control Project Evaluation Committee (Evaluation Committee) consisting of the assistant secretary of the Office of Public Works, the director of the Louisiana Geological Survey, and the director of the State Planning Office, or their designated representatives. The reasons for the review are to determine whether there is documented evidence of flood damages; whether the sponsoring authority is requesting OPW assistance in preparing the full application; whether the proposed solution (if such a solution has been developed at this time) is eligible for funding under this program; and whether the sponsoring authority is willing to assume responsibility for its share of the cost, including new rights-of-way, operation and maintenance costs, and other obligations.

All pre-applications that are determined to be ineligible by the Evaluation Committee will be returned with appropriate comments by June 1. All eligible pre-applications will remain on file until a formal application is submitted or for a period of four subsequent funding years. The pre-application evaluation criteria for OPW assistance are described in the Pre-Application Section.

Pre-applications that have been determined to be eligible and that may move on to the application stage include:

1. Pre-applications submitted by sponsoring authorities with a population of more than 50,000.
2. Pre-applications from sponsoring authorities to receive assistance from OPW in the application stage.
3. Pre-applications from sponsoring authorities eligible for assistance from OPW in the application stage that cannot be handled by OPW in time for the current funding year that chose to prepare their own applications.

Pre-applications in the third group may be processed in the application stage by OPW in time for the next year's funding. Applications on which OPW initiates work will receive increased priority for assistance in application preparation in the following funding years. The sponsoring authorities need not wait for OPW assistance, however. They may prepare and submit their own applications.

At the end of the pre-application review period, applicants will be notified of the status of their pre-applications. The sponsoring authorities seeking OPW assistance in preparing an application will be informed by letter whether they: (1) will receive OPW assistance in time for the current funding cycle; or (2) will not receive assistance at this time and must compete for assistance again the following year.

Authorities completing their own applications may automatically move into the application stage unless the proposed solution is not eligible as a project under the program. If the proposed solution is not consistent with the program's objectives, the Evaluation Committee may suggest alternative solutions which must be addressed in order for the application to be eligible.

C. Application Preparation (June 1-November 1)

Applications may be submitted anytime between June 1 and November 1, but must be received by OPW no later than 4 p.m. November 1, in order to be considered for funding during the upcoming legislative session. Applications received after this deadline will not be eligible for the current year's program. Applications for which pre-applications were received and approved from the previous year(s) may also be accepted during this period, provided all other procedures and deadlines have been met.

On request, OPW will prepare applications for eligible sponsoring authorities to the extent possible. All applications must adhere to the methodologies described in the instructions contained in the Application Section.

D. Evaluation Committee Review of Applications (November 1-April 1)

During this five-month period, the Evaluation Committee will review and evaluate all completed applications in order to make recommendations to the Joint Legislative Committee on Transportation, Highways, and Public Works for funding. Applications will be divided into urban and rural categories. Applications for projects in the nine major urban areas comprise the urban category, as shown in Figure 1, and compete against all other urban projects for funding. All other applications will be grouped by funding district as shown in Figure 2. Rural projects are subdivided into two categories, rural-developed and rural-undeveloped. Rural-undeveloped projects compete only against other rural-undeveloped projects in the same funding district and likewise for rural-developed projects. Proposed projects will be evaluated and ranked based on criteria established by the Evaluation Committee.

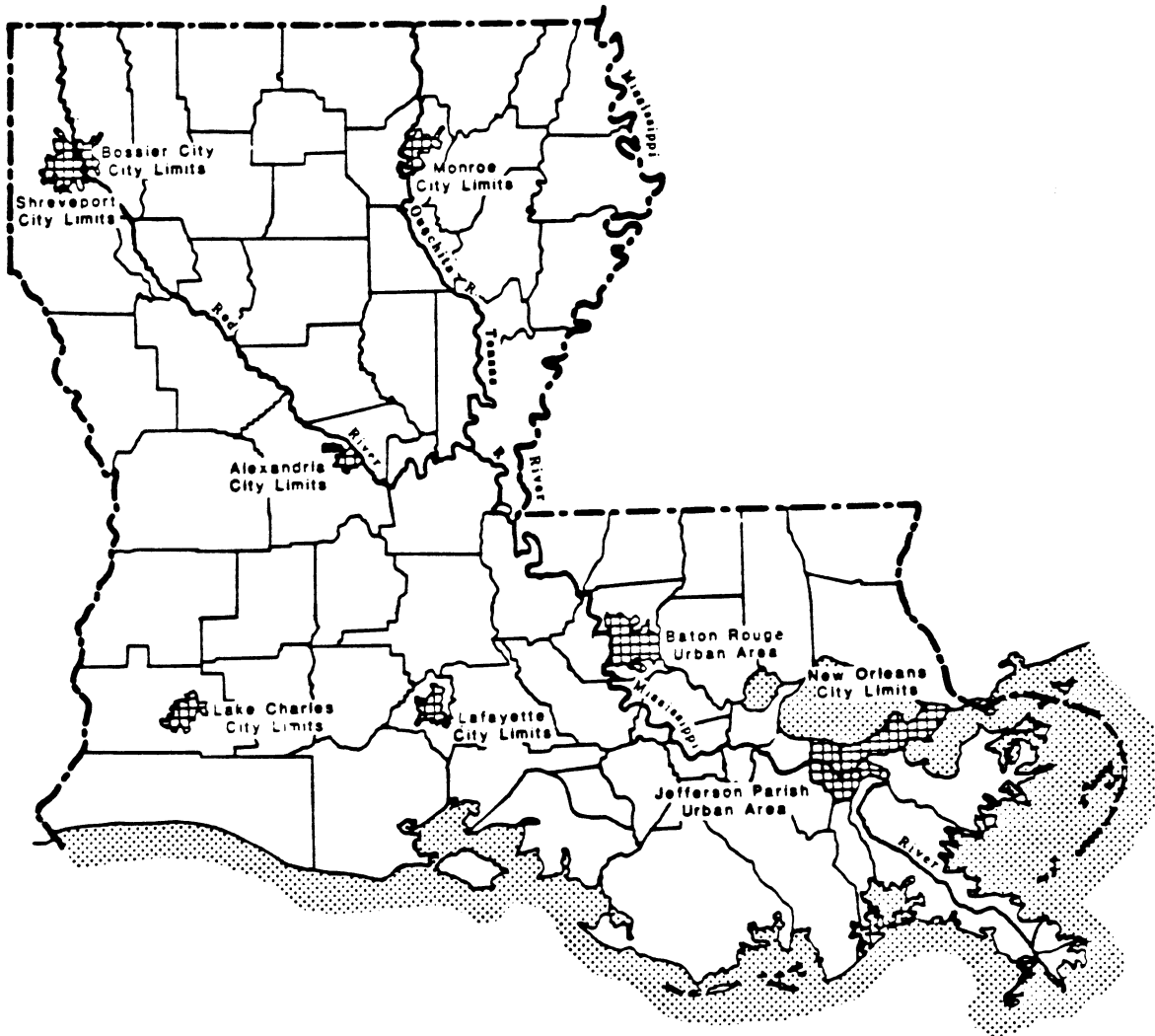


Figure 1. Statewide Flood Control Program Nine Urban Areas Funding Group

Projects recommended to the Joint Legislative Committee will include a mix of those occurring in rural-undeveloped and rural-developed areas within each funding district as well as those for the urban areas of the state. The method for allocating funding percentages within each district and the method for allocating total program funds to the various districts are presented in the section entitled "Evaluation of Proposed Projects and Distribution of Funds."

E. Public Hearings (February-March)

As part of the application evaluation process, the Joint Legislative Committee will hold public hearings in locations convenient to each funding district. The purpose of the hearings will be to receive comments from the public on the preliminary recommendations of the Evaluation Committee. After the hearings, the Evaluation Committee will incorporate public comments into its evaluation, complete the project evaluations, and submit a priority ordered list of projects to the Joint Legislative Committee.

F. Legislative Process (March-Regular Session)

From the list of projects recommended by the Evaluation Committee, the Joint Legislative Committee will recommend to the Legislature a construction program to be funded during the regular session. Projects recommended by the Evaluation Committee but not funded will remain active and will automatically be included in the recommended projects for the next year and receive additional points in the evaluation scoring procedure. Applications

for projects that are not recommended will be returned to the sponsoring authorities with reasons for rejection.

II. PRE-APPLICATION

A. Instructions for Preparing Pre-Application

1. General Information

The pre-application is designed to serve as a mechanism to determine if the flood problem area and potential solutions are eligible for assistance under the Statewide Flood Control Program. It is also used for screening requests for OPW assistance in preparation of the full application. It is anticipated that requests for funding under the Statewide Flood Control Program will exceed the funds available. Requests for OPW assistance in preparing applications are also expected to exceed manpower capabilities. It is imperative, therefore, that all pre-applications be as complete as possible to ensure that the merits of all proposed solutions or the need thereof are adequately portrayed. If the information asked for in a particular line item is not available, or not applicable, the applicant must indicate this. *Under no circumstances should any question or portion of the pre-application be left blank.* Applicants should keep in mind that the more information they provide, the more accurately their pre-application can be evaluated. In addition, applicants are urged to submit pre-applications as early as possible so that time constraints do not hamper adequate review.

a. Information Sources

Sources of information necessary for completion of the pre-

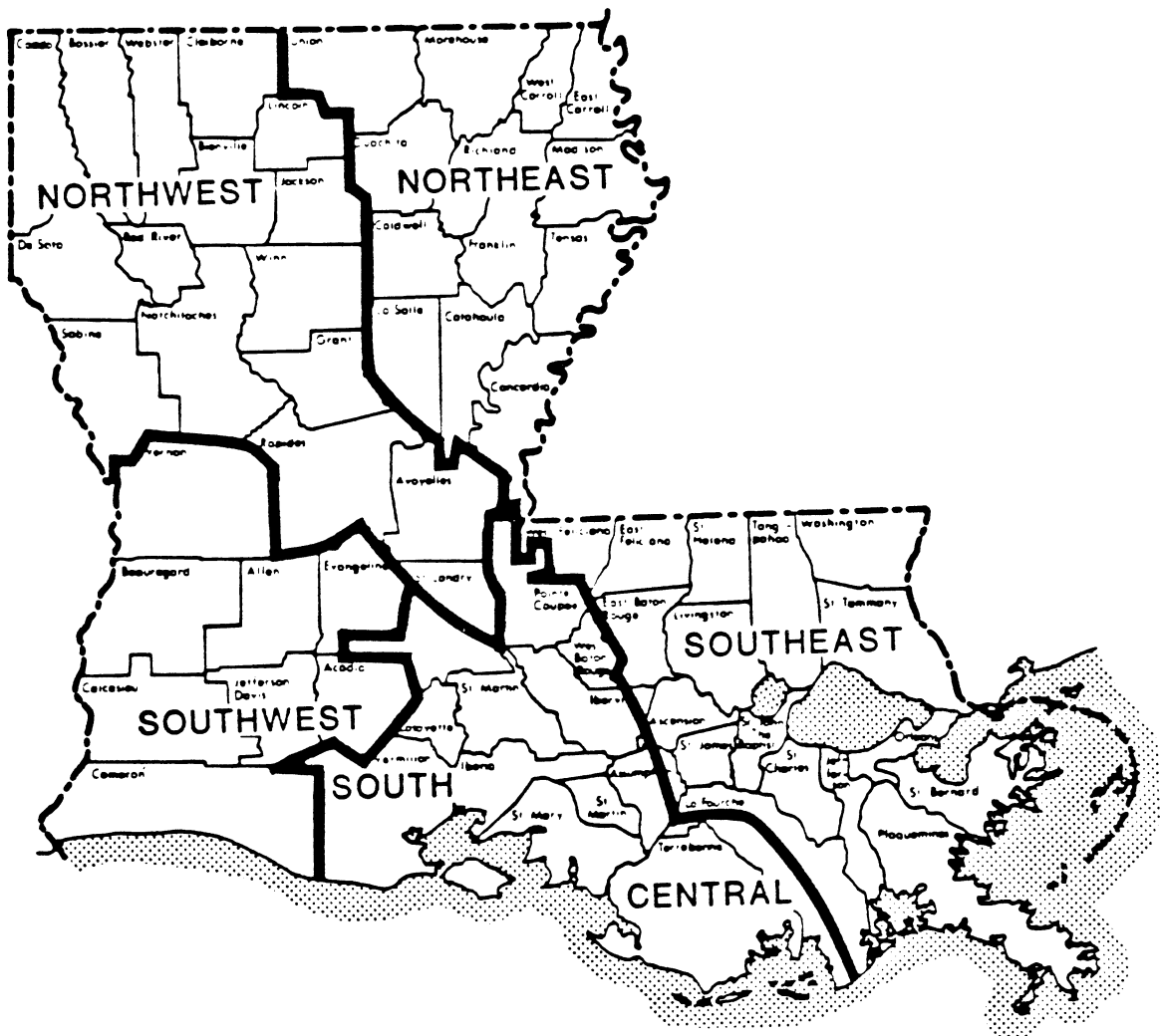


Figure 2. Statewide Flood Control Program Five Funding Districts for Rural Projects

application are included in the "Instructions for Preparing Attachments."

b. Pre-application Preparation

Sponsoring authorities whose jurisdiction includes a population of 50,000 or more must complete the pre-application form fully and provide all of the information requested.

Sponsoring authorities whose jurisdiction includes a population of less than 50,000 are encouraged to complete the pre-application form to the maximum extent possible; OPW will assist in completing the form, if requested, and to the extent manpower is available.

c. Pre-Application Review Process

All completed pre-applications will be reviewed by the Flood Control Project Evaluation Committee (Office of Public Works, Louisiana Geological Survey, Louisiana State Planning Office). Applicants will be notified of the status of their pre-applications before June 1.

Applicants whose pre-applications are recommended for further consideration must then complete a detailed application for project funding. Pre-applications will be kept on file until a formal application is submitted or for a period of up to four years.

2. Line Item Instructions

The information requested in the following instructions must be provided by the applicant. Detailed engineering design data is not required at this time. Typical sources of information are indi-

cated in the line item instructions, as well as in the instructions for preparing Attachment 2.

In the top right corner of the pre-application form indicate the parish in which the proposed project will be implemented. If the proposed project crosses parish boundaries, identify each parish. Provide a project name that will be used for all future reference to the project. The name should have some identifying characteristic of the flood problem area location (i.e. river, stream, etc. as shown on the flood boundary map).

Only an officer of the sponsoring authority, duly authorized to act on behalf of the sponsoring authority, may sign the pre-application form.

1. Name of Sponsoring Authority. Provide the full name and address of the sponsoring authority submitting the pre-application, and the name, title, and telephone number of the authorized representative of the sponsoring authority to whom all questions regarding the pre-application can be addressed. In the case of multiple sponsorship designate a lead sponsor to serve as the contact between the state and sponsoring authorities. Although not a requirement, multiple sponsorship of projects, particularly where upstream and downstream authorities join in a unified effort to combat flooding, are encouraged and will receive additional scoring in the evaluation process at the application stage.

2. Completion Date of Pre-Application. Indicate the date of completion of the pre-application.

3. **Problem Area Location.** Provide a brief narrative description of the geographic area of the flooding problem. Include name(s) of parish(s), in the case of rural areas the nearest town(s), and in the case of urban areas street names, subdivisions or other points of reference that will assist in identifying the area.

4. **Names and District Numbers of Legislative Delegation.** List the names and respective district numbers for each of the legislative delegates within the geographic boundaries of the flooded area. Applicants are encouraged to make their legislative delegation aware of their flooding problems and participation in the Louisiana Statewide Flood Control Program by obtaining letters of support from respective delegations. Additional scoring will be awarded for legislative support during evaluation of the pre-application and the final application.

5. **Requesting OPW Assistance.** If the sponsoring authority has a population of less than 50,000 and is requesting assistance in completing the application, indicate this request by marking the "yes" blank provided on the pre-application form.

6. **Description of Flood Damages.** Describe each flood occurrence by providing the following data:

- a. Approximate date of the flood occurrence(s)
- b. Estimated number of acres flooded
- c. Duration of the flooding in approximate number of days
- d. Estimated number of buildings (residences, commercial, etc.) damaged by flooding

In addition, the sponsoring authority may wish to describe the flooding problem further in the space allotted in the "remarks" section.

7. **Describe Potential Solution.** Provide general descriptive information on the proposed solution for the flood problem being addressed if such a solution has been developed at this time.

8. **Land Use Description.** Describe in general terms the existing land use in the area experiencing flood damages. Indicate the characteristics of the area with respect to land use features such as residential, commercial, industrial, agricultural, forested, public, or other. Also indicate the percentage of land use in each classification.

9. **Land Ownership.** Describe the land ownership characteristics of the flood problem area. Indicate the approximate number of land owners in the flood problem area and the approximate size of the typical land parcel or lot. List the names of the owners of large land tracts and public lands in the flood problem area.

10. **Other Funding.** If funding for a project to solve this flooding problem has been sought from another source(s), indicate the other source(s) and the status of the application(s).

11. **Part of Approved Project.** If a project for the flood problem area has been developed and is a component of a larger project, such as a master drainage plan, explain the necessity or benefits of the component which this pre-application addresses.

12. **Anticipated Costs.** If preliminary engineering investigations have been developed and estimated costs are available, indicate this estimated cost range, excluding contingencies.

13. **Design.** If available, provide copies of any previous studies, design or preliminary design information on the proposed solution that are available in order to facilitate review by the Evaluation Committee.

14. **Previous Measures.** For any previous flood control measures in the flood problem area, the applicant must:

- a. Indicate the project name
- b. Identify the date of completion
- c. Identify the supervising authority
- d. Give a brief description of the available information

Potential sources of information include:

- a. Louisiana Geological Survey's *Louisiana Atlas of*

Floodplain and Flooding Problems (hereinafter referred to as the Flood Atlas)

- b. Local government
- c. Drainage and levee districts
- d. The Office of Public Works and the Office of Highways of the Department of Transportation and Development
- e. U.S. Army Corps of Engineers
- f. U.S. Department of Agriculture, Soil Conservation Service

15. **Previous Studies.** If the flood problem being addressed has been studied before, list each study by name, date of completion, and indicate who conducted the study, regardless of whether action was taken as a result of the study. Copies of the studies should be provided, if available. Studies that have been conducted by federal, state, parish, or municipal agencies may contain valuable information that can facilitate the review of the pre-application.

B. Instructions for Preparing Attachments

1. **Flood Area Location Map (Attachment 1).** This map will appear as Attachment 1 to the prepared pre-application and should clearly identify the geographic boundaries of the flood problem area, indicate communities upstream and downstream, and show location of roadways, railways, major utilities and building locations, and major drainage features. Update changes in land use, such as areas of cleared or developed land and other features. Typical scales may range from 1" = 1 mile to 1" = 10 miles, depending on the size of the problem area. Maps useful for this purpose include USGS topographic maps (scale 1:62,500 series or scale 1:24,000 series), parish maps, and maps from the Flood Atlas.

2. **Documentation of Existing Flooding Problems (Attachment 2).** Potential sources of information necessary for documenting the flooding problems, which will appear as Attachment 2 to the prepared pre-application, include:

- a. Local newspaper accounts
- b. Parish engineer's records
- c. U.S. Geological Survey (USGS) stage and discharge reports
- d. The Flood Atlas
- e. Stage and discharge reports of the U.S. Army Corps of Engineers
- f. Unpublished gage records of the Louisiana Office of Public Works
- g. Federal emergency management agency insurance claims data
- h. Photographs
- i. Signed statements of damages incurred (letters, personal interviews, etc.)

3. **Resolution (Attachment 3).** The resolution by the sponsoring authority, or in the case of multiple sponsorship a resolution from each participating sponsor, shall contain (1) the authority's request for funding consideration under the Statewide Flood Control Program, and (2) a statement that the authority will execute an agreement of local cooperation with the state that will include the local obligations set out in R.S. 38:90.9 and 38:90.12 including (1) all new lands, easements, rights-of-way, and spoil disposal areas necessary to construct and maintain the project; (2) all maintenance and operation costs for the project and all future alterations as may be required; (3) all necessary utility and any other facility relocations, alterations, and maintenance; and (4) at least a 30 percent local match for construction of the project which is subject to adjustments for eligible credits.

In the case of multiple sponsorship, a copy or description of the agreement to be entered into between the participating au-

thorities acknowledging the responsibilities of each should be attached to the resolution.

4. Checklist (Attachment 4). A checklist of all items of information required by the pre-application may be obtained from OPW. This checklist should be referred to prior to submitting the pre-application, and all items appearing on the checklist must have been addressed in the pre-application. All attachments, including the checklist, must accompany the pre-application.

5. Other Attachments (Attachments 5, 6, etc.). The applicant should include any other information necessary to aid the Evaluation Committee in evaluating the pre-application as attachments 5, 6, etc. as appropriate.

III. APPLICATION

This Section presents the application format and instructions for preparing an application for funding assistance through the Louisiana Statewide Flood Control Program.

Sponsoring authorities with a population of less than 50,000 may obtain assistance from the Office of Public Works in preparing their applications. Such assistance is requested when the pre-application is submitted. Assistance will be provided as time and manpower limitations permit, based on the review of the pre-applications by the Flood Control Project Evaluation Committee.

The application shall consist of a document with a structured format, as indicated in the outline and instructions that follow. In order to be considered for funding assistance in the upcoming fiscal year, the completed application must be received by OPW no later than 4 p.m. on November 1.

A. Format for Application

1. Title Page
 - a. Parish
 - b. Project Name
 - c. Title
 - d. Name of Sponsoring Authority
 - e. Date of Application
2. Project Summary
 - a. Name/Address of Sponsoring Authority
 - b. Authorized Representative
 - c. Previous Correspondence
 - d. Project Description
 - (1) Project Location
 - (2) Design Frequency
 - (3) Construction Cost
 - (4) Flood Damage Reduction
 - (5) Narrative Description of Project
 - (6) Structural Density of Benefited Area
 - e. Commenting Agencies
 - f. Legislative Delegation
3. Design Standards Checklist
4. Application Narrative
 - a. Benefited Area Description
 - (1) Area
 - (2) Population
 - (3) Land Use
 - (4) Land Ownership
 - (5) Soils and Vegetation
 - b. Description and Flood Problem
 - (1) Relationship to Major Floodplains
 - (2) History of Flooding
 - (3) Flood Damage
 - (4) Threat to Human Lives
 - (5) Immediate Need for Project
 - c. Alternatives Considered
 - d. Technical Feasibility
 - (1) Certification by a Professional Engineer
 - (2) Project Plans and Design

- (3) Estimated Construction Cost
- (4) Other Costs
- (5) Conjunctive Use
- (6) Compatibility
- (7) Affected Area
- (8) Protection and Floodplain Encroachment

e. Project Benefits

- (1) Determination of Benefits
 - (2) Inventory of Properties within Benefited Area
 - (a) Residential, Commercial, and Public Structures
 - (b) Roads
 - (c) Agricultural lands
 - (d) Industrial Damages
 - (3) Damage Value of Calculations
 - (4) Prevention of Loss of Life
 - (5) Other Tangible and Intangible Benefits
- f. Environmental Considerations
 - g. Summary of and Response to Local, State and Federal Agency Comments
 - h. Required Permits for Project Implementation
 - i. Assurances
 - j. Local Matching Funds

5. Attachments

- a. Land Use Map
- b. Flood Boundary Map
- c. Project Impact Map
- d. Drainage Area Map
- e. Runoff Calculations
- f. Project Plan
- g. Profile or Stages, Before and After Project
- h. Cross Sections
- i. Hydraulic Calculations, Before and After Project
- j. Agency Commenting Letters
- k. Permits, if Obtained
- l. Other Letters of Support or Objection to the Project
- m. Other Attachments

B. General Instructions for Completing Application

The application must be prepared according to the application format on the previous pages. Each item must be addressed.

1. Title Page

The first page of the application must contain the following:

- a. Parish. Place the name of the parish(s) in which the project will be implemented in the upper right hand corner of the title page.
- b. Project Name. Provide a project name consistent with the name used in the pre-application.
- c. Title. The title of the application should read "Application to Statewide Flood Control Program."
- d. Name of Sponsoring Authority. Provide the full name of the sponsoring authority(s) for the requested flood control funding assistance.
- e. Date of Application. Provide the month and year in which the application is submitted.

2. Project Summary

The following pertinent project information must be summarized.

- a. Name and Address of Sponsoring Authority. Provide the full name and mailing address of the sponsoring authority(s) for the requested flood control funding assistance.
- b. Authorized Representative. Provide the name, title, and telephone number of the authorized representative. In the case of multiple sponsorship, give the authorized representative of the lead sponsor. Any changes from the information provided in the pre-application should be noted.

c. Previous Correspondence. Reference all previous correspondence by indicating the completion dates of the pre-application and the resolution.

d. Project Description. provide a narrative description of the project being proposed sufficient to enable the Evaluation Committee to understand the project's purpose, design, and major components.

- (1) Project location
- (2) Design frequency
- (3) Estimated construction cost (excluding contingencies)
- (4) Flood damage reduction (i.e. number of acres, number of structures, dollar value)
- (5) Narrative description of the project (including components and their general locations)
- (6) Structural density of the benefited area (buildings per square mile) and the acreage usage (i.e. agricultural, forests, low density housing). This information should be in agreement with the information provided in item entitled "Project Benefits."

e. Commenting Agencies. List those agencies shown in item entitled "Summary of and Response to Local, State, and Federal Comments," whose comments have been received regarding the proposed project. Copies of agency comments should be included as Attachment 10.

f. Legislative Delegation. List the names and respective district numbers of all senators and representatives within the geographic boundaries of the flood problem area. Points will be given for legislative support during evaluation of the application.

3. Design Standards Checklist

Information relative to the design standards of efforts to reduce flooding is critical to the adequate review of applications. Make certain that all appropriate items for the program or project design described in the application are provided by completing the applicable section(s) of the following checklist. Indicate the page number of the application in which the requested information is presented. Applications for projects requiring a combination of alternatives such as channelization and a pumping station must furnish the required information for both. These design requirements are more fully explained in Section C of this Part. A copy of the following checklist must accompany the completed application.

a. Non-Structural Alternatives

- | | | |
|--|----------|-------|
| (1) Acquisition and Relocation | Page No. | _____ |
| (a) Design Frequency of Protection | | _____ |
| (b) Maps Designating Areas of Acquisition and Relocation | | _____ |
| (c) Description of Existing and Proposed Land Use | | _____ |
| (2) Flood Proofing | | _____ |
| (a) Design Frequency of Protection | | _____ |
| (b) Description of Flood Proofing Techniques Proposed | | _____ |
| (c) Affected Structures Depicted on Map | | _____ |
| (d) Effect on Flooding of Other Areas Described | | _____ |
| (3) Flood Warning System | | _____ |
| (a) Criteria for Operation Described | | _____ |
| (b) Estimate of Population Served | | _____ |
| (c) Methods and Procedures to be Used | | _____ |

b. Structural Alternatives

- | | | |
|--|--|-------|
| (1) Channel Clearing, Snagging, Alteration or Modifications | | _____ |
| (a) Design Frequency, Runnoff Calculations, and Hydrologic Method Used | | _____ |
| (b) Drainage Area Map | | _____ |
| (c) Drainage Summary Sheet(s) | | _____ |
| (d) Stream Profile Sheet(s) with Water Surface Profiles for Before and After Project | | _____ |

- | | |
|--|-------|
| (e) Surveyed Cross Sections of Significant Structures Crossing Channel | _____ |
| (f) Surveyed Cross Sections Upstream and Downstream of Structures | _____ |
| (g) Supporting Information for Starting Water Surface Elevation | _____ |
| (h) Hydraulic Computation for All Water Surface Profile(s) for Both Before and After Project | _____ |
| (i) Effect of Project on Downstream, Upstream, and Adjacent Areas | _____ |
| (2) Lakes/Reservoirs and Other Impoundments | _____ |
| (a) Design Frequency, Runnoff Calculations and Hydrologic Methods Used | _____ |
| (b) Drainage Area Map and Project Plan | _____ |
| (c) Preliminary Design Plans for Major Components | _____ |
| (d) Hydraulic and Hydrologic Analyses | _____ |
| (e) Preliminary Geotechnical Information | _____ |
| (f) Hydrologic Analyses Used to Determine Downstream Effects From a Catastrophic Failure | _____ |
| (g) Effect of the Project on Other Areas | _____ |
| (3) Levees, Dikes, Floodwalls, and Related Structures | _____ |
| (a) Design Frequency, Hydrologic and Hydraulic Calculations and Methods Used to Justify Freeboards | _____ |
| (b) Preliminary Project Plan | _____ |
| (c) Preliminary Geotechnical Information | _____ |
| (4) Pumping Stations | _____ |
| (a) Design Frequency, Duration, Hydrologic and Hydraulic Calculations for Pumpage Requirements | _____ |
| (b) Drainage Area Map Depicting Components in Affected Area | _____ |
| (c) Stage-Area and Stage-Volume Curves for Sump or Storage Areas | _____ |
| (d) Sump or Storage Area Depicted on Map | _____ |
| (e) Effect of Project on Other Areas | _____ |
| (5) Storm Water Detention and Retention Measures | _____ |
| (a) Design Frequency, Hydrologic Calculations and Methods Used for Flood Volumes | _____ |
| (b) Project Plan Showing Proposed Improvements | _____ |
| (c) Effect on Flooding in Adjacent Areas | _____ |

4. Application Narrative.

This portion of the application must contain a narrative description of the proposed project.

a. Benefited Area Description. Describe in detail the area that would be afforded protection by the project, as indicated on the Flood Boundary Map (item 5). Be as specific as possible in addressing the following:

(1) Area. A narrative description of the geographic location of the benefited area is required.

(2) Population. Estimate the number of persons within the benefited area and indicate the source of the population estimate (for example: field survey, Corps of Engineers, etc.) and the date such estimate was made.

(3) Land Use. Describe land use within the benefited area for the following categories: (1) residential, (2) commercial, (3) industrial, (4) agricultural, (5) forested, (6) public, and (7) other.

(4) Land Ownership. Describe the land ownership characteristics by indicating the number of landowners in the benefited area that would be affected, and the size of the typical land parcel or lot. List the owners of large land tracts (representing 10 percent or more of the benefited area). Also list public lands within the benefited area.

(5) Soils and Vegetation. Describe the soils and vegetation of the benefited area. A description and map of soil associations and soil series may be obtained from the U.S. Soil Conservation Service. Information on types of vegetation should be general (e.g. hardwood swamp, mixed forest, pine, etc.) and can be obtained from published reports of the Soil Conservation Service and Corps of Engineers, or from field observation. Cite source and date of information used.

b. Description of Flood Problem. Describe the flood problem in the area to be benefited in sufficient detail for the Evaluation Committee to weigh the urgency of this project against that of competing projects.

(1) Relationship to Major Floodplains. Describe the hydrologic relationship of the benefited area to the 100-year floodplain, other major floodplains, streams, and floodplain areas. That is, describe the relationship of the flooded area to other hydrologic features that may contribute to the current flood problem or which may be affected by the project. Identify the first major discharge point, or outfall, with the project in place. The Louisiana Geological Survey's *Louisiana Atlas of Floodplains and Flooding Problems* (hereinafter referred to as the Flood Atlas) is one possible source of this information.

(2) History of Flooding. Based on the records available and consistent with the information provided in the pre-application, describe in detail the history of flood problems in the benefited area. Use all available information to describe and document the number of occurrences, location, date, duration and water elevations associated with previous floods. Explain cause(s) of flooding (i.e. backwater, inadequate outlet, etc.).

(3) Flood Damage. Provide and document from published and unpublished sources the magnitude, in terms of dollar amounts, of historical flood damage to land and improvements in the general location of the benefited area. Flood insurance and crop insurance claims should be used, if available. FEMA information on flood damage insurance claims paid by census city block numbers should be provided.

(4) Threat to Human Lives. If the current flood problem poses a threat to human lives, explain how and indicate the probability of loss. Indicate whether human lives have been lost as a result of previous floods, and the source of the information.

(5) Immediate Need for Project. Provide any other pertinent information not previously requested that will help explain the magnitude of the flood problem or the immediate need for the project.

c. Alternatives Considered For Proposed Project. Floodplain management alternatives fall into two categories: structural and non-structural. A project may be composed of both structural and non-structural components. A list of the techniques that comprise each category is presented below. For more information, consult the *Floodplain Management Plan, State of Louisiana*, issued in December 1982 by the Office of Planning and Technical Assistance, Department of Urban and Community Affairs. Two or more alternatives to address the flooding problem should be developed and described in this Section. It is desirable that a sufficient number of alternatives be developed to ensure that the project was selected on the basis of an objective analysis. At least one non-structural alternative should be considered. Explain why the proposed project was chosen over other alternatives considered.

(1) Structural. Structural flood control alternatives include

public works projects, storm water detention and storm water retention techniques.

(a) Public Works include pump stations, clearing and snagging, channel alterations, channel paving, levees, stream diversions, and dams, weirs and reservoirs. If channel paving is to be considered, the need (e.g. lack of right-of-way, soil instability, etc.) must be justified.

(b) Storm Water Detention techniques are those that slow runoff and increase infiltration, such as revegetation, grading and terracing practices, use of porous pavements in parking lots, and perforated subsurface drainage pipes.

(c) Storm Water Retention techniques are those that retain runoff, such as the construction of small ponds, impoundments, and cisterns.

(2) Non-Structural. Non-structural flood control alternatives include the formulation of regulations, flood proofing, flood warning systems, and acquisition of property.

(a) Regulations include floodplain regulations, zoning, subdivision regulations, and building, housing and sanitary codes, and detention ordinances. Note, that generally the implementation of regulations will not be eligible for funding, however, they may be an integral part of a solution to a flood problem.

(b) Flood proofing includes elevation of structures, small walls and levees, and modifications to structures. Useful information on flood proofing techniques can be obtained from the LSU Agricultural Cooperative Extension Service.

(c) Acquisition of property entails purchase of floodplain areas and relocation of houses, and other structures.

d. Technical Feasibility. For the flood control measure proposed by this application, address the following items:

(1) Certification by Professional Engineer. Submit certification by a professional engineer registered in the State of Louisiana that the cost estimates, preliminary plans and designs and other engineering information included in this application conform to accepted engineering practice and the project shall meet the stated design frequency. State the frequency being addressed (see Design Standards, Section C., Item 2.). Any significant deviation from the minimum design frequency as presented in Section C., Item 2., must be justified.

(2) Project Plans and Designs. Include a discussion of all preliminary plans and design information describing the project and support the design rationale. The Flood Control Project Evaluation Committee must be able to clearly distinguish each component of the project and recognize the rationale used in developing the plans and designs. This should include a brief description of the methodology used in developing the project. Since various types of projects will have different design components, lists are provided in Design Standards (Section C., Item 2.) for applicants to follow. Address the measure or measures specifically involved in this project. Items required by the Design Standards must be included as attachments. **TO DETERMINE PROJECT BENEFITS, IT IS ESSENTIAL TO PROVIDE ENGINEERING INFORMATION FOR WITH AND WITHOUT PROJECT CONDITIONS.**

(3) Estimated Construction Costs. Estimate the costs of the project, excluding contingencies and those items detailed in "Other Costs" below. The estimate should break out the costs of materials and construction activities to at least the level of detail necessary to verify the estimate. For each project component, provide the name, quantity, unit cost, and item cost. Avoid the use of lump sum costs. Costs should be current at the time of the application. Note: All cost estimates need only be based on preliminary plans and designs.

(4) Other Costs. Estimate the costs of the project that are the sole responsibility of the sponsoring authority under the State-wide Flood Control Program, including: acquisition of new lands,

easements, rights-of-way, spoil disposal areas, utility and other facility relocations, alterations and maintenance costs. Sponsoring authorities undertaking the preparation of plans and specifications and the letting of bids for construction and supervision of construction should also include these costs in the cost estimate. Note: All cost estimates need only be based on preliminary plans and designs.

(5) **Conjunctive Use.** Describe the feasibility of including water retention and distribution features in the project for agricultural irrigation development, recreation, wildlife habitat or other conjunctive uses.

(6) **Compatibility.** Describe the efforts made to ensure compatibility of the project with other federal, state, and local projects within the drainage basin. Future plans and design requirements of the Office of Public Works, Office of Highways, Soil Conservation Service, Corps of Engineers, levee boards and local agencies must be considered. The requirements of the Office of Highways must be met or exceeded at all roadways under the jurisdiction of the state. Thorough consideration must be given to upstream and downstream effects.

(7) **Affected Area.** Describe that area(s) outside of the benefited area upstream and downstream, which includes the project construction site if outside of the benefited area, that may be affected either beneficially or adversely by implementation of the project. The boundaries of the affected area should be distinguished from the benefited area on the Flood Boundary Map. The following items should be addressed:

- Geographic area
- Population estimate (cite source and date of estimate)
- Land use (see Item 4.a. (3), for categories)

(8) **Protection and Floodplain Encroachment.** The project must be designed to protect existing development without encouraging additional urban and agricultural development. Describe the extent to which the proposed project will protect existing development without encouraging additional development in a flood prone area.

e. **Project Benefits.** The assessment of benefits—both tangible and intangible—is one of the key factors in approval of proposed projects. The major benefit of any flood control project is the reduction of damage to existing property and buildings subject to flooding. The benefits' analysis procedure described below must be used in completing the application. Applications that do not follow this procedure cannot be compared to other applications objectively and may jeopardize the application review.

(1) **Determination of Benefits.** In general the benefits are to be calculated based on an actual field inventory of the structures within the benefited area as determined from the flood boundary map from the design storm and using the appropriate unit damage values. It is not necessary to determine the floor elevation of each structure. If a structure is located within the benefited area, it may be counted. In densely populated urban areas a field investigation of the entire benefited area may not be feasible. In this case aerial photos and field investigations of sample areas may be used.

The applicant must explain the procedure used in determining the buildings, property or acreage protected by the project.

(2) **Inventory of Properties Within Benefited Area.** Based on the design flood, include an inventory of the properties that will be protected as a result of the proposed project (i.e. those properties between the existing and anticipated flood boundary). For residential, commercial, and public structures, indicate total square feet. For roads, indicate lane miles. For agricultural lands, indicate the number of cleared acres. This information should be tabulated by subdivisions and other identifiable areas and delineated on the Flood Boundary Map. The recommended procedures for developing these data requirements are described below.

(a) **Residential, commercial and public structures.** By visual inspection, estimate the total number of square feet for each building type for each sub-category by subdivision as listed in Section C., Item 1. For multistory buildings, only the square footage of the first floor is to be counted. This will require an estimate and tabulation of square footage for each structure. It is not necessary to compute damage value at this time, only the estimate of square footage by building type. Furnish aerial photos if available.

(b) **Roads.** By visual inspection and approximate measurement from a map, indicate the total number of miles for each category of road (gravel, two-lane, and four-lane) as provided in Section C., Item 1. No field estimate of damage value is required since approximate damage value by mile for each category is provided in the unit damage value tables which follow.

(c) **Agricultural land.** Consult with the parish cooperative extension agent or parish soil conservation service representative to determine the approximate acreage for each crop (including pasture). This could be based on a percentage breakdown by crop for the estimated total number of agricultural acres. Only acreage estimates are needed from the survey since average damage values for each crop are provided in Section C., Item 1.

(d) **Industrial damages.** Estimates of flood damage to industrial facilities must be based primarily on estimates by the representatives of the facility in question. No attempt should be made to estimate damage without the assistance of an industry representative. Damage must be estimated for inventory, equipment, and structures.

(3) **Damage Value Calculations.** Section C., Item 1. Tables 1 through 3 contain the unit damage values to be used in computing flood control benefits. From the data collected in the inventory of properties within the benefited area and the unit damage values provided in tables 1 through 3, and from estimates of industrial damage, develop a tabulation of total potential damage prevented by the project. Separate tables with appropriate subdivisions are provided for residential, commercial, and public buildings; crops and pasture; and roads. For industrial damage a different procedure is required as discussed in (2)(d) above. After computing flood damage values by category, add the figures for all categories.

(4) **Prevention of Loss of Life.** Prevention of loss of life are those benefits that enhance public safety by maintaining or providing access to vital services to the community and any neighboring communities which rely on these services, such as emergency medical facilities, fire and police stations and protecting or creating evacuation routes.

(5) **Other Tangible and Intangible Benefits.** Other benefits both tangible and intangible that have not been quantified to this point must be addressed to the extent possible. In the case of agricultural irrigation, benefits may be quantified in terms of cost savings under "with project" conditions. Among intangible benefits are environmental quality and aesthetic values. Although it is extremely difficult to estimate the monetary value of such benefits, they should be considered. Proper evaluation can be made by the Evaluation Committee only if the applicant has fully described these benefits. Such benefits may be useful for establishing priority among closely ranked projects. Provide documentation of the benefits identified.

f. **Environmental Considerations.** Provide an assessment of the environmental effects anticipated as a result of the proposed project during construction and upon completion of construction. A detailed environmental assessment is not required. Parameters that must be discussed include, but are not limited to:

- Water quality
- Habitat modification
- Fish and wildlife resources (including threatened and endangered species)

- Noise and air quality
- Cultural, historical, and archeological features
- Special geologic features

The description should indicate whether the effect(s) is short-term or long-term, direct or indirect, and adverse or beneficial. Applicants must seek comment from appropriate state agencies.

g. Summary of and Response to Local, State and Federal Comments. This Section must include a summary of those comments received from the appropriate agencies to identify potential environmental issues and other concerns and the sponsoring authority's response to those comments. Copies of pre-applications must be forwarded to these agencies by July 1 to provide sufficient time for review and commenting prior to the application deadline of November 1. Recommendations of these agencies must be addressed. Agencies to be contacted include:

- Department of Natural Resources
- Department of Wildlife and Fisheries
- Department of Culture, Recreation and Tourism, Division of Historic Preservation
- Department of Urban and Community Affairs
- Department of Transportation and Development, Office of Highways
- State Soil and Water Conservation Committee
- Department of Environmental Quality
- U.S. Army Corps of Engineers
- U.S.D.A. Soil Conservation Service

Addresses for these agencies can be found in Section C, "Primary Contact Agencies."

h. Required Permits for Project Implementation. This Section provides a description of the federal, state, and local permits that may be required to implement the proposed project. Where appropriate, contact phone numbers are provided. The applicant is encouraged to coordinate with the regulatory agencies prior to submitting these permit applications and throughout the permitting process. Processing costs may be associated with certain permit applications. The agencies should be contacted for information concerning these costs and procedures or forms. Applicants do not have to have the permit at this time. Some permitting agencies require fees, and applicants may elect to withhold permit application pending notification of project funding. The Flood Atlas may be useful in permit preparation.

(1) Federal

(a) Section 10 Permit. This permit procedure was authorized by Section 10 of the River and Harbor Act of 3 March 1899 (30 Stat. 1151; 33 USC 403). The permit is required for activities occurring in navigable waters of the United States. The regulatory agency is the U.S. Army Corps of Engineers. For areas under the New Orleans District jurisdiction, contact the Permit Section at 504/838-2280. For areas under the Vicksburg District jurisdiction, contact the Permit Section at 601/634-5289. A minimum 20-day public notice is required for all Section 10 permit applications. The entire permit application procedure usually requires 60 to 120 days.

(b) Section 404 Permit. This permit was authorized pursuant to Section 404 of the Clean Water Act (86 Stat. 816; 33 USC 1344) and is required for the disposal of dredged or fill material in wetlands, including water bodies. The U.S. Army Corps of Engineers is the regulatory agency. Since the definition of "wetlands" often needs interpretation, the Corps should be contacted to determine whether the proposed project area qualifies. Contact telephone numbers are listed in the preceding description. This application requires a 20-day public notice. Approximately 60 to 120 days are necessary to complete the entire application process.

(c) Right-of-Way Easement. This permit is required by the U.S. Department of the Interior for all activities affecting federal lands such as national forests and wildlife refuges. The permit application often contains a brief biological impact assessment of the

proposed project. The application must be reviewed by the office in Washington, D.C., as well as by appropriate field and regional offices. Usually, 60 to 90 days are required for approval or denial. The area manager of the affected refuge, park, forest, etc. should be contacted for specific instructions and requirements.

(d) Bridge Permit. The U.S. Coast Guard regulates activities that require construction of new bridges or renovation of bridges over navigable waters. The U.S. Coast Guard in New Orleans should be contacted (504) 589-2965 to determine whether a bridge permit will be required. Processing normally requires 90 to 120 days.

(2) State

(a) Coastal Use Permit. The Coastal Management Division (CMD) (504/342-7591) of the Louisiana Department of Natural Resources oversees this permit which stipulates activities affecting the state's coastal waters and wetlands below five feet mean sea level (msl). This application is a copy of the Section 10/404 permit application; however, the CMS requires a 30-day public notice. Processing time for the coastal use permit is normally within 60 days.

(b) Water Quality Certification. The Louisiana Department of Environmental Quality, Water Pollution Control (WPC) Division (504/342-6363) requires a water quality certification for any activities that may affect the water quality of any of the state's streams, lakes, ponds, bays, or other water bottoms. The application is a letter addressed to the division director, requesting certification. The applicant will then receive from the WPC a public notice that will have to be published in the official journal of the State of Louisiana, Legal Section, for one day. The applicant is required to bear all publishing costs. Comments are accepted by the WPC for a period of 10 days after the public notice has appeared in the paper and applicants are notified soon after of approval or denial. The entire process is usually completed within 30 to 45 days. DEQ charges a fee for this certification and it is not necessary to apply until the project has been funded.

(c) Class B Use. This permit is regulated by the Louisiana Department of Wildlife and Fisheries and is required for activities that may affect, directly or indirectly, streams included in the Louisiana Natural and Scenic Streams system. Those activities that are prohibited on scenic streams and are considered Class A uses include:

- Channelization
- Clearing and snagging
- Channel realignment
- Reservoir construction

The Class B Use Application consists of a brief environmental assessment that discusses the present conditions and anticipated impact of the proposed project on the following parameters:

- Wilderness qualities
- Scenic values
- Ecology
- Recreation
- Fishing
- Wildlife
- Archaeology
- Geology
- Botany
- Water quality
- Other natural and physical features and resources

A 30-day public notice is required after the application has been accepted as complete by Wildlife and Fisheries and the application has been reviewed by cooperating state agencies. The contact telephone number is 504/342-9273. The normal process time is 70 to 90 days.

(d) Letter of Comment or No Objection. This letter is required for activities that may affect state lands, water bottoms, or structures (e.g. roads, bridges, etc.). The applicant should address the request to the deputy chief engineer of the Louisiana Department of Transportation and Development, Office of Public Works. The request should also contain a copy of the Corps of Engineers permit application(s) and the appropriate plats and maps. This process normally requires 15 to 30 days.

(3) Local

(a) Letter of Comment or No Objection. A letter of comment or no objection must be requested from: (1) levee districts and boards if the proposed project may affect levees or water control projects within a given levee district; and (2) parish police jury for any given parish which will be affected by the proposed project. It should be noted that if more than one levee district and board or parish may be affected, letters of comment or no objection must be requested from each governing body. The request should also contain a copy of the Corps of Engineers permit application(s) and appropriate plats and maps. The applicant is encouraged to check with the parish clerk for information concerning levee districts and boards as well as parish police juries.

(b) Other. Certain parishes have specific permits for activities occurring in these parishes. Appropriate parish authorities should be contacted for further information.

(4) Indicate which permits will be applicable to the proposed project.

- _____ Section 10
- _____ Section 404
- _____ Right-of-Way
- _____ Bridge
- _____ Coastal use
- _____ Water quality certification
- _____ Scenic rivers
- _____ Letters of no objection
- _____ Levee districts
- _____ Other (identify)

i. Assurances. In order to be certain that the sponsoring authority is fully aware of the level of its financial responsibilities, the following must be completed:

The following dollar estimates are based on preliminary plans and design information and are not intended to be exact representations but merely indications of the magnitude of the sponsoring authority's financial obligations. Do not include any contingency fees in these estimates.

- (1) Estimated cost of furnishing all new lands, easements, rights-of-way, and spoil disposal areas necessary to construct and maintain the project \$ _____
- (2) Estimated annual cost of maintenance and operation of the project and all future alterations as may be required \$ _____
- (3) Estimated funds required to accomplish all necessary utility and any other facility relocations, alterations, and maintenance \$ _____
- (4) Estimated funds required to provide a 30 percent local match for project construction cost. (This amount may be reduced by eligible credits.) \$ _____
- (5) Engineering design and construction observation \$ _____
- TOTAL FIRST COST [total lines (1), (3), (4), and (5)] \$ _____
- TOTAL ANNUAL COST [Line (2)] \$ _____

j. Estimate of Local Matching Share. In order to be eligible for state funding assistance, local sponsoring authorities are required to provide a 30 percent matching share of the total construction cost. If applicant anticipates expenses that will be eligible for credit, applicant may estimate these credits by the following procedure. It is an estimate that may affect the cash component of the matching share at some point in the future if the eligible costs are incurred. The 30 percent local match may be comprised of new right-of-way acquisition cost (not to exceed 80 percent of the matching share), engineering and design costs (not to exceed 10 percent of the matching share) and cash (up to 100 percent of the matching share). In order to receive any credit for right-of-way acquisition, the right-of-way must have been purchased within one year of the pre-application filing date. Engineering design must have been performed within one year of the pre-application filing date to be eligible as a credit toward local matching funds.

Local Matching Share

(1) Total Local Match Required (30 percent of construction cost)	\$ _____
(2) Less Credits	
(a) New Right-of-Way Acquisition Cost [Not to exceed 80 percent of total matching share (line (1) above)]	-\$ _____
(b) Engineering and Design Cost [Not to exceed 10 percent of total matching share (line (1) above)]	-\$ _____
(3) Equals Cash Required Prior to Implementation of the construction contract [Line (1) minus lines (2)(a) and (2)(b)]	= \$ _____

Date _____ Office of Sponsoring Authority _____

5. Attachments

a. Land Use Map. Provide as Attachment 1 a map which clearly depicts the major land use types in the benefited area as discussed in Item 4.a. (3). Use a scale of 1:24,000 or 1:62,500 if suitable.

b. Flood Boundary Map. Provide as Attachment 2, a flood boundary map consisting of topographic contours which show elevations of the area inundated by the design flood under existing conditions. This map should include all areas in which flooding will increase or decrease as a result of the project both within and outside the benefited area. Show both the EXISTING (without project) flood boundary and the ANTICIPATED (with project) flood boundary for the design flood.

c. Project Impact Map. Provide as Attachment 3 a project impact map. This map should clearly show the location of roadways, railways, major drainage features, major utilities and building locations. (Usually, the most recent USGS topographic quadrangle map, scale 1:24,000 or scale 1:62,500, will provide a suitable base.)

Identify the location of the project and its major components (e.g. pumping station, levees, channelization); identify the boundaries of the flood problem within the area, as well as those areas one-half mile upstream, downstream, and adjacent to the benefited area.

d. Drainage Area Map. Provide as Attachment 4 a drainage area map and all pertinent information as specified for the appropriate structural alternative presented in Section C.2.b., "Design Standards."

e. Runoff Calculations. Provide as Attachment 5 runoff calculations and methodologies used for each alternative considered as specified in Section C.2.b., "Design Standards."

f. Project Plan. Provide as Attachment 6 the preliminary project design plan for the appropriate alternative as specified in Section C.2.b., "Design Standards."

g. Profile or Stages Before and After Project. Provide as

Attachment 7 pertinent information on before and after stream profiles and stages for the appropriate alternative as specified in Section C.2.b., "Design Standards."

h. Cross Sections. Provide as Attachment 8 pertinent information on stream cross sections as specified in Section C.2.b., "Design Standards."

i. Hydraulic Calculations, Before and After Project. Provide as Attachment 9 the pertinent hydraulic calculations for both the BEFORE and AFTER project conditions as specified in Section C.2.b., "Design Standards."

j. Agency Commenting Letters. Include as Attachment 10 copies of letters of comment from those agencies whose comments were requested in Item 4.g.

k. Permits (If Obtained). Include as Attachment 11 copies of all permits that may have been obtained at this time.

l. Other Letters of Support or Objection to the Project. Include as Attachment 12 copies of any other letters of support or objection to the project.

m. Other Attachments. Include as attachments 13, 14, etc. any other information necessary to aid the Evaluation Committee in evaluating the application.

C. Pertinent Information for Completing Application

In the following sections pertinent information concerning (1) damage valuations for computing project benefits, (2) design standards for project design, (3) information sources, and (4) primary contact agencies for completing the application are presented.

1. Damage Valuations

The following tables provide the unit damage values to be used in completing Item 4.e.(3) of the application.

Table 1
UNIT DAMAGE VALUES FOR RESIDENTIAL, COMMERCIAL,
AND PUBLIC STRUCTURES AND CONTENTS

Category	Damage Value Per Square Foot
Residential	
Single Family Dwellings	
Metal	\$ 8.10
Brick	12.79
Wood	11.86
Apartments	
Brick	12.09
Wood	11.20
Commercial	
Gas Station (gas only)	
Metal and Wood	21.90
Brick	25.61
Gas Station and Repair Shops	
Metal and Wood	14.82
Brick	18.53
Food and Drug Stores	
Metal and Wood	21.66
Brick	24.10
Department Stores	
Metal and Wood	23.82
Brick	26.22
Hardware Stores	
Metal and Wood	25.36
Brick	28.41
Barber Shops	
Metal and Wood	21.46
Brick	23.90

Laundromats and Cleaners	
Metal and Wood	\$14.75
Brick	15.25
Convenience Stores	
Metal and Wood	27.85
Brick	30.90
Fast Food Outlets	
Metal and Wood	43.57
Brick	49.06
Restaurants/Motels	
Metal and Wood	29.90
Brick	31.00
Retail and Specialty Shops	
Metal and Wood	34.11
Brick	37.16
Bars and Liquor Stores	
Metal and Wood	17.98
Brick	23.78
Recreational Facilities (bowling alleys, theaters, health clubs)	
Metal and Wood	20.94
Brick	23.00
Warehouses	
Metal and Wood	10.70
Brick	14.31
Offices	
Metal and Wood	42.55
Brick	49.26
Nondescript (Vacant Buildings)	
Metal and Wood	16.14
Brick	19.75

Public Buildings

Public Schools	
Metal and Wood	9.21
Brick	11.86
Churches	
Metal and Wood	\$10.35
Brick	15.34
Libraries	
Metal and Wood	88.52
Brick	91.82
City Halls	
Metal and Wood	13.82
Brick	17.27
Hospitals/Clinics/Nursing Homes	
Metal and Wood	39.24
Brick	42.70
Fire Stations	
Metal and Wood	9.70
Brick	10.40
Post Offices	
Metal and Wood	18.86
Brick	20.29
Service Clubs (Elks, Fraternities)	
Metal and Wood	12.32
Brick	13.07

Offices (charities, labor organizations, unions)	
Metal and Wood	13.82
Brick	17.27
Other	
Metal and Wood	23.99
Brick	26.67

Sources: *Economic Data Report* for U.S. Army Corps of Engineers—Lower Mississippi Valley Division's Flood Damage Estimation System, April 1981.

Table 2

UNIT DAMAGE VALUES FOR ROADS

Type of Road	Unit Damage Value/Mile
Gravel	\$148.00
Two-Lane	354.00
Four-Lane	796.00

Sources: *Economic Data Report* for U.S. Army Corps of Engineers—Lower Mississippi Valley Division's Flood Damage Estimation System, April 1981; New Orleans District, Corps of Engineers; the Federal Insurance Administration; and Gulf South Research Institute.

Table 3

UNIT DAMAGE VALUES FOR AGRICULTURAL LANDS, BY CROP*

Crop	Damage Value/Acre
Cotton	\$143.56
Corn	57.10
Soybeans	60.60
Sugarcane	143.25
Wheat	34.40
Rice	115.03
Grain Sorghum	46.86
Pasture (cow/calf)	24.48

Sources: *Development of Use Value Estimates for Agricultural, Horticultural and Marsh Lands*, Louisiana Tax Commission, December 1982; *Selected Enterprise Budgets Useful in Farm Planning (1977-1980)*, Louisiana State University Cooperative Extension Service; and Gulf South Research Institute.

* Figures are based on average prices for the years 1977 to 1980.

2. Design Standards

Maps, plans, profile sheets and cross section sheets submitted with the application shall be consistent with accepted engineering practices. In order to facilitate review of the applications, use scales consistent with a multiple of 10 or those listed below:

1" = 1 ft.	or	1" = 1 mile
1" = 2 ft.		1" = 2 miles
1" = 4 ft.		1" = 4 miles
1" = 5 ft.		1" = 5 miles
1" = 10 ft.		1" = 10 miles
1" = 20 ft.		1" = 20 miles
etc.		etc.

Standard-sized sheets of 24" x 36" shall be used for cross section sheets, plans and profile sheets. Maps shall conform to the scales listed above.

All maps, plans, profile sheets, cross section sheets, and other exhibits shall include a standard title block that identifies the application, applicant, preparer, name of the exhibit and number of sheets, if applicable.

All elevations should reference mean sea level (National Geodetic Vertical Datum of 1929). The applicant is encouraged to make use of available information.

a. Non-Structural Alternatives. The following information must be provided for non-structural projects.

- (1) Acquisition and Relocation
 - (a) Design frequency of protection
 - (b) Maps designating areas of acquisition and relocation
 - (c) Description and valuations of land and structures proposed to be acquired

- (d) Descriptions of existing and proposed land use

- (2) Flood Proofing

- (a) Design frequency of protection

(b) Description of flood proofing techniques to be employed

- (c) Maps designating locations of affected structures

(d) Effect on flooding in upstream, downstream and adjacent areas

- (3) Flood Warning

- (a) Criteria for operation of system

- (b) Estimate of the population served

- (c) Methods and procedures to be used

b. Structural Alternatives. The following design frequencies should be used as minimum levels of protection for structural flood control alternatives. The design level of protection should be commensurate with the level of development. Any significant deviation must be justified. Compatibility with other federal, state, or local agency requirements must be met as discussed in item 13.f. of the application instructions.

Level of Development	Design Frequency (Years)
Undeveloped	2
Developed	25

(1) Channel Clearing, Snagging, Alterations or Modifications

NOTE: For storm sewers, provide (a), (b), (c), (d), (g), (h), and (i).

(a) Indicate design frequency and hydrologic method used (typical methods include, but are not limited to: USGS *Floods in Louisiana, Magnitude and Frequency, 1976*; USDA Soil Conservation Service Technical Release Numbers 20 and 55; U.S. Army Corps of Engineers' HEC-1, the Rational Method).

(b) Provide a drainage area map on USGS topographic maps or the best available topography and a project plan with stream profile stationing, cross section locations and orientation, proposed spoil disposal areas and other construction activities identified.

(c) Provide drainage summary sheet(s) consisting of stream station locations, cumulative drainage areas to each design locus, design discharge (provide both "without project" and "with project," if different); indicate locations of tributary streams; cross-reference stream identifications and stationing with project plan.

(d) Provide stream profile sheet(s) including existing and proposed channel grades, low bank profiles, existing and proposed bridges, culverts and other structures, proposed channel dimensions (bottom width and side slopes), location of tributaries, existing and proposed water surface profiles for the design flood, stream stationing consistent with the stationing on the project plan and surveyed cross section locations identified.

(e) Provide surveyed cross sections of all significant structures crossing the channel, showing all dimensions of the channel and structure including shape and position of conveyance openings; the size, shape and placement of bridge piles, wingwalls, and handrails; the crest of the adjacent roadway; the decks and low beams of bridges; materials of construction; and other features necessary to adequately define the hydraulic characteristics of the structure and adjacent roadway. It is suggested that available information be used wherever possible.

(f) Provide surveyed cross sections along the stream and upstream and downstream of the structures at frequent enough intervals to identify transitions in the size and shape of the channel and overbank areas.

(g) Provide supporting information to justify the starting water surface elevation used in the hydraulic computation for each water surface profile presented.

(h) Provide hydraulic computations, including runoff calculations, to justify all of the water surface profile(s) shown on the stream profile sheet(s); furnish complete input and output listings of all computer programs used. If hand calculations are presented, provide in tabular fashion for each reach of the stream: stationing, slope, depth, cross sectional area, hydraulic radius, and velocity and flow of the channel and each of the overbank areas; and for all structures, calculations of the flow through, over and around the structures and the basis of the calculations (formulas, momographs, etc.) and references of the methods employed (Manning's Equation, HEC-2, HDS Number 1, etc.).

(i) Evaluate the effect of the proposed project on flooding downstream, upstream and in adjacent areas.

(2) Lakes, reservoirs, and other impoundments

(a) Indicate design frequency and hydrologic methods used and their sources (Corps of Engineers, SCS, OPW, or USGS, etc.).

(b) Provide a drainage area map and project plan identifying all existing and proposed embankments, spillways, outlet chutes, and other components of the dam and reservoir.

(c) Provide preliminary design plans for major components, identifying proposed dimensions, materials, slopes, grades, seepage prevention methods, erosion control measures, and power generation facilities, if any.

(d) Provide hydraulic and hydrologic analyses, including runoff calculations, flood routing and water surface profile calculations for the design flood, for "with project" and "without project" conditions.

(e) Provide preliminary geotechnical information, including soil borings to verify the suitability of proposed construction methods.

(f) Provide hydrologic analyses to determine the downstream flooding effects from a catastrophic failure of the dam during a flood of extreme magnitude. The flood volume should be related to the probable maximum flood and based on the hazard category of the proposed dam in accordance with the Dam Safety Program of the Office of Public Works.

(g) Evaluate the effect of the project on flooding upstream, downstream, and in adjacent areas.

(3) Levees, dikes, floodwalls, and related structures

(a) Provide design frequency, hydrologic and hydraulic calculations, methods used to evaluate the flood levels and wave heights, and justify the free board levels used.

(b) Provide preliminary project plan showing proposed improvements, existing and proposed grades and slopes and the relationship of the proposed improvements to other flood control works in the vicinity.

(c) Provide preliminary geotechnical information, including logs of soil borings, to determine the suitability of the proposed construction methods.

(4) Pumping stations

(a) Provide the design frequency, duration, hydrologic and hydraulic calculations used to estimate pumpage requirements.

(b) Provide drainage area map and project plan identifying all existing and proposed embankments, outlets, and other components.

(c) Provide stage-area and stage-volume curves for the sump or storage areas utilized.

(d) Provide topographic maps showing the sump or storage areas.

(e) Evaluate the effect of the project on upstream, downstream, and adjacent areas.

(5) Storm Water Detention and Retention Measures

(a) Provide design frequency, hydrologic calculations, documentation of methods used to evaluate the modification of flood volumes, and drainage area maps as appropriate.

(b) Provide project plan showing proposed improvements.

(c) Provide a quantitative evaluation of the effect on flooding in adjacent areas.

3. Information Sources

Information that might prove useful in completing the pre-application form is available from a number of sources, including the records of parish engineers, newspaper accounts, published and unpublished water resources reports, and data collected by federal, state, and local agencies. Selected references are listed and described below. Many of these references are available for inspection at one or more of the agencies listed in Section 4., "Primary Contact Agencies."

Louisiana Geological Survey, 1983, *Louisiana Atlas of Floodplains and Flooding Problems*: Louisiana Department of Natural Resources, Baton Rouge, Louisiana.

An atlas of 96 maps depicting the following information for each of the state's 15 major river basins:

1. Geologic floodplains
2. Flood prone soils
3. Existing and proposed flood control projects
4. Areas benefited by existing and proposed Soil Conservation Service PL-566 projects
5. Flood insurance claims and policies
6. Flood problem areas
7. Land use and land cover
8. Hydrologic boundaries
9. 100-year floodplain
10. Miscellaneous maps including scenic streams, federal and state lands, major waterfowl habitat, and others.

Neely, B.L., U.S. Geological Survey, 1976, *Floods in Louisiana, Magnitude and Frequency*, third edition: Louisiana Department of Highways [now the Louisiana Department of Transportation and Development, Office of Highways], Baton Rouge, Louisiana. [Presents data on annual peak floods for all published gaging records in Louisiana (through 1974) and describes techniques for estimating magnitude and frequency of peak discharges on streams in Louisiana.]

U.S. Geological Survey, Water Resources Division, 1982, *Water Resources Data Louisiana, Water Year 1981*, 3 vol.: Baton Rouge, Louisiana. [One of annual series by USGS. The presented data represents that part of National Water Data System operated by the USGS and cooperating state and federal agencies in Louisiana. Included are stage records of streams, lakes, and reservoirs; discharge records at stream-gaging stations; water levels in observation wells; water quality records in streams, lakes, reservoirs and observation wells; and additional miscellaneous information.]

U.S. Army Corps of Engineers, 1977, *Stages and Discharges of the Mississippi River and Its Tributaries, 1977*, New Orleans District, Vicksburg District. [One of annual series published by Corps of Engineers district offices, indicating stage and discharge for the designated river basins.]

Federal Emergency Management Agency [or, prior to 1979, U.S. Department of Housing and Urban Development, Federal Insurance Administration], various dates, Flood Insurance Studies, various communities. Department of Urban and Community Affairs in Baton Rouge is a repository for this information. [A series of studies mapping floodplain boundaries, floodways, and flood zones to be used for insurance purposes, based on application of detailed and approximate methods of analysis. They supersede earlier or less detailed investigations conducted for same locations. Also includes expected water surface elevations for floods of 10-, 50-, 100-, and 500-year recurrence intervals.]

Federal Emergency Management Agency [or, prior to 1979, U.S. Department of Housing and Urban Development, Federal Insurance Administration], various dates, Flood Hazard Boundary Maps, various communities. Department of Urban and Community Affairs is a repository for this information. [A series of maps prepared for many areas of the state to establish flood insurance rate zones prior to completion of detailed flood insurance studies. These maps are usually based on approximate delineations of flood boundaries, and are superseded by FEMA flood insurance studies, where available.]

U.S. Geological Survey, various dates, maps of flood prone area, various locations statewide. [A series of maps indicating floodplain boundaries throughout the state, drawn from base maps of USGS (15-min. and 7.5-min. topographic quadrangles) and including data from historical flood records.]

Louisiana Department of Urban and Community Affairs, Office of Planning and Technical Assistance, 1982, *Floodplain Management Plan, State of Louisiana*, Baton Rouge, Louisiana. [Discusses flood hazards and damages and aspects of floodplain management; evaluates structural and non-structural flood hazard mitigation measures; describes flood disaster preparedness and response; and presents legal aspects of floodplain management.]

Federally sponsored computerized data information systems include:

WATSTORE, U.S. Geological Survey
STORET, U.S. Geological Survey and U.S. Army Corps of Engineers

NAWDEX, U.S. Geological Survey

A computerized resource information system is operated in Louisiana by the State Planning Office. The Louisiana Areal Resources Information System (LARIS) includes:

- Land use classifications
- Soil associations
- River basin boundaries
- Surficial geology
- Government land management boundaries
- Political subdivisions
- Census data

- Stream hierarchy and basin areas and other physical resources organized by areal polygons with a minimum resolution of 10 acres in urban areas and 40 acres in rural areas.

4. Primary Contact Agencies

*Louisiana Geological Survey, Department of Natural Resources, Box G, University Station, Baton Rouge, LA 70893 (504) 342-6754.

Louisiana Department of Urban and Community Affairs, Office of Planning and Technical Assistance, Box 94455, Baton Rouge, LA 70804-9455 (504) 925-3756.

*State Planning Office, Box 44426, Baton Rouge, LA 70804-4426 (504) 342-7410.

Louisiana Department of Culture, Recreation and Tourism, Division of Historic Preservation, Box 44247, Baton Rouge, LA 70804-4247 (504) 922-0358.

*Louisiana Department of Transportation and Development, Office of Public Works, Box 94245, Capitol Station, Baton Rouge, LA 70804-9245 (504) 342-7535.

Louisiana Department of Transportation and Development, Office of Highways, Box 94245, Baton Rouge, LA 70804-9245 (504) 342-7508.

Louisiana Department of Environmental Quality, Box 44066, Baton Rouge, Louisiana 70804-4066 (504) 342-1265.

U.S. Department of Agriculture, Soil Conservation Service, 3737 Government Street, Alexandria, LA 71302 (318) 473-7760.

U.S. Geological Survey, Water Resources Division, Box 66492, Baton Rouge, LA 70896 (504) 389-0281.

U.S. Army Corps of Engineers, New Orleans District, Box 60267, New Orleans, LA 70160 (504) 865-1121.

U.S. Army Corps of Engineers, Vicksburg District, Box 60, Vicksburg, MS 39180 (601) 634-5000.

III. EVALUATION OF PROPOSED PROJECTS AND DISTRIBUTION OF FUNDS

A. Project Evaluation Procedure

The Evaluation Committee will compile a priority ranked list for the projects in rural-developed and rural-undeveloped areas within each district and projects within urban areas each funding year. For evaluation purposes, the project classifications concern the characteristics of the benefited area, not the design criteria or the contributing drainage area. The three project classifications are urban, rural-undeveloped and rural-developed. The urban category includes projects located in Shreveport, Bossier City, Monroe, Alexandria, Lake Charles, Lafayette, Baton Rouge and its contiguous urbanized areas, New Orleans, and the urbanized portions of Jefferson Parish as shown in Figure 1. Rural-undeveloped projects are those located in areas with a structure density of 128 or less structures per square mile while rural-developed projects are located in areas with more than 128 structures per square mile. The evaluation will be based on a combination of rating procedures described hereinafter.

The priority ranking of each project will be based on the sum of the scores of parts A and B of the Application Evaluation Forms. Using the combined scores, the Evaluation Committee will produce a program priority list. The priority list will be forwarded to the Joint Legislative Committee on Transportation, Highways and Public Works.

1. Procedure for Application Evaluation Form—Part A

The Evaluation Committee will review each application and score it according to the following form:

*NOTE: Since these agencies constitute the Flood Control Evaluation Committee, it is not appropriate to request their comments at this time.

APPLICATION EVALUATION FORM--Part A

Category	Points		Comments
	Maximum	Credited	
Documentation of flood problem	20		
Local support	5		
Technical feasibility	45		
Prevention of loss of life and improved public safety	5		
Environmental effects and impact on development	15		
Projects recommended but not funded	10		
TOTAL FROM PART A	100		

The following guidelines will be used by the Evaluation Committee to rate applications to the Statewide Flood Control Program. This scoring procedure pertains to projects which meet the legislative intent of the program. Projects which are engineeringly unsound, cause unreasonable flooding in other areas, cause unacceptable or unmitigable environmental damages or otherwise do not meet the objectives of the program will not be scored.

a. Documentation of Flood Problem (20 point maximum). This category takes into consideration the adequacy of documentation which demonstrates the existence and severity of flood damages.

b. Local Support (5 point maximum). This category takes into consideration the following:

(1) Letters of support on file from the respective legislative delegation

(2) No letters of objection from public officials, neighboring authorities, citizens groups, etc.

(3) Multiple sponsorship

c. Technical Feasibility (45 point maximum). This category takes into consideration the following:

(1) Completeness of project design

(2) Due consideration of alternatives (structural and non-structural)

(3) Compatibility of the project to other federal, state, and local projects

(4) Impact on flooding in areas upstream, downstream, and adjacent to the benefited area

d. Prevention of Loss of Life (5 point maximum). This category takes into consideration the following:

(1) Historical losses of life that may have been prevented by the project

(2) The degree of success of the project at maintaining access to vital services (e.g. hospitals) and protection of evacuation routes

e. Environmental Effects and Impact on Development (15 point maximum). This category takes into consideration the following:

(1) No letters of objection from public agencies

(2) No impact on special historical, archeological, geological features, or environmentally sensitive areas

(3) Not in a wetlands area

(4) Effectiveness of the project in relation to encroachment into flood prone area (i.e. 100-year floodplain)

f. Projects Recommended But Not Funded (10 point maximum).

Add points for each year (up to a four year maximum) that the proposed project has been on the list of recommended projects but has not received funding.

2. Procedure for Application Evaluation Form—Part B.

Ratings are computed on the basis of potential damage reductions associated with the design flood and do not include efforts to annualize benefits and costs. The same formula is to be used for rural-developed, rural-undeveloped projects, and urban projects, and appears below.

$$\text{Part B Score} = \frac{\text{Total Damages}^*}{\text{Total Construction Cost}} \times \frac{70}{70 - (\text{PLM} - 30)}$$

Where PLM = percent local match

*Total damages are any damages from the design storm which will be prevented by the flood control project including: agricultural crop and land damages; agricultural building damages; damages to residential, commercial, public, and other buildings; damages to roads; damages to buildings; and damages to industries.

In the Part B scoring process, projects are separated into their appropriate categories (i.e. rural-undeveloped, rural-developed, and urban). Within each category, the project with the highest raw score is awarded 100 points. The other projects are awarded points based on the ratio of their raw score compared to the score of the highest project multiplied by 100.

3. Example of Evaluations

The Evaluation Committee will add the scores from parts A and B to derive the total score for each project. The priority ranking will be determined by adding the total scores from parts A and B for each project. In the following example hypothetical information is used to compare three projects.

a. Part A

The three projects are first scored using the Application Evaluation Form—Part A. Results for the three projects are summarized in the following table. Projects are given both a raw score

and a final score. The project with the highest raw score is awarded 100 points and competing projects are awarded points based on the ratio of their raw scores to the raw score of the highest scored project multiplied by 100.

b. Part B

The following tables demonstrate the Part B evaluation procedure for the same three projects (assumed to be in the rural-

developed category). The benefits data presented in the first table would be taken from the applications.

The damage reductions and cost data for each category shown in the following table are used to compute the raw scores shown in the table for Part B scoring. The Part B scores will then be used to obtain a final score.

TABULATION OF PROJECT POINTS CREDITED FOR PART A

Category	Maximum Points	Project Points Credited		
		Flat River	Danville	Sunnydale
Documentation of Flood Problem	20	12	17	13
Local Support	5	4	5	4
Technical feasibility	45	36	40	27
Prevention of loss of life and improved public safety	5	3	3	2
Environmental effects and impact on development	15	1	3	2
Projects recommended but not funded	10	2.5	0	0
RAW SCORE	100	58.5	68	48
FINAL SCORE*		86	100	71

*The project with the highest raw score receives 100 points. The other projects receive a percentage of 100 based on their raw score relative to the project with the highest raw score.

TABULATION OF COSTS AND BENEFITS

Category	Project Damage Reduction (Dollars)		
	Flat River	Danville	Sunnydale
Agricultural Acres	118,746	600,000	40,000
Residences	4,797,000	1,000,000	350,000
C&I Buildings	--	50,000	1,100,000
Other Buildings	--	100,000	700,000
Farm Structures	--	200,000	100,000
TOTAL DAMAGE REDUCTION	4,915,746	1,950,000	2,290,000
CONSTRUCTION COST	1,300,000	550,000	700,000

PART B SCORING

Scoring Category	Flat River	Danville	Sunnydale
Raw Score			
$\frac{\text{Total Damages}}{\text{Construction Cost}}$	$\frac{\$4,915,746}{\$1,300,000}$	$\frac{\$1,950,000}{\$550,000}$	$\frac{\$2,290,000}{\$700,000}$
or	3.78	3.55	3.27
Additional Funding Adjustment =			
$\frac{70}{70 - (\text{PLM} - 30)}$	$\frac{70}{70 - (40 - 30)}$ *	$\frac{70}{70 - (30 - 30)}$	$\frac{70}{70 - (30 - 30)}$
or	1.17	1.00	1.00
Adjusted Score =			
Raw Score x Additional Funding Adjustment	4.42	3.55	3.27
Final Score**	100	80	74

* In this case Flat River contributed greater than the minimum local match and therefore receives a higher score.

** The project with the highest adjusted score receives 100 points, others receive a percentage of 100 points based on their adjusted score relative to the project with the highest adjusted score.

c. Priority Score

The point totals from parts A and B are added in the following table to establish scores for the priority ranking of projects to be recommended for funding.

FINAL PRIORITY SCORES

Form	Project		
	Flat River	Danville	Sunnydale
Part A	86	100	71
Part B	100	80	74
Total	186	180	145
Rank	1	2	3

If these three applications were in the same district and they were all in the rural developed category (as previously stated), the Evaluation Committee would recommend them for funding in the following order: (1) Flat River, (2) Danville, and (3) Sunnydale.

B. Project Application Review and Public Hearings

The Flood Control Project Evaluation Committee will review applications between November 1 and the following April 1. During the review period, public hearings will be conducted in locations convenient to each Statewide Flood Control Program funding district by the Joint Legislative Committee on Transportation, Highways, and Public Works to solicit comments on the projects being considered for funding.

During this time, the Evaluation Committee will also receive from the Joint Legislative Committee on Transportation, Highways, and Public Works a projected funding level for the construction program of the coming year.

Based on the information gathered at the public hearings

and the application evaluations, the Evaluation Committee will submit a list of recommended projects to the Joint Legislative Committee, on the basis of the distribution of funds described below.

C. Distribution of Funds

The distribution of program funds is based on a two-tiered system including: (1) the nine major urban areas in Louisiana as shown in Figure 1 and (2) the five funding districts shown in Figure 2. Forty-five percent of total program funds is allocated to project areas within the nine designated urban areas. Projects within urban areas must compete for funding with projects from all urban areas. However, no more than 20 percent of the total amount of funds available to finance projects in Louisiana's urban areas may be allocated to any single urban area. The urban areas included are Shreveport, Bossier City, Monroe, Alexandria, Lake Charles, Lafayette, New Orleans, Baton Rouge and its contiguous urbanized area, and the urbanized portion of Jefferson Parish. The

boundaries of the city limits and urbanized areas are consistent with the U.S. Census Bureau's urban designation.

Fifty-five percent of total program funds is allocated to rural projects in the five funding districts. There are two categories of rural projects for funding distribution, rural-undeveloped and rural-developed. The formula for distributing funds among the five districts is as follows:

$$\text{District's Percent of Available Funding} = [0.50 \times (\text{District's Percent of State's Total Area})] + [0.50 \times (\text{District's Percent of State's Total Flood Plain Area})]$$

Table 4 presents the funding allocation percentage for each of the five districts.

Table 4

FUNDING ALLOCATIONS FOR RURAL PROJECTS BY FUNDING DISTRICT

Funding District	Percent of State Total		
	Land Area	Floodplain	Funding Allocation
Northwest	28.3	17.9	23.1
Northeast	18.4	14.9	16.7
Southwest	17.4	13.6	15.5
Southeast	19.3	25.9	22.6
South Central	16.6	27.7	22.1
State Total	100.0	100.0	100.0

An important feature of the program is the separation of funds into rural-undeveloped and rural-developed categories within each funding district. The Evaluation Committee determines which category will be used for a project during the application review. The method for making the determination is based on structure density in the benefited area. Benefited areas with structure densities of more than 128 structures per square mile which are not one of the nine designated urban areas are considered rural-developed. Benefited areas with structure densities of 128 or less structures per square mile are considered rural-undeveloped.

District funds are divided between the two rural categories. The separation of funds is based on the amount of agricultural land and developed land (excluding the nine urban areas) within each district in relation to the amount within the entire state. The formulas for making the primary separation between rural-developed and rural-undeveloped areas are:

Percent of District Funds Designated Rural-Undeveloped =

$$\frac{\text{(District's Percent of Total State Agricultural Area)}}{[(\text{District's Percent of Total State Agricultural Area}) + (\text{District's Percent of Total State Developed Area})]}$$

and

$$\text{Percent of District Funds Designated Rural-Developed} = \frac{\text{(District's Percent of Total State Developed Area)}}{[(\text{District's Percent of Total State Agricultural Area}) + (\text{District's Percent of Total State Developed Area})]}$$

The two formulas account for 100 percent of the district funding total in all cases. The recommended funding ratios for the two rural categories are presented in Table 5.

The Evaluation Committee will make its recommendations for projects within the limitations of the funding projections for the coming year and in accordance with the distributions presented in Tables 4 and 5. Table 6 presents the funding distribution for a hypothetical \$50 million construction program allocation.

Table 5

RECOMMENDED PERCENTAGE DISTRIBUTION OF FUNDS, BY RURAL CATEGORY FOR FUNDING DISTRICTS

Funding District	Percentage of District Funds	
	Rural-Undeveloped	Rural-Developed
Northwest	52	48
Northeast	73	27
Southwest	55	45
Southeast	29	71
South Central	42	58

D. Redistribution Procedure

In the event that there are an insufficient number of approved projects in a funding district for a particular category (e.g. rural-undeveloped), then those funds would be allocated to fund projects in the other rural category (in this example, rural-developed) within the same district. If there are insufficient approved projects in both rural categories for a particular district to utilize the funding allocation in a particular year, then the excess funds shall be allocated to fund rural projects in the other funding districts which have been approved but not funded.

All excess funds shall be redistributed to other districts on a pro rata basis based on each funding district's percentage of rural project funds (Table 4). The first priority will be to use unrequested rural-undeveloped project funds to fund approved rural-undeveloped projects in other districts. In the event that funds are still remaining, rural-undeveloped funds may then be used to fund rural-developed projects in other funding districts. Similarly, unrequested rural-developed project funds shall be redistributed to other districts after satisfying all approved rural-developed projects and before becoming available to fund approved rural-undeveloped projects in other districts.

If funds allocated to the five funding districts are remaining after all approved rural projects have been funded, any remaining funds may then be used to fund approved but unfunded projects in urban areas. Similarly, any funds remaining after all approved urban projects have been funded may then be used to finance rural projects in the funding districts and shall be allocated in the same fashion as any funds initially allocated to these districts.

It is the intention of this program that redistributed funds be sufficient to complete a project. If funds available for redistribution are insufficient to complete a project, such funds shall then be carried forward to supplement the funding base for the next year's program.

In the event that funds become available due to the expiration of the four year period allowed sponsoring authorities to generate local matching funds, those funds previously set aside will be redistributed in the same manner as described above.

E. Legislative Process

The Joint Legislative Committee on Transportation, Highways and Public Works will submit to the legislature a construction program. As specified by Act 351, the legislature may delete any project that it believes was not selected in accordance with the guidelines of the Act. The legislature may not make any additions or substitutions to the construction program.

Projects recommended by the Evaluation Committee but not funded by the legislature will remain on the Evaluation Committee's recommendation list for a period of up to four years. These projects must compete with all other remaining projects from previous funding years (up to four years) and new projects in subsequent funding years. However, projects recommended but not

Table 6
EXAMPLE OF DISTRIBUTION OF FUNDS FOR HYPOTHETICAL
\$50 MILLION CONSTRUCTION PROGRAM

District	Total (\$ Million)	District Total (\$ Million)	Targeted Funding Range (\$ Million)	
			Rural- Undeveloped	Rural- Developed
Urban Areas	22.50	--	--	--
Funding Districts	27.50	--	--	--
Northwest		6.35	3.30	3.05
Northeast		4.60	3.34	1.26
Southwest		4.25	2.34	1.91
Southeast		6.20	1.80	4.40
South Central		6.10	2.56	3.54
TOTAL	50.00	27.50	13.34	14.16

funded will be awarded 2.5 points for each year since the first filing of the project application.

F. Construction and Operation

Each sponsoring authority designated as a recipient of program funds must enter into an agreement with the Department of Transportation and Development, Office of Public Works prior to the initiation of construction of a project and awarding of funds. This agreement stipulates procedures that must be followed during all construction phases of the project, operation and maintenance, as well as the sponsoring authorities' obligations under R.S. 38:90. Policies and procedures that must be adhered to are detailed in the *Statewide Flood Control Program Procedural Manual for Funded Projects* made available to all sponsoring authorities designated to receive program funding.

Marty Chabert
Assistant Secretary

Notices of Intent

NOTICE OF INTENT
Department of Agriculture
Office of Agricultural and Environmental Sciences
Seed Commission

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 3:1433, notice is hereby given that the Department of Agriculture, Seed Commission, intends to amend the rules and regulations governing the approval of plant breeders.

A copy of the proposed amendments may be obtained from Eric Gates, Director, Department of Agriculture, Box 18190-B, University Station, Baton Rouge, LA 70893. He will accept comments from any interested persons through Monday, June 3, 1985.

Bob Odom
Commissioner

Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Seed Commission

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There will be no implementation costs to state or local governmental units.
- 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)
No costs and/or economic benefits are anticipated.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
No effect on competition and employment is anticipated.

Richard Allen
Assistant Commissioner

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT
Department of Agriculture
Office of Agricultural and Environmental Sciences
Seed Commission

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 3:1433, notice is hereby given that the Department of Agriculture, Seed Commission, intends to repeal the following rules and regulations:

- (1) Rules and Regulations for the Enforcement of the Louisiana Seed Law (August, 1974);
- (2) Rules and Regulations for the Enforcement of the Louisiana Seed Law (April, 1978) as amended May, 1979 and June, 1981; and
- (3) Lespedeza Seed Certification Standards (July, 1979).

A copy of the proposed rules and regulations detailed above may be obtained from Eric Gates, director, Department of Agriculture, Box 18190-B, University Station, Baton Rouge, LA 70893.

He will accept comments from any interested persons through Monday, June 3, 1985.

Bob Odom
Commissioner

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Seed Commission**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There will be no implementation costs to state or local governmental units.
- 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)
No costs and/or economic benefits are anticipated.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
No effect on competition and employment is anticipated.

Richard Allen
Assistant Commissioner

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Culture, Recreation and Tourism
Office of the Secretary**

Notice is hereby given that the Office of State Parks intends to rescind all rules of the agency which are filed with the Department of State Register or published in the *Louisiana Register* prior to December 1, 1982. All current rules governing the activities of the Office of State Parks shall become effective on or after January 1, 1983.

Interested parties may submit written comments on the proposed rules of the Office of State Parks to Dr. Gerald Guidroz, Assistant Secretary, Office of State Parks, Drawer 1111, Baton Rouge, LA 70821.

Notice is hereby given that the Office of Cultural Development, Division of the Arts intends to rescind all rules relating to the Louisiana Division of the Arts/State Arts Council, including the Louisiana Commission for Music and Performing Arts, which were filed with the Department of the State Register or published in the *Louisiana Register* prior to January 1, 1985. All current rules governing the activities of the Division of the Arts shall have become effective after January 1, 1985.

Notice is hereby given that the Office of the State Library intends to rescind all rules listed under the heading "Library Development, II, Regional Library Systems" and Attachment, entitled "Definitions of conditions for qualifying for a library system grant" that were put into effect prior to December 11, 1974, on file in the Louisiana Register's Office. All rules regarding State Aid to Public Libraries grant published prior to March 20, 1980, are hereby rescinded.

Interested parties may submit written comments on the proposed rules to Tom Jaques, State Librarian, Office of State Library, Box 131, Baton Rouge, LA 70821.

Noelle LeBlanc
Secretary

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

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There will be no cost associated with this proposed rule change, since the action will officially rescind all outdated rules which have been superseded by new rules.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There will be no effect on revenue collection of either state or local governmental units as a result of this rule change.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
There will be no cost or economic benefits resulting from this action.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There is no effect on competition and employment resulting from this action.

Ann Wise
Deputy Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Culture, Recreation and Tourism
Office of Cultural Development
Division of Historic Preservation**

The Division of Historic Preservation advertises its intent to establish the rules for the operation of the Review Committee for the National Register of Historic Places pursuant to 36 CFR Part 60, *Federal Register* Volume 46 No. 220, November 16, 1981, pp. 56183-56213. Rules include the adoption of the posts of chairman and vice-chairman, the adoption of voting procedures, the adoption of a procedure for considering citizen-sponsored National Register nominations which have not received professional review by the Division of Historic Preservation, and the adoption of a sunset limit on the number of times a particular nomination may be heard.

Interested persons may submit written comments on the proposed amendments until 4:30 p.m., June 28, 1985. They may also comment in person at a public hearing to be held May 22, 1985 at 1:30 p.m. in the A. D. Smith Auditorium, Department of Education Building, 626 North Fourth Street, Baton Rouge. Written comments should be addressed to Ann R. Jones, Director, Division of Historic Preservation, Box 44247, Baton Rouge, LA 70804-4247.

Ann R. Jones
Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Bylaws for the Louisiana National Register
Review Committee**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
The proposed action is not expected to have any fiscal or economic impact upon state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

The proposed action is not expected to have any 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)

The proposed action is not expected to have any economic effect upon non-governmental groups.

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

The proposed action is not expected to have any effect on competition and employment.

Ann Wise
Deputy Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

Notice is hereby given that the Office of State Museums intends to adopt the proposed rule as follows:

**Title 25
Cultural Resources**

Part III: Louisiana State Museum

Chapter 1. Public Access

Building Rental Policy

The Louisiana State Museum is responsible for the preservation of historic buildings placed in its care. In order to meet this responsibility the board of directors of the Louisiana State Museum has adopted the following policy for use of the museum facilities for functions not sponsored by the Louisiana State Museum. Request for usage of the Louisiana State Museum facilities will be entertained from:

A. Nonprofit organizations whose purposes are similar to the educational and historical museum purposes of the Louisiana State Museum.

B. Requests from official governmental agencies.

C. Other groups and individuals whose proposed usage does not involve commercial or political promotion or fund raising and whose proposed usage is, in the board's opinion, not in conflict with the purpose of the Louisiana State Museum.

Request from eligible nonprofit corporations and governmental agencies will be considered only for functions numbering less than five hundred and only during the museum's nonpublic hours.

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

Procedures:

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

2. Requests not clearly within the above policy will be submitted to the Buildings and Grounds Committee, which will make a recommendation to the board for final action.

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

4. In addition to the service charge, applications from groups eligible under category "C" will be required to donate a

tax deductible gift to the museum's educational, acquisitions, and publication fund according to the following schedule:

Cabildo	\$4,000
Presbytere	\$3,000
U.S. Mint (Reception Room)	\$3,000
1850 House	\$1,000
Madame John's Legacy	\$1,000

D. In consideration of eligible requests, the museum board will deny the application if, in the board's opinion, the proposed usage would endanger the museum's buildings and collections.

The museum director is authorized to allow usage of the Presbytere Auditorium to groups eligible under categories "A" and "B." All other requests for usage must be submitted to the State Museum Board.

E. In addition to the rates below, an additional fee of \$300 will be charged for additional costs involved in preparation and post cleaning, relaying carpets, replacing exhibition material.

If the museum is required to be closed to the public during normal public hours prior to, during, or after the function, a charge of \$50 per hour will be charged to compensate for loss of revenue.

Rental Charges

Presbytere/Cabildo/U.S. Mint/1850 House/
Madame John's Legacy

10 a.m. - 6 p.m.

Business Meetings, Lectures, Slide Presentations \$50

After 6 p.m.

Business Meetings, Lectures, Slide Presentations

Minimum - 1 Hour	Each Additional	
	1st Hour	Half Hour
1 - 200 guests	\$150	\$50
201 - 250 guests	175	60
251 - 300 guests	200	70
301 - 350 guests	225	80

Receptions	1st Hour		Additional Half Hours	
	1st Floor	2nd Floor	1st Floor	2nd Floor
1 - 200 guests	\$250	\$300	\$ 50	\$ 75
201 - 300 guests	300	350	75	100
301 - 450 guests	350	400	100	125
450 - 600 guests	400	450	125	150

This rule will void any conflicting, existing rule.

F. The museum does not provide catering service. Host organizations must make arrangements with caterer of their choice.

Interested parties may submit written comments to Robert Macdonald, Assistant Secretary, Louisiana State Museum, Department of Culture, Recreation and Tourism, Box 2458, New Orleans, LA 70176.

AUTHORITY NOTE: Promulgated in accordance with RS 25:344

HISTORICAL NOTE: Current rates established by the board of directors, Louisiana State Museum, Department of Culture, Recreation and Tourism in 1981 as a source of Self-Generated Revenues.

Ann Wise
Deputy Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Rental Policy**

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

There will be no costs or savings associated with the proposed rule change being that existing staff can handle the associated workload.

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

The effect on revenue, due to this rule, cannot be determined due to the varying number of functions per year. However, it is estimated that the average cost per function is \$3,250.

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

Due to a varying rate scale, the actual dollar costs to groups cannot be determined, but using an example of a one hour reception for 200 guests in the Presbytere, the rate is \$3,250.

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

There will be no effect on competition or employment as a result of this Rule change.

Robert R. Macdonald
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

Notice is hereby given that the Office of State Museums intends to adopt the proposed rule as follows:

Title 25

Cultural Resources

Part III: Louisiana State Museum

Chapter 1. Public Access

House of Operation

The Louisiana State Museum buildings will be open to the public from 10 a.m. to 6 p.m. Tuesday through Sunday. This includes the Cabildo, Presbytere, Old U.S. Mint, and the 1850 Historic House. The Historical Research Center is open 8:30 a.m. to 4:45 p.m., Monday through Friday. This is our current policy, and makes void any conflicting rule.

Interested parties may submit written comments to Robert Macdonald, Assistant Secretary, Louisiana State Museum, Department of Culture, Recreation and Tourism, Box 2458, New Orleans, LA 70176.

AUTHORITY NOTE: Promulgated by the assistant secretary, Louisiana State Museum, Department of Culture, Recreation and Tourism in accordance with RS 25:342-25:348.

HISTORICAL NOTE: Promulgated by the assistant secretary in accordance with RS 25:342-25:348.

Ann Wise
Deputy Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Hours of Operation

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

There were no costs or savings to implement the current hours of operation.

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

There will be no additional increase in revenue collections of state or local governmental units as a result of adopting the proposed rule.

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

There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.

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

There will be no effect on competition or employment as a result of this action.

Robert R. Macdonald
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

Notice is hereby given that the Office of State Museums intends to adopt the proposed rule as follows:

Title 25

Cultural Resources

Part III: Louisiana State Museum

Chapter 3. Accessions/Deaccessions

Accessions Procedures

A. Proffered object examined and evaluated by professional staff as to condition and pertinancy to the collection, securing outside expert opinion if necessary. Professional makes recommendation to the Accessions Committee.

B. The Accessions Committee comprised of members of board of directors, of the Louisiana State Museum, Friends of the Cabildo and knowledgeable people from the community at large meet monthly.

The committee receives the staff recommendations, examines and evaluates objects and makes recommendation to the Louisiana State Museum Board of Directors.

C. The Louisiana State Museum Board of Directors meet monthly and receive the committee recommendations and approves or disapproves accepting objects.

D. When approved by the board of directors, the donor is given a permanent receipt and the object is accessioned into collection and is permanently recorded. If not approved the object is returned to owner.

This rule will void any prior rule on the museum's accession procedure.

Interested parties may submit written comments to Robert Macdonald, Assistant Secretary, Louisiana State Museum, Department of Culture, Recreation and Tourism, Box 2458, New Orleans, LA 70176.

AUTHORITY NOTE: Promulgated in accordance with RS:9:2341 through 9:2347.

HISTORICAL NOTE: Promulgated by the Louisiana State Museum's Board of Directors, Department of Culture, Recreation and Tourism in accordance with RS:9:2341 through 9:2347.

Ann Wise
Deputy Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Accessions Procedure

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

There are no estimated implementation costs or savings to state or local governmental units.

NOTICE OF INTENT

Board of Elementary and Secondary Education

State Plan for Adult Education

In accordance with the Louisiana Revised Statutes 49:950 et. seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the Louisiana State Plan for Adult Education, 1985-88. (Copy on file in Office of the State Register and Office of State Board of Elementary and Secondary Education.)

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., July 9, 1985 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

James V. Soileau
Executive Director

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)

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 or employment as a result of this Rule change.

Robert R. Macdonald
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

Adaptive Physical Education

In accordance with the Louisiana Revised Statutes 49:950 et. seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved an amendment to Bulletin 741 to provide that adaptive physical education be accepted in the appropriate circumstances for Health and Physical Education I and II, and that Adaptive Physical Education III and IV be added as electives.

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., July 9, 1985 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

James V. Soileau
Executive Director

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Adaptive Physical Education

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

There is no estimated cost either to the State or local governmental units.

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

There is no estimated effect on revenue collections either for state or local governmental units.

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

There is no cost or economic impact to directly affected persons or non-governmental groups.

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

There is no estimated effect on competition and employment.

Joseph F. Kyle
Deputy Superintendent

Mark C. Drennen
Legislative Fiscal Officer

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Three-Year State Plan Adult Education 1985-88

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

There are no estimated costs or savings to state or local governmental units.

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

There is 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)

There are no estimated costs or economic benefits to directly affected persons or non-governmental groups.

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

There is no estimated effect on competition or employment.

Joseph F. Kyle
Deputy Superintendent
For Management and Finance

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

In accordance with the Louisiana Revised Statutes 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education adopted the following alternate post-baccalaureate certification program for secondary teachers as submitted by the deans of the colleges of education to replace the interim program presently in board policy. Further, since this is an alternate program, the deans will have discretion on allowing the statutory requirement of the six hours of reading.

Alternate Post-Baccalaureate Certification For Secondary Teachers

Candidates for admission must have met the following:

1. Completed a baccalaureate degree from a regionally accredited institution with a major or other concentration in a teacher certification area.

2. Attained an overall grade point average (GPA) of at least 2.5 (4-point scale).

Certification requirements are as follows:

The recipient is expected to complete the following requirements:

1. General Education

A minimum of 12 semester hours in English and any additional course work deemed necessary by the school/department/college of education to complete the general education of a teacher.

2. Specialized Academic Education

Participant must complete all course work in the area of certification required by the school/department/college of education. In no case can this be less than the minimum requirements listed in Bulletin 746.

3. Professional Education

A minimum of 18 semester hours in professional education prescribed by the school/department/college of education in addition to 9 semester hours in student teaching.

For candidates who are teaching, the student teaching requirement may be satisfied by successfully completing a minimum one-year internship with supervision provided by faculty in the college of education.

The internship must be completed in the area of certification.

4. Attained a score on the NTE (National Teacher Examinations) that meets state requirements for certification.

5. Other Requirements

Participant must meet any other statutory requirements for certification.

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., July 8, 1985 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

James V. Soileau
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Alternate Certification Program

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

It will cost approximately \$50 to include the appropriate revised page in Bulletin 746, LOUISIANA STANDARDS FOR STATE CERTIFICATION OF SCHOOL PERSONNEL.

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

Since this revised rule no longer requires an individual who is enrolled in the Alternate Post-Baccalaureate Certification for Secondary Teachers Program to hold an internship certificate, the State Department of Education will not collect the approximate \$270 (18 "I" certificates for 1984-85 × \$15 certification fee) for the state general fund.

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

Persons with baccalaureate degrees who may want to become teachers will benefit greatly from this proposed change by the reduced number of hours required for certification. This will result in savings for those individuals in the form of money (tuition, books) time and effort.

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

The revised rule should have no effect on competition and employment in the local schools.

Joseph F. Kyle
Deputy Superintendent

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

Computer Science

In accordance with the Louisiana Revised Statutes 49:950 et. seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved an amendment to Bulletin 746, pages 14 and 20 and any other pages that outline general education requirements to add a footnote that reads: Universities which wish to require three hours of computer science of students should require a minimum of six hours in mathematics and a minimum of nine hours in science.

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., July 9, 1985 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

James V. Soileau
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Computer Science

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

It will cost approximately \$50 to include the appropriate revised page in Bulletin 746, LOUISIANA STANDARDS FOR STATE CERTIFICATION OF SCHOOL PERSONNEL.

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

There should 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)

There will be no costs to affect groups.

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

There is no estimated effect on competition and employment.

Joseph F. Kyle
Deputy Superintendent
for Management and Finance

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

Fine Arts Survey

In accordance with the Louisiana Revised Statutes 49:950 et. seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the proposed modification on pages 81, 82, and 85 of Bulletin 741 relative to the course Fine Arts Survey with a procedural block as follows:

On page 81, under 2.105.01, Delete the line that reads . . .

Fine Arts Survey (Art) 1/2

On page 82, add . . .

Fine Arts

2.105.06 Fine Arts course offerings shall be as follows:

Course Title Units Refer to Bulletin:

Fine Arts Survey 1 1737

Add in a procedural block:

Fine Arts Survey is to be taught one semester by a certified art teacher and the other semester by a certified music teacher. If one or both of these teachers are not available, the local education agency is authorized to select the most qualified teacher, preferably one with a strong liberal arts or humanities background.

Change standard number for Foreign Languages to

2.105.07.

On page 85, under 2.105.17, delete the line that reads . . .

Fine Arts Survey (Music) 1/2

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., July 9, 1985 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

James V. Soileau
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Amendments to Fine Arts Survey**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There is no estimated cost either to the state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There is no estimated effect on revenue collections either for state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
There is no cost/economic impact to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There is no estimated effect on competition and employment.

Joseph F. Kyle
Deputy Superintendent

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

Annual Program Plan for Vocational Education

In accordance with the Louisiana Revised Statutes 49:950 et. seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the Annual Program Plan for the Administration of Vocational Education, FY 1986-88, including the four amendments presented by the Department. (Copy on file in Office of the State Register and Office of the State Board of Elementary and Secondary Education.)

Interested persons may comment on the proposed policy

change and/or additions, in writing, until 4:30 p.m., July 9, 1985 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

James V. Soileau
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Vo-Tech State Plan**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There will be no additional costs or savings.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There will be no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
There will be no additional costs and/or economic benefits.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There will be no effect on competition and employment.

Joseph F. Kyle
Deputy Superintendent
For Management and Finance

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Health and Human Resources
Board of Embalmers and Funeral Directors**

The Department of Health and Human Resources, Louisiana State Board of Embalmers and Funeral Directors, in accordance with the provisions of the Administrative Procedure Act, L.R.S. 49:950 et seq., and L.R.S. 37:840 gives notice that rule-making procedures have been initiated to amend the following rules and regulations:

Rule 1—Application for license

Section 2. Application for license shall be sworn to by applicant before a notary public and be accompanied by a fee of \$150.

Section 3. Applications shall be filed with the Secretary of the board after the completion and successful passing of the examination.

Rule 2—Examinations

Section 1. Examination will be held at the domicile of the board at times as the board may deem necessary and expedient.

Section 2. Applicants for a funeral director's license shall be given a written and/or oral examination on subjects approved by the board. These subjects include but are not limited to the following:

- A. Mortuary Science
- B. Professional Ethics
- C. Public Health Rules and Regulations
- D. Funeral Conduct
- E. Veterans Benefits
- F. Social Security Benefits
- G. Transportation Rules and Regulations
- H. Any such other subjects as the board may deem necessary

Section 4. Whenever an applicant shall fail to be present

Section 4. Whenever an applicant shall fail to be present

for examination at the time and place set by the board, said applicant shall present a reasonable excuse for failure to attend and, by doing so, said applicant may attend the next examination held by the board without payment of further examination fee.

Section 5. Delete

Section 5 (formerly 6). Any applicant for a funeral director's or embalmer/funeral director's license whose application has been accepted by the board, and who shall fail in an examination shall not be entitled to the return of the examination fee. In order to qualify for subsequent examinations, applicant must reapply as provided in R.S. 37:842. In addition, the board, at its discretion, may stipulate certain requirements that deal with preparation and study for the re-examination.

Section 7. Delete

Section 6 (formerly 8). Content remains the same.

Rule 3—Internship

Section 3. Each intern shall make application to the board on prescribed forms, accompanied by a fee of \$60.00 and if found acceptable shall be registered as such and given an identification card. Registration is for one year only. At the end of this internship period, applicant must appear at the next regular board examination provided the educational requirements have been met. The intern may appeal to the board for an extension of his internship provided, however, that he makes application before the board for such extension and that he appears at a regular meeting to show cause for his extension. Re-application shall be an additional \$60.00. The board may, at its own discretion, extend an internship to any period not to exceed one year. Each intern is required to file a complete report (each category must be marked as worked on or not worked on) for each month claimed served, which report must be filed monthly in the board's office before an application is considered completed and before the applicant is eligible for examination. The report is due on the tenth day of the month and delinquent on the 15th day. Delinquent reports shall result in the loss of credit for that month. In order for the intern file to be completed the inspector of the board must submit two personally signed inspection reports during internship period.

Rule 4—Funeral Establishments

Section 2. The license is effective for a fixed place, or establishment, and for a specific name. Whenever the location or name of the licensed establishment is changed, a new license shall be obtained and a renewal fee of \$300 paid. All changes of name and/or location must be reported to the board's Secretary without delay.

The board will recognize a fixed business office to maintain current funeral records (as provided within Rule 4 and Section 831, et seq., to include current funeral contracts, purchase agreements, current embalming log, and current pre-need records) at a location other than the fixed location of the funeral establishment which shall be considered as an extension of the funeral establishment, and the current funeral records maintained within this extension shall be subject to the inspection of the board. Application for said extension to the funeral establishment shall be made upon the form provided by the board and shall be accompanied by a fee of \$300.00. Any changes in the location of this extension must be reported to the board immediately.

Section 3. All establishments must have a licensed funeral director in charge. The funeral director must be available to perform all of the routine functions of the licensed establishment as provided within the provisions of La. R.S., Title 37, Chapter 10, Section 831 et seq., and, the funeral director must personally carry out his responsibilities as defined within paragraph 23 of Section 831 and/or as provided within the statute.

Rule 7—License renewal and reinstatement

Section 1. All individual licenses issued by the board shall expire on the first day of December of each year and must be re-

newed on or before the 31st day of December. All establishment licenses and pre-need affidavits shall also expire on the first day of December and must be renewed on or before the 31st day of December following said expiration. Applications for renewal of licenses must be made to the Secretary of the board, upon forms furnished by said board, and must be accompanied by a renewal fee of \$25 for individual licenses for embalmers and/or funeral directors and not more than \$300 for funeral establishments. There is no fee for the Annual Report of Pre-paid Funeral Service or Merchandise.

Section 2. When a funeral director or embalmer has failed to renew his license, same may be reinstated provided application is made to the board along with regular application fee of \$150. If the funeral director or embalmer has failed to renew within the specified time, he must present his request in person to the board, which may in its discretion, renew or refuse to renew the lapsed license. In any event, no license will be reinstated without a payment of all fees delinquent from date of lapse to date of reinstatement.

Section 5. Delete

Rule 8—Duplicate Certificates

Any person holding a certificate issued by this board and desiring a duplicate thereof, may obtain same from the Secretary of the board upon application accompanied by a fee of \$40.00 and an affidavit to the effect that same has been misplaced, lost, destroyed or stolen.

Rule 10—Reciprocal license requirements

Section 1. Any person desiring a reciprocal Louisiana embalmer and/or funeral director license shall:

Before practicing make application, on forms furnished by the board, for a "Special Work Permit" to practice the science of embalming and funeral directing for a period of six (6) months. Said application shall be accompanied by a permit fee of \$60.00, which is not refundable. If applicant meets all requirements, the secretary shall issue work permit. The board may, at its discretion, extend the Special Work Permit period.

Rule 13—Transportation

Section 1. In accordance with the definition as worded in Section 831 of L.R.S. Title 37 Chapter 10 the term "funeral directing" shall mean the operation of a funeral home, or, by way of illustration and not limitation, any service whatsoever connected with the management of funerals, or the supervision of hearses or funeral cars, the purchase of caskets or other funeral merchandise, and retail sale and display thereof, the cleaning or dressing of dead human bodies for burial, and the performance or supervision of any service or act connected with the management of funerals from time of death until the body or bodies are delivered to the cemetery, crematorium, or other agent for the purpose of disposition. In order to comply with the proper handling of the dead human body it will be necessary and required that whenever a dead human body is transported for final disposition that it be in a container that eliminates direct contact by those not licensed to handle the dead and to offer protection to those who might come accidentally in contact with said body.

Rule 17—Unlawful practice

It shall be unlawful for a firm partnership, corporation, an association of individuals, or anyone other than those individuals licensed under Title 37, Chapter 10, articles 831 et seq., to engage in funeral directing (as defined within article 831 (23)) which is defined as the operation of a funeral home, or, by way of illustration and not limitation, any service whatsoever connected with the management of funerals, or the supervision of hearses or funeral cars, the purchase of caskets or other funeral merchandise, and retail sales and display thereof, the cleaning or dressing of dead human bodies for burial, and the performance or supervision of any service or act connected with the management of funerals from time

of death until the body or bodies are delivered to the cemetery, crematorium, or other agent for the purpose of disposition.

Rule 18—Penalty

Whoever violates the provisions of these rules and regulations shall be fined not less than five hundred dollars nor more than two thousand five hundred dollars for each offense plus costs of the court reporter and the attorney for the board, or by imprisonment for not less than 30 days nor more than 180 days for each offense, or both such fine and imprisonment.

If a firm or association violated the provisions of these rules and regulations, all members of the firm or association who knowingly violate said provisions shall be subject to the penalty. If a corporation violates said provisions, the members of the board of directors and the officers of the corporation who knowingly violate said provisions shall be subject to the penalty.

Rule 19—Amending sections

Section 2. The board must follow the procedure outlined in the Administrative Procedure Act to adopt, amend or repeal any of the existing rules.

Section 3. All rules and regulations previously adopted by this board are hereby repealed. (formerly Section 2).

The primary purposes of the proposed amendments are to adopt changes in the rules and regulations in order to have them correspond with statute changes legislated in August, 1984, allow business office extensions of funeral establishments, allow more flexible working hours for interns and eliminate stringent regulation requiring presence of funeral director during normal working hours at a funeral establishment.

A public hearing will be held at 10 a.m. on June 7, 1985, in the office of the Board, Suite 1232, 3500 N. Causeway Blvd. (The Executive Towers Bldg.), Metairie, LA. Interested persons are invited to attend and submit oral comments on the proposed amendments.

Interested persons are invited to submit written comments on the proposed amendments. Such comments should be submitted no later than the close of business on June 5, 1985 to Lloyd E. Eagan, secretary, State Board of Embalmers and Funeral Directors, Box 8757, Metairie, LA 70002.

Lloyd E. Eagan
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Amends L.R.S. 37:840

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There will be no costs or savings to State or Local Governmental Units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
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)
There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
Competition may increase among funeral establishments by removing attendance requirement by licensed funeral director during normal working hours.

Lloyd E. Eagan
Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Department of Health and Human Resources, Office of Family Security, proposes to adopt the following rule in the Title XIX Medical Assistance Program.

Proposed Rule

The purpose of this proposed rule is to clarify policy in the transportation program as it relates to the provision of air transportation on an emergency basis. The policy clarification in Attachment 4.19-B, Item 18a will read "The rate of reimbursement for land-based ambulances through Title XIX funds shall not exceed the rate for the geographical area as established by Medicare. For air transportation, payment shall be at the providers' usual rate as established by the Office of Family Security minus the amount which any third party coverage will pay." Implementation is subject to approval by the Health Care Financing Administration (HCFA) as required for all Title XIX policy changes. If disapproved by HCFA, the policy prior to this proposed amendment remains in effect.

Interested persons may submit written comments at the following address: Marjorie T. Stewart, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA 70804. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of this proposed rule and its fiscal and economic impact statement is available for review in each parish in the local Office of Family Security.

A public hearing on the proposed rule will be held June 5, 1985, in the Louisiana State Library Auditorium, 760 Riverside, North, Baton Rouge, Louisiana, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views and 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: Clarification of Transportation Policy

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There will be no cost or savings as a result of this rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There will be no increase or decrease in revenues as a result of this change.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
There are 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.

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Department of Health and Human Resources, Office of Family Security, proposes to implement the following rule.

Proposed Rule

Effective August 1, 1985, the Office of Family Security will change the Medically Needy Program policy to comply with the Title 19 requirement that countable resources for a month be based on the countable resource balance as of 12:01 a.m. on the first day of the month. This change in policy means that an applicant can no longer spend a resource on a medical expense and spend-down to eligibility status during a month.

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.

Interested persons may submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA 70804. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of the proposed rule and its fiscal and economic impact statement is available for review in each local Office of Family Security.

A public hearing on the proposed rule will be held on June 5, 1985, in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, LA, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing at said hearing.

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

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: MNP Resource Policy

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

Implementation of this proposed rule will result in the following estimated savings to the Medicaid program:

	FY 85-86 (11 mos.)	FY 86-87	FY 87-88
State	\$ 5,769	\$ 6,967	\$ 7,691
Federal	<u>\$10,244</u>	<u>\$12,285</u>	<u>\$13,560</u>
Total	\$16,013	\$19,252	\$21,251

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

Federal revenues will be reduced by \$10,244 in FY 85-86; \$12,285 in FY 86-87; and \$13,560 in FY 87-88.

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

This proposed change would result in applicants no longer being able to attain eligibility for a month by spending down the excess resource on a medical expense during that month. Eligibility would be delayed to the following month, if the individual meets all eligibility criteria for that month.

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

We do not anticipate any effect on competition and employment.

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Department of Health and Human Resources, Office of Family Security, proposes to implement the following rule.

PROPOSED RULE

Effective August 1, 1985, the Office of Family Security shall amend the Title 19 State Plan to change the Medically Needy Income Eligibility Standards (MNIES) for one person, not to exceed 133 1/3 percent of the Aid to Families with Dependent Children (AFDC) cash payment for one person. For one person in an urban area, the new monthly MNIES has decreased from \$167 to \$100 and the new quarterly MNIES has decreased from \$500 to \$300. For one person in a rural area, the new monthly MNIES has decreased from \$150 to \$92 and the new quarterly MNIES has decreased from \$450 to \$276.

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.

Interested persons may submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA 70804. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of the proposed rule and its fiscal and economic impact statement is available for review in each local Office of Family Security.

A public hearing on the proposed rule will be held on June 5, 1985, in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing.

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

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Changes in MNIES

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

Implementation of this proposed rule will result in the following estimated savings to the program:

	FY 85-86 (11 mos.)	FY 86-87	FY 87-88
State	\$26,270	\$31,725	\$34,963
Federal	<u>\$46,642</u>	<u>\$55,937</u>	<u>\$61,647</u>
Total	\$72,912	\$87,662	\$96,610

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

Federal revenues will be reduced by \$46,642.00 in FY 85-86 (FFP = 63.97%); \$55,937.00 in FY 86-87 (FFP = 63.81%); and \$61,647.00 in FY 87-88 (FFP = 63.81%).

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

The change in the MNIES for one person will result in approximately 40% of one person certifications being closed or made spend-down cases.

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

We do not anticipate any effect on competition and employment.

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

In accordance with the L.R.S. 49:950 et seq., The Administrative Procedure Act, notice is hereby given that the Department of Health and Human Resources, Office of Family Security intends to allow the Department of Health and Human Resources, Office of Management and Finance, Appeals Section to conduct fair hearings and administrative disqualification hearings involving Office of Family Security programs using remote telephonic communications.

Any hearing which is required or permitted hereunder may be conducted utilizing remote telephonic communications if the record reflects that all parties have consented to the conduction of the hearing by use of such communications and that such procedure will not jeopardize the rights of any party to the hearing.

Interested persons may submit comments to the following address: Marjorie T. Stewart, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA, 70804. She is the person responsible for responding to inquiries regarding the proposed rule. A copy of the proposed rule and its fiscal and economic impact statement are available for review in each local Office of Family Security.

A public hearing will be held on this proposed rule on June 5, 1985, in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, LA beginning at 9:30 a.m.

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

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Telephone Hearings

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
Implementation costs to the Office of Family Security will be \$31.90 for printing of manual material. There will be no savings to OFS. The DHHR, OM&F Appeals Section will incur expenses to purchase the telephone equipment and could realize some savings in travel and other costs associated with conducting a hearing.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
None.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
None.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
None.

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Office of Human Development

The Department of Health and Human Resources, Office of Human Development, intends to adopt the following rule relative to new and revised policy for the Title XX Vendor Day Care Program.

PROPOSED RULE

This Policy sets forth the following:

- the philosophy and objectives of the Title XX Vendor Day Care Program
- the eligibility of families for day care services
- provisions concerning Provider Agreements (contracts) with providers
- specific child caring guidelines
- agency corrective action steps for deficient facilities
- termination and non-renewal of agreements and the appeals process
- procedures for managing alleged abuse and/or neglect in day care facilities

The proposed policy is too lengthy for publication, but is available for review in all OHD/Division of Children, Youth, and Family Services regional and parish offices. Interested persons may submit written comments to Melvin Meyers, Assistant Secretary, Office of Human Development, Box 44367, Baton Rouge, LA 70804. He is the person responsible for responding to inquiries regarding this proposed rule.

A public hearing on the proposed rule will be held June 10, 1985, in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, LA beginning at 10 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: Day Care Program Policy

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There will be no implementation costs or savings to state or local governmental units.
- 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 governments.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
For those facilities who have Provider Agreements (contracts) with the Office of Human Development/Division of Children, Youth, and Family Services, there would be some additional costs. These are estimated to be approximately \$280 per year, per employee for a minimum number of hours training, which is required in the proposed policy. Some providers may, however, be able to offer this to employees as staff development and give time off instead of salary for the additional hours. Another effect on costs would be approximately \$10.00 for a first aid kit to be in the car when transporting children to and from the facilities. Facilities are not being required to provide transportation by the proposed policy but, when they do, it is a requirement that a first aid kit be in the car for emergency safety. Lastly, an additional cost will be incurred for those facilities who transport children in that the proposed policy requires a Chauffeur's license (at an added cost of \$12 per transporter) to insure the safety of the children.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
Improvement of quality of services in these facilities may assist facilities to compete more favorably with other centers in their respective neighborhoods.

Melvin Meyers
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Office of the Secretary

Effective upon publication of the rule, under the authority of the Uniform Controlled Dangerous Substances Act, Louisiana R.S. 40:965 and 972, the secretary of the Department of Health and Human Resources intends to add the following rule pertaining to Controlled Dangerous Substances to the existing regulations of the Department of Health and Human Resources, Division of Narcotics and Dangerous Drugs.

Section 19. List of Excepted Drugs and Preparations Which Contain a Depressant or Stimulant Substance Listed in Schedules II, IV or V from the Application of this Part According to Section 965 of the Act.

Pursuant to R.S. 40:965, the list of excepted drugs and preparations which contain any depressant or stimulant substance listed in Subsections A, B, C or D of Schedule III or in Schedule IV or V from the application of all or any part of this Part is the list of exempt substances as found in the current Code of Federal Regulations, Title 21, Section 1308.32.

Interested persons may comment on the proposed rule in writing until June 6, 1985, at the following address: Charles Franques, Director, Division of Narcotics and Dangerous Drugs, Box 3767, Baton Rouge, LA 70821.

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

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Section 19 - Current list of excepted drugs

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There are no estimated implementation costs (savings) to state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There is no estimated effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
Costs - None. Benefits: The public would have easier access to certain drugs and medicines which are necessary in the cure and alleviation of some physiological problems, in men and beasts. Manufacturers and distributors would have less paper work in distributing certain drugs and medicines within the State. Physicians, dentists, veterinarians and other health related professionals will have easier access to certain drugs used in curing diseases with less paper work involved and lessened security measures.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
None.

Sandra L. Robinson
Secretary and State Health Officer

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Natural Resources Office of Conservation

In accordance with the laws of the State of Louisiana, and

with reference to the provisions of Title 30 of the Louisiana Revised Statutes of 1950, as amended by Act 16 of the Extraordinary Session of 1973, being Chapter 7 of Title 30, and particularly Section 542(a) of said Act, a public hearing will be held in the Conservation Auditorium, First Floor, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, Louisiana, at 9 a.m. on June 6, 1985.

At such hearing the Commissioner will consider evidence relative to the adoption of Regulation No. 17 pertaining to Underwater Obstructions. The proposed regulation is needed to administer Louisiana's laws pertaining to underwater obstructions in Louisiana's waters within the Coastal Zone.

The proposed regulation represents the views of the commissioner as of this date; however, the commissioner reserves the right to propose additions or amendments thereto prior to final adoption.

Comments and views regarding the proposed regulation should be directed in written form to be received not later than 5 p.m., June 5, 1985. Oral comments will be received at the hearing but should be brief and not cover the entire matters contained in the written comments. Direct comments to: Herbert W. Thompson, Commissioner of Conservation, Box 44275, Baton Rouge, LA 70804, RE: Docket No. PL 85-170. All parties having interest in the aforesaid shall take notice thereof.

Herbert W. Thompson
Commissioner

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Louisiana Underwater Obstructions Regulations

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
Beginning in FY 85-86, the estimated implementation costs to the state general fund will be approximately \$479,000 per year. The program will require five additional personnel to administer the program (one position is already on board). New equipment, a small patrol boat and trailer, four-wheel drive truck and 3 automobiles will be required. An underwater survey of three separate representative areas will be made and a data base developed.
There will be no estimated implementation costs or services to local governmental units as a result of adopting these rules.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
Revenues collected by the Fisherman's Gear Compensation Fund from assessed fees on all leaseholders in the Coastal Zone to pay for damaged fishing equipment should be reduced. The fund is collecting and paying at the rate of \$400,000 per year.
There will be no effect on revenue collecting to local governmental units as a result of adopting these rules.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

Commercial Fishermen's groups, and sports fishermen should benefit to the extent of millions of dollars saved from reduced damage to gear, lost catches and lost time.

Based on available but limited information, the cost to the oil and gas industry is estimated to be about \$19,000,000 per year over the next 30 years to remove obsolete pipelines and structures from the Gulf, for structures and pipelines al-

ready in place. This will be extended following any new construction in the future.

Where the owner is unknown, it will be the responsibility of the state to remove underwater obstructions; however, it is impossible to provide an estimated cost being that insufficient data exist that would identify all abandoned underwater obstructions.

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

Competition should not be affected since all of the oil and gas industry will be affected to the same degree.

Employment should increase to remove the obsolete pipelines and structures, some of which can be removed by currently employed personnel during lull periods in their activities.

Herbert W. Thompson
Commissioner

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Natural Resources Office of Management and Finance

Rate Schedule for Copies of Computerized Public Records

In accordance with the rule adopted by the Division of Administration pertaining to the uniform fee schedule for copies of public records, the Department of Natural Resources (DNR) is giving notice of its intent to adopt a rule which would institute a schedule of rates to recover its costs in providing copies of computerized public records to non-governmental, private sector bodies. This schedule would include rates for those records provided on computer magnetic tape and those provided on computer printouts.

Interested parties may submit written comments on the proposed rule until 4:00 p.m., June 20, 1985, at the following address: F. Carl Rowan, Undersecretary, Department of Natural Resources, Box 94396, Baton Rouge, LA. 70804-9396.

The proposed rates are as follows:

1. Output From the DNR Information Processing Center

A. Job Set Up/Take Down—each request received from the private sector for a copy of computerized records requires the involvement of Production Control Technicians who must set up the job, submit the job for processing, review the output according to quality control standards, and prepare the output for transmittal to the requestor. A flat rate of \$20 per job is charged.

B. Systems analyst and programmer involvement—certain jobs require the involvement of a systems analyst and/or a computer programmer to customize existing "utility" programs to meet the requestor's requirements. Each hour worked by an analyst or programmer is charged at a rate of \$30.

C. CPU-related resources—the selection, extraction, processing and sorting of data consume a combination of DNR computer resources, including CPU usage, memory usage, I/O channels, disk access and tape access. The combined usage of these resources is logged by DNR in units of Standard Unit of Processing (SUP) hour. Each SUP hour is charged at a rate of \$180.

D. Printing—All printing is done on a laser printer producing 8½" × 11" pages. Each page image is charged at a rate of \$.08.

E. Magnetic tapes—users requesting records on magnetic tapes are encouraged to supply their own 2400 ft. tapes. Those not doing so are charged \$25 for each tape provided by DNR.

F. Postage—charged on an actual cost basis.

2. Output from DNR Computer Terminals

The Department of Natural Resources has several com-

puter terminals which are available to the public to access public records. These terminals are located in the Well Files area in the Natural Resources Building in Baton Rouge and in the six Conservation District Offices. Currently, no charge is imposed to use these terminals, although there is a \$.25 charge for a copy of any terminal screen which is printed on the terminal printer.

F. Carl Rowan
Undersecretary

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Rate Schedule for Copies of Computerized Public Records

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

No implementation costs or savings to state or local governmental units are anticipated.

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

The estimated effect on revenue collections is as follows:

State governmental units—an increase in revenues totaling \$148,624 is estimated for FY 1985-86

Local governmental units—no charge.

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

The only non-governmental groups which would be affected would be those that request copies of computerized public records from the Department. The cost of each such request will vary based on the type and volume of records requested, the computer resources used, the programmer resources used, etc. While it is difficult to predict how many requests might be submitted to the department and hence what the financial impact might be, the current volume suggests that the total cost to these non-governmental groups would be \$148,624 in Fiscal Year 1985-86.

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

The Department currently provides computerized public records on request. Under this proposed rule, this same service would continue. Thus no impact on competition and employment in the public and private sectors is anticipated.

F. Carl Rowan
Undersecretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of 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 repeal, effective April 25, 1985, its rule stating that the lifetime maximum amount of accident and health coverage is reduced to \$250,000 on July 1 following the attainment of age 70.

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 July 9, 1985, at the following address: 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: Comprehensive Medical Benefits

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
No direct implementation costs to state or local governmental units associated with this rule change. However, it is conceivable that premium rates would be increased at some point in the future to fund the additional annual cost, \$180,900, to this agency which will result upon implementation of this rule change.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There will be 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)
Benefits in the form of an increase in major medical lifetime benefits from \$250,000 to \$500,000 will accrue to plan members who have attained the age of 70 years.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There will be no effect on competition or employment as a result of this change.

James D. McElveen
Executive Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Treasury

Louisiana School Employees' Retirement System

The Board of Trustees of the Louisiana School Employees' Retirement System intends to amend its policy procedures by adoption of the rule below with respect to interest rates charged on purchases of service credit.

Proposed Rule

All cost computations on and after April 20, 1985 for all active members to gain retirement credit will be done on an eight percent compound interest rate.

The only exceptions to the eight percent compound interest rate will be credit for active military service which has a five percent compound interest rate in the legislative provision.

A review of the interest rate being used will be made in January of each year. Should a change of rate be agreed on after the review, the new rate will become effective July 1 of that same year.

Interested persons may submit written comments on the proposed change of interest rates to J. Michael Dodds, III, Secretary-Treasurer, Louisiana School Employees' Retirement System, Box 44516-Capitol Station, Baton Rouge, LA 70804-4516.

J. Michael Dodds, III
Secretary-Treasurer

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Retirement Credit Purchases

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There is no estimated implementation costs or savings to state or local governmental units.

- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
Projected increase in revenue of \$36,512.11 for 1985-86 and \$43,814.53 for 1986-87 will be recognized and retained by Louisiana School Employees' Retirement System.

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

Total costs and benefits are not quantifiable as they depend on the number of members that purchase service, the amount of contributions they are purchasing, the dates their purchased service was rendered and the date their service purchase is completed.

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

There is no estimated effect on competition and employment.

J. Michael Dodds, III
Secretary-Treasurer

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Wildlife and Fisheries
Wildlife and Fisheries Commission**

Act 323 of the 1984 Louisiana Legislature authorizes the Louisiana Wildlife and Fisheries Commission to issue permits for the taking of gamefish with scuba gear; therefore, the following rules and regulations are proposed by the Commission to permit a special scuba diving season for taking of certain gamefish:

(1) The special season shall be limited to Toledo Bend Reservoir, and only in that part of the lake located south of Highway 6 (Pendleton Bridge) on the Louisiana side.

(2) The special season shall be for four months beginning at sunrise on the first day of June and ending at sunset on the last day of September each year.

(3) The taking of gamefish species shall be permitted during daylight hours only from sunrise to sunset.

(4) Each diver harvesting gamefish is required to have a special permit issued by the Secretary of the Louisiana Department of Wildlife and Fisheries, and the permit must be available for inspection upon request.

(5) In addition to the special permit, the permit holder must have a valid Louisiana sportsfishing license.

(6) Largemouth bass, crappie and bream shall be the only gamefish species allowed to be taken.

(7) The daily creel limit shall be five largemouth bass, 25 crappie and 50 bream; the possession limit shall be the same as the daily creel limit.

(8) The scuba diver must be submerged in the water and use only standard underwater spearing equipment.

(9) No permitted diver shall have in his possession (vessel or on his person) any other fishing gear.

(10) Each permit holder shall submit to the Louisiana Department of Wildlife and Fisheries a monthly report of gamefish taken, and other information requested on the forms supplied by the Department; the report deadline for a specific month shall be on the 15th of the following month. All reports should be sent to Bennie Fontenot, Louisiana Department of Wildlife and Fisheries, Box 15570, Baton Rouge LA 70895. Each permit holder must submit the monthly report whether they fish or not.

(11) A legal diving flag shall be conspicuously displayed while diving operations are taking place.

(12) Permits will expire at the end of each season and shall be renewed on an annual basis.

(13) Failure to adhere to any of the above stipulations shall result in the revocation of the permit.

The Secretary shall be authorized to recall permits and/or to close the special season if deemed necessary.

Interested parties may submit their views in writing to, Bennie Fontenot, Chief, Fish Division, Box 15570, Baton Rouge, LA 70895.

J. Burton Angelle
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules**

**Rule Title: Scuba Game Fish Seasons Toledo Bend
Reservoir**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
No effect. Enforcement and administrative duties regarding this special season will be carried out by existing personnel. Existing equipment will be used.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
Little effect. There may be a slight increase in sales of sportsfishing licenses since a sportsfish license is required to take fish with scuba gear.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
No effect/Not applicable.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
No effect.

Mary Mitchell
Chief Fiscal Officer

Mark C. Drennen
Legislative Fiscal Officer

Committee Reports

**COMMITTEE REPORT
House of Representatives
House Natural Resources Committee
Oversight Review**

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Subcommittee on Oversight met on April 24, 1985 and reviewed certain changes in state regulations proposed by the Louisiana Department of Environmental Quality for which notice of intent was published in the March 20, 1985, *Louisiana Register* with the following results:

1) Proposal to amend the Louisiana Air Quality Regulations by establishing a set of standards for equipment leaks (Fugitive Emissions) for equipment in volatile hazardous air pollutant (VHAP) service, to define benzene as a VHAP, and to require the reporting of any hazardous air pollutant discharged into the atmosphere.

Approved by a vote of 8-0.

Clyde W. Kimball
Chairman

**COMMITTEE REPORT
House of Representatives
House Natural Resources Committee
Oversight Review**

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Subcommittee on Oversight met on April 24, 1985 and reviewed certain changes in state regulations proposed by the Louisiana Department of Environmental Quality for which notice of intent was published in the March 20, 1985, *Louisiana Register* with the following results:

1) A proposal to amend the Air Quality Division Fee System.

Approved by a vote of 8-0.

Clyde W. Kimball
Chairman

**COMMITTEE REPORT
House of Representatives
House Natural Resources Committee
Oversight Review**

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Subcommittee on Oversight met on April 24, 1985 and reviewed certain changes in state regulations proposed by the Louisiana Department of Environmental Quality for which notice of intent was published in the March 20, 1985, *Louisiana Register* with the following results:

1) A proposal to amend the New Source Performance Standards (NSPS), by limiting the amount of air pollution that specific types of new and modified sources can emit.

Approved by a vote of 8-0.

Clyde W. Kimball
Chairman

**COMMITTEE REPORT
House of Representatives
House Natural Resources Committee
Oversight Review**

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Subcommittee on Oversight met on April 24, 1985 and reviewed certain changes in state regulations proposed by the Louisiana Department of Environmental Quality for which notice of intent was published in the March 20, 1985, *Louisiana Register* with the following results:

1) A proposal to amend the New Source Performance Standards relative to Volatile Organic Compounds (VOC).

Approved by a vote of 8-0.

Clyde W. Kimball
Chairman

**COMMITTEE REPORT
House of Representatives
House Natural Resources Committee
Oversight Review**

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Subcommittee on Oversight

met on April 24, 1985 and reviewed certain changes in state regulations proposed by the Louisiana Department of Environmental Quality for which notice of intent was published in the March 20, 1985, *Louisiana Register* with the following results:

1) A proposal to amend the Nuclear Energy Division Fee System.

Approved by a vote of 8-0.

Clyde W. Kimball
Chairman

COMMITTEE REPORT
House of Representatives
House Natural Resources Committee
Oversight Review

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Subcommittee on Oversight met on April 24, 1985 and reviewed certain changes in state regulations proposed by the Louisiana Department of Environmental Quality for which notice of intent was published in the March 20, 1985, *Louisiana Register* with the following results:

1) A proposal to amend the Hazardous Waste Division Fee System.

Approved by a vote of 8-0.

Clyde W. Kimball
Chairman

COMMITTEE REPORT
House of Representatives
House Natural Resources Committee
Oversight Review

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Subcommittee on Oversight met on April 24, 1985 and reviewed certain changes in state regulations proposed by the Louisiana Department of Environmental Quality for which notice of intent was published in the March 20, 1985, *Louisiana Register* with the following results:

1) A proposal to amend the Solid Waste Division Fee System.

Approved by a vote of 8-0.

Clyde W. Kimball
Chairman

COMMITTEE REPORT
House of Representatives
House Natural Resources Committee
Oversight Review

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Subcommittee on Oversight met on April 24, 1985 and reviewed certain changes in state regulations proposed by the Louisiana Department of Environmental Quality for which notice of intent was published in the March 20, 1985, *Louisiana Register* with the following results:

1) A proposal to amend the Water Pollution Control Fee System.

Approved by a vote of 8-0.

Clyde W. Kimball
Chairman

COMMITTEE REPORT
House of Representatives
Committee on Appropriations

May 9, 1985

Dear Governor Edwards:

This letter is to inform you that on May 6, 1985, the Subcommittee on Oversight of the House Committee on Appropriations voted to disapprove one of the rules promulgated by the Department of Health and Human Resources, purporting to amend the Title XIX State Plan and the Chapter XIX Medical Assistance Manual dealing with medicaid reimbursement for eye care services. The proposed amendment which was disapproved reads as follows:

"Optometrists who perform eye care services that are within the scope of optometric practice will receive Medicaid reimbursement to the same extent, and according to the same standards, as physicians who perform these same eye care services."

The intended effect of the disapproval of the above quoted rule is to eliminate the negative impact on the State General Fund. If this rule passes, it will cost \$387,000 in Fiscal Year 1984-85 and \$1,223,685 in Fiscal Year 1985-86. This action was taken by a unanimous vote of the subcommittee members present.

Thank you for your attention in this matter. If you desire any further information on the subcommittee's action, please contact Noel Hunt, House Committee on Appropriations (342-6292).

Elias Ackal, Jr.
Chairman

COMMITTEE REPORT
House of Representatives
House Natural Resources Committee
Oversight Review

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Subcommittee on Oversight met on April 24, 1985 and reviewed certain changes in state regulations proposed by the Louisiana Department of Natural Resources for which notice of intent was published in the March 20, 1985, *Louisiana Register* with the following results:

1) Proposal by the Office of Conservation to amend State-wide Order No. 29-N-1 which addresses federally required changes to regulations applicable to Class I, III, IV, and V injection wells.

Approved by a vote of 9-0.

Clyde W. Kimball
Chairman

COMMITTEE REPORT
House of Representatives
House Natural Resources Committee
Oversight Review

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Subcommittee on Oversight met on April 24, 1985 and reviewed certain changes in state regulations proposed by the Louisiana Department of Natural Resources for which notice of intent was published in the March 20, 1985, *Louisiana Register* with the following results:

1) Proposal to amend the rules and procedures for Coastal Use Permits.

Approved by a vote of 9-0.

Clyde W. Kimball
Chairman

COMMITTEE REPORT

House Subcommittee on the Oversight Department of Public Safety and Corrections

On March 22, 1985 the Office of Motor Vehicles submitted for review a set of proposed rule changes for the inspection of emission control devices on automobiles, including testing for use of leaded gasoline. On April 22, 1985, the House Subcommittee on the Oversight of the Department of Public Safety took up consideration of the proposed rule changes. Representative Salvador Diesi presided as chairman of the subcommittee. After hearing the testimony of the representatives of the Office of Motor Vehicles, the subcommittee, with a quorum present, voted 8-4 to find the proposed rule change unacceptable.

In accordance with R.S. 49:968 (F) (1) (a), a copy of the proposed rule change is made a part hereof. (See Attachment A).

In accordance with R.S. 49:968 (F) (1) (b), below is a summary of the determinations made by the subcommittee in accordance with R.S. 49:968(D) and (E), to wit:

1. The subcommittee did not, by vote, make a determination as to whether the rule change was in conformity with the intent and scope of the enabling legislation. This issue was discussed in a written staff memorandum to the committee and no objections were raised by the committee members.

2. The subcommittee did not, by vote, determine whether the rule change was in conformity and not contrary to all applicable provisions of law and of the constitution. This issue was discussed in a written staff memorandum to the committee and no objections were raised by the committee members.

3. The subcommittee did not, by vote, make a specific determination regarding the advisability or relative merit of the rule change. However, by voting to reject the rule change, it can be said that the subcommittee felt it was not advisable and had little or no merit. There were three major points brought out during the hearing regarding the advisability and merit of the rule change, to wit:

(a) Other sources of pollution. The committee discussed extensively the pollution in Louisiana and the areas in which pollution is most pronounced. Witnesses from the Department of Environmental Quality indicated that East and West Baton Rouge Parishes and Calcasieu Parish were especially polluted areas. The committee felt that greater pollution in these areas was attributable to industry and not to automobiles. It was felt that, if automobiles were a primary source of the state's pollution, Orleans Parish would be one of the worse areas in the state.

(b) Proposed rule would not effectively inspect emission control devices. The committee felt that the proposed inspection of the emission control device, which consists of visual inspection to see that the device is on the vehicle and has not been obviously tampered with, would not reveal many devices which had been made inoperative. Several methods of rendering such devices inoperative would not be evident from visual inspection. The committee further felt that the test to determine if leaded gas had been used in the vehicle was inadequate. Testimony from the Department of Environmental Quality indicated that burning two tanks of unleaded gas immediately before inspection would remove those traces of leaded gas which the test device is designed to detect.

(c) Loss of federal funds. The committee discussed the potential loss of federal funds if the state does not enact measures to bring the state into compliance with federal air quality standards. It was felt that the loss of such funds was not an immediate danger.

4. The subcommittee by a vote of 8-4 determined that the rule change was unacceptable. The committee members cited the issues outlined in Number 3 above.

Respectfully submitted on behalf of the House Subcom-

mittee on the Oversight of the Department of Public Safety and Correction, by:

Claire Weber
Subcommittee Counsel

Attachment A

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Motor Vehicle Emission Inspection Program

Summary

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment.

(A) Provide a brief summary of the content of the rule (if proposed for adoption or repeal) or a brief summary of the change in the rule (if proposed for amendment).

The Parameter Vehicle Emission Inspection and Maintenance Program is proposed for adoption to ensure that designated emission control systems on model 1980 and later light-duty motor vehicles are properly connected and to determine if they show any evidence of tampering.

(B) Summarize the circumstances which require this action.

The 1970 Federal Clean Air Act as amended requires the establishment of national ambient air quality standards and development of an implementation plan to ensure that these standards are attained and maintained throughout the nation. The following summary statements, based on the attached worksheets, will be published in the *Louisiana Register* with the proposed agency rule.

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

The estimated implementation cost will be approximately \$20,000.00 for the printing of new inspection manuals and procedural charts containing the inspection procedures.

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

None.

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

The estimated affect to the general public would be the costs to repair and/or replace those emission control devices that have been tampered with or removed. (i.e. - catalyst \$100.00, fuel inlet restrictor \$150.00).

Additionally, individuals would have to take one day off from work in order to become certified to inspect vehicles under these new guidelines. Also, inspection outlets would be required to purchase lead detection testing paper at a cost of approximately \$.13 per vehicle tested. The new guidelines would also add an additional three to five minutes to the inspection procedure.

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

None.

James L. Thibodeaux
Finance Manager

Mark C. Drennen
Legislative Fiscal Officer

Potpourri

POTPOURRI

Department of Agriculture Horticulture Commission

The next retail floristry examinations will be given at 10 a.m. daily at Northeast Louisiana University, Monroe, Louisiana on July 22, 23, 24, 25 and 26, 1985. The deadline for getting in application and fee is July 5, 1985.

Further information concerning examinations may be obtained from Ervin Johnson, Assistant Director, Horticulture Commission, Box 44517, Capitol Station, Baton Rouge, LA 70804, phone (504) 925-7772.

Bob Odom
Commissioner of Agriculture

POTPOURRI

Department of Agriculture Office of Agricultural and Environmental Sciences

Notice of Quarantine Supplement to the 1985 Quarantine Listing for Citrus Canker

Whereas, the bacterial pathogen disease of citrus and citrus plants parts of the Family Rutaceae known as citrus canker, *Xanthomonas Campestris pv citri* (Hasse) Dawson, is established in the State of Florida;

Therefore, I, John W. Impson, State Entomologist of the State of Louisiana, by virtue of the authority provided for in LSA RS 3:1652 and Rule 7:9509, hereby establish a quarantine to prevent the spread of citrus canker disease and set forth: prohibition, definitions, regulated materials, quarantined area, movement of certain regulated materials under federal limited permit, and penalties.

1.0 Prohibition

No common carrier or person shall move any regulated materials from the quarantined area into or within the State of Louisiana except in accordance with conditions explained in the quarantine.

2.0 Definitions

Citrus canker is a disease caused by the bacterium *Xanthomonas Campestris pv citri* (Hasse) Dawson.

3.0 Regulated Materials

(a) Plants and any plant parts, including fruit and seeds of any of the following:

Calamondin orange (*Citrus mitis*)
Citrus citron (*Citrus medica*)
Grapefruit (*Citrus paradisi*)
Kumquat (*Fortunella japonica*)
Lemon (*Citrus limon*)
Lime (*Citrus aurantifolia*)
Mandarin orange (tangerine) (*Citrus reticulata*)
Pummelo (Shaddock) (*Citrus maxima*)
Sour orange (*Citrus aurantium*)
Sweet orange (*Citrus sinensis*)
Tangelo (*paradisi x.c. reticulata*)
Temple orange (*reticulata x.c. sinensis*)
Trifoliata orange (*Poncirus trifoliata*)

(b) Any other product, article, or means of conveyance, of any character whatsoever, not covered by Paragraph (a) when it is determined by an inspector that it presents a risk of spread of the citrus canker and the person in possession thereof has actual no-

tice that the product, article, or means of conveyance is subject to this quarantine.

4.0 Quarantined Area

The entire State of Florida has been designated as a quarantined area.

5.0 Movement of Certain Regulated Materials in Louisiana with a Federal Limited Permit

(a) Regulated materials which are fruit may be shipped/moved from the quarantined area to any parish or areas north of the Interstate 10-Interstate 12 line as follows: Interstate 10 on the western boundary of the state to the Interstate 10-Interstate 12 junction in Baton Rouge, following Interstate 12 to the Interstate 10-Interstate 12 junction in Slidell and ending with Interstate 10 on the eastern boundary of the state. It shall be unlawful for any person to transport regulated articles south of the above described line by authority of LSA RS 3:1653.

(b) A federal limited permit shall be issued by an inspector of the USDA or Florida Department of Agriculture for the movement of regulated materials to areas authorized in Section 5.0(a), if such inspector:

1. determines that the fruit originated in an area found to be free of citrus canker disease based on surveys conducted by inspectors appointed by the deputy administrator of the USDA;

2. determines that the fruit is free of leaves, litter, and stems other than stems less than one-inch in length attached to the fruit; and

3. determines that the fruit has been treated by a thorough wetting with a solution containing 200 parts per million active chlorine for a period of at least two minutes.

(c) Any regulated materials from the quarantined area found in Louisiana without a federal limited permit or found to be infested shall be destroyed or shipped to the point of origin at the expense of the owner. The state entomologist shall determine, at his discretion, which course of action is most appropriate.

6.0 Penalties

Any person who violates this quarantine shall be subject to penalties provided in LSA RS 3:1653.

DATE: May 9, 1985

ISSUED BY: John W. Impson
State Entomologist

APPROVED BY: Bob Odom
Commissioner of Agriculture

POTPOURRI

Department of Health and Human Resources Board of Medical Examiners

The Louisiana State Board of Medical Examiners has scheduled a public hearing for 10 a.m., Wednesday, May 29, 1985, in the Office of the State Board of Medical Examiners, 830 Union Street, Suite 100, New Orleans, LA 70112. The subject of the public hearing will be the proposed rule concerning physical therapy.

Mrs. Delmar Rorison
Executive Assistant to the Board

POTPOURRI

Department of Health and Human Resources Office of Family Security

Effective upon publication of this notice, the Office of Family Security shall change the physical location of policy concerning

payment to dentists for services rendered to persons eligible for medical assistance.

This policy was originally published as a final rule in the March 20, 1985, *Louisiana Register* (Volume 11, Number 2, page 101).

This action will in no way change the intent or application of the original policy. Subsequent to the submittal to the Health Care Financing Administration (HCFA) of revised Title XIX pages reflecting this change HCFA advised that in order for the Title XIX State Plan to be in compliance, this policy should be moved from Attachments 3.1-A and 4.19-B, Item 6 to Item 10 in the same attachments. All other sections of the Title XIX State Plan that may be affected by this change have also been amended.

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

POTPOURRI

Department of Health and Human Resources Office of Family Security

The Office of Family Security will hold public hearings to afford all interested persons an opportunity to submit data, views or arguments, orally or in writing, concerning the proposed Standards for Payment for Intermediate Care Facilities I and II and Skilled Nursing Facilities. These standards will be implemented by emergency rulemaking procedure effective July 1, 1985. A Notice of Intent will be published simultaneously with the Emergency Rule. Hearings will be held in Shreveport, New Orleans and Baton Rouge as follows:

May 31, 1985 at 9:30 a.m., Science Lecture Auditorium, LSU-Shreveport Campus, 8515 Youree Drive, Shreveport, LA.

June 3, 1985 at 9:30 a.m., Orleans Parish Office of Family Security, Second Floor Auditorium, 2601 Tulane Avenue, New Orleans, LA.

June 5, 1985 at 9:30 a.m., Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, LA.

Interested persons may submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Box 44065, Baton Rouge, LA 70804. She is the person responsible for responding to inquiries regarding this proposal. A copy of the proposed standards will be available for review in each local Office of Family Security.

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

POTPOURRI

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

A public hearing will be held in Room 511, State Office Building, 325 Loyola Avenue, New Orleans, Louisiana, on Tuesday, May 28, 1985 at 10 a.m. until 12 noon.

The purpose of the hearing is to hear views on the Louisiana WIC Program State Plan. Written comments will be accepted until May 29, when sent to Irene K. Findorff, Nutrition Section, Box 60630, New Orleans, Louisiana 70160. State WIC Plan Review Copies are available weekdays, 8:15 a.m. to 4:15 p.m., in Room 405, State Office Building, New Orleans.

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

POTPOURRI

Department of Natural Resources Fishermen's Gear Compensation Fund

In accordance with the provisions of the Fishermen's Gear Compensation Fund, L.R.S. 56:700.1 through 56:700.5, and in particular, Section 700.4 thereof; regulations adopted for the fund as published in the *Louisiana Register* on August 20, 1980; and also the rules of the secretary of this Department, notice is hereby given that 40 completed claims, amounting to \$49,257.47, were received during the month of April, 1985. During the same month, 125 claims, amounting to \$110,719.73 were paid. The following is a list of the paid claims:

Claim No. 84-1896 Tommy Kiff	Claim No. 84-2109 George Marrero, Jr.	Claim No. 84-1996 David & Noltay Richoux
Claim No. 84-2128 Eunice Johnfroe	Claim No. 84-2091 Raymond Gilham	Claim No. 84-1973 Abel Trosclair
Claim No. 84-2220 James George, Sr.	Claim No. 84-2099 Judy Casanova	Claim No. 84-1986 John Lombas
Claim No. 84-2097 John Wunstell	Claim No. 84-2083 Dennis J. Rojas	Claim No. 84-2123 Gary Borne, Sr.
Claim No. 84-2053 Jimmy Gisclair	Claim No. 84-2076 Arthur Krantz, Jr.	Claim No. 84-2194 Ronald Cheramie
Claim No. 84-1921 Webb Cheramie, Jr.	Claim No. 84-2075 Eugene Morales, Sr.	Claim No. 84-1575 Raymond Hebert
Claim No. 84-2171 Mervin Ledet, Jr.	Claim No. 84-2198 Joseph A. Holm	Claim No. 84-2023 Joseph Dean, Jr.
Claim No. 84-1891 Albert Verdin, Jr.	Claim No. 84-2199 Joseph A. Holm	Claim No. 84-2062 Adam Fitch
Claim No. 84-2040 Nathan Creppel	Claim No. 84-2200 Joseph A. Holm	Claim No. 84-2104 Percy Boudwin, Sr.
Claim No. 84-2067 James Arabie	Claim No. 84-1695 Ray Hession	Claim No. 84-2105 Percy Boudwin, Sr.
Claim No. 84-2219 Robert Landry	Claim No. 84-1877 Kenneth Shaw	Claim No. 84-2106 Percy Boudwin, Sr.
Claim No. 84-1966 Barry Melerine	Claim No. 84-1623 Michael Carinkas	Claim No. 84-2095 Percy Boudwin, Jr.
Claim No. 84-2028 Roland Guidry	Claim No. 84-1630 Harry Rebardie	Claim No. 84-2096 Percy Boudwin, Jr.
Claim No. 84-2027 Joseph Parrett	Claim No. 84-2088 Larry Boudoin	Claim No. 84-1936 Ray Boudwin, Sr.
Claim No. 84-2127 Joseph Parrett	Claim No. 84-2068 Wallace Styron, Sr.	Claim No. 84-1892 Albert Verdin, Jr.
Claim No. 84-2019 H.J. "Butch" Joffrion	Claim No. 84-1148 Linton Gisclair	Claim No. 84-2115 Wilson Melerine, Jr.
Claim No. 84-2017 T. B. Rabalais	Claim No. 84-1831 Wayne Cheramie	Claim No. 84-2203 Joseph Rogers, Jr.
Claim No. 84-1578 Edwin LeBlanc	Claim No. 84-2071 Gary Treuil	Claim No. 84-2029 Alvin Charpentier
Claim No. 84-2007 Leon Seghers	Claim No. 84-1641 Herbert Schultz, Jr.	Claim No. 84-2218 Michael Gourgues
Claim No. 84-1919 Kevin Boudreaux	Claim No. 84-2113 Herbert Schultz, Jr.	Claim No. 84-1729 Scott Pete
Claim No. 84-1728 Scott Pete	Claim No. 84-1832 Elson Dufrene	Claim No. 84-2054 Derrell Belsome
Claim No. 84-2108 George Marrero, Jr.	Claim No. 84-1866 Patterson Collins, Sr.	Claim No. 84-2143 Derrell Belsome

Claim No. 84-2144 Derrell Belsome	Claim No. 84-1957 John Mialjevich	Claim No. 84-2014 Harry Phillips
Claim No. 84-1754 Craig Zimmer	Claim No. 84-1983 John Mialjevich	Claim No. 84-2015 Harry Phillips
Claim No. 84-2074 Gary Erlinger	Claim No. 84-1985 John Mialjevich	Claim No. 84-1988 Opeo Frey
Claim No. 84-1970 Kenneth Adams, Jr.	Claim No. 84-2013 John Mialjevich	Claim No. 84-2022 Kenneth Adams, Jr.
Claim No. 84-1958 James Daspit	Claim No. 84-2043 Ashful Authement	Claim No. 84-2165 Kenneth Adams, Jr.
Claim No. 84-2114 James Daspit	Claim No. 84-2045 Ashful Authement	Claim No. 84-2197 Joseph Assevado, Jr.
Claim No. 84-1773 Michael Russell	Claim No. 84-2046 Ashful Authement	Claim No. 84-2189 Malcolm Assevado
Claim No. 84-1774 Michael Russell	Claim No. 84-2047 Ashful Authement	Claim No. 84-2006 George France
Claim No. 84-1930 August Despaux, Jr.	Claim No. 84-2168 Warren Thibodeaux, Jr.	Claim No. 84-2179 George France
Claim No. 84-1791 James Terrio, Sr.	Claim No. 84-2169 Warren Thibodeaux, Jr.	Claim No. 84-2180 George France
Claim No. 84-2156 August Bertoniere	Claim No. 84-2110 Howard Dardar	Claim No. 84-2078 Robert Kenney
Claim No. 84-2242 Charles Landry	Claim No. 84-2201 Joseph Rogers, Jr.	Claim No. 84-2137 Robert Kenney
Claim No. 84-2157 Domingo Rano	Claim No. 84-2202 Joseph Rogers, Jr.	Claim No. 84-2190 Robert Kenney
Claim No. 84-2147 Arthur Plaisance	Claim No. 84-2229 Ivey Duet	Claim No. 84-2051 Louis Molero, Jr.
Claim No. 84-1809 Stephen Byrnes	Claim No. 84-2213 Joseph Verdin	Claim No. 84-2008 Domingo Rano
Claim No. 84-1995 Henry Olsen	Claim No. 84-2021 Martin Menesses	Claim No. 84-2146 Arthur Plaisance
Claim No. 84-2038 August Gisclair, Jr.	Claim No. 84-1945 Kenneth Helmer	Claim No. 84-2061 Lonnie Assevado
Claim No. 84-2056 James Frickey	Claim No. 84-2039 August Gisclair, Jr.	Claim No. 84-1994 Henry Olsen
Claim No. 84-1792 John Mialjevich	Claim No. 84-2145 Garrell Adam	Claim No. 84-2037 August Gisclair, Jr.
Claim No. 84-1795 John Mialjevich		Claim No. 84-2055 James Frickey

Public Hearings to consider completed claims have been scheduled as follows:

Friday, June 14, 1985, at 10:00 a.m., in the Delcambre Town Hall, Delcambre, LA:

CLAIM NO. 84-1727

Robert Sonnier, of Loreauville, LA, while trawling on the vessel, "Miss Bobbie Lynn," in Vermilion Bay, north of Dry Reef, Vermilion Parish, encountered a submerged pipe on July 3, 1984, at approximately 8:30 a.m., causing loss of his 50 foot trawl. Amount of Claim: \$642.60.

CLAIM NO. 84-1793

John J. Mialjevich, of Delcambre, LA, while trawling on the vessel "Tee John," in the Gulf of Mexico, east of Southwest Pass, at LORAN-C readings of 27,358.9 and 46,939.6, Vermilion Parish, encountered a submerged piling, on July 14, 1984, at approximately 9:15 a.m., causing damage to his 50 foot trawl. Amount of Claim: \$539.

CLAIM NO. 84-1984

John J. Mialjevich, of Delcambre, LA, while trawling on the

vessel "Tee John," in the Gulf of Mexico, south of Southwest Pass, Vermilion Parish, encountered a submerged piling, on September 14, 1984, at approximately 7 p.m., causing damage to his 50 foot trawl. Amount of Claim: \$646.92.

CLAIM NO. 84-2057

John J. Mialjevich, of Delcambre, LA, while trawling on the vessel, "Tee John," in the Gulf of Mexico, south of Southwest Pass, at LORAN-C readings of 27,370.0 and 46,945.0, Vermilion Parish, encountered a 55 gallon drum, on October 13, 1984, at approximately 2 p.m., causing damage to his 14 foot trawl. Amount of Claim: \$115.

CLAIM NO. 84-2139

Carlton Styron, of Cameron, LA, while trawling on the vessel "Drag N Wagon," in the Gulf of Mexico, west of Calcasieu Pass, at approximately LORAN-C readings of 26,664.8 and 46,978.3, Cameron Parish, encountered an unidentified submerged obstruction on November 6, 1984, at approximately 10 a.m., causing damage to his trawl. Amount of Claim: \$184.50.

CLAIM NO. 84-2193

Howard De Rouen, of Howard Boat Company, New Iberia, LA, while trawling on the vessel "Sea Breeze," in the Gulf of Mexico, east of Southwest Pass, at LORAN-C readings of 27,365.2 and 46,943.5, Iberia Parish, encountered a submerged 4 inch pipe on November 18, 1984, at approximately 5:15 p.m., causing loss of his trawls. Amount of Claim: \$1,708.29.

CLAIM NO. 84-2182

Jimmy Dyson, of Cameron, LA, while trawling on the vessel, "Capt. Vincent," in the Gulf of Mexico, west of Calcasieu Pass, at LORAN-C readings of 26,655.5 and 46,978.5, Cameron Parish, encountered an unidentified submerged obstruction, on November 6, 1984, at approximately 9:30 a.m., causing loss of his two 50 foot trawls and one set of doors. Amount of Claim: \$2,445.

CLAIM NO. 84-2239

Ashful Authement, of Cameron, LA, while trawling on the vessel "Miss Becky," in the Gulf of Mexico, east of Hog Bayou, at approximate LORAN-C readings of 26,905.0 and 46,963.0, Cameron Parish, encountered an unidentified submerged obstruction, on December 9, 1984, at approximately 1:30 p.m., causing damage to his 35 foot trawl. Amount of Claim: \$142.75.

CLAIM NO. 85-2285

Errol J. Broussard, of St. Martinville, LA, while crabbing on the vessel, "LA-2115-BG," in the Gulf of Mexico, out of Southwest Pass, Vermilion Parish, encountered a submerged pipeline, on January 19, 1985, causing loss of his crab traps. Amount of Claim: \$1,800.

CLAIM NO. 85-2296

Louis Buteaux, Sr., of Franklin, LA, while crabbing on the vessel "LA-2423-BG," in the Gulf of Mexico, out of Southwest Pass, Vermilion Parish, encountered a submerged pipeline on February 19, 1985, causing loss of his crab traps. Amount of Claim: \$800.

CLAIM NO. 85-2306

Michael Wayne Daigle, of Sulphur, LA, while trawling on the vessel, "LA-5197-BC," in the Calcasieu Ship Channel, on February 8, 1985, at approximately 5 p.m., encountered a submerged piling, causing damage to his vessel and motor. Amount of Claim: \$926.12.

CLAIM NO. 85-2321

Bonner Willis, of Cameron, LA, while trawling on the vessel, "577578," in the Gulf of Mexico, east of Calcasieu Pass, at LORAN-C readings of 26,669.0 and 46,973.5, encountered an unidentified submerged obstruction on March 24, 1985, causing loss of two 40 foot trawls, one pair of aluminum doors, and damage to his outriggers. Amount of Claim: \$4,382.29.

Tuesday, June 18, 1985, at 10 a.m., in the L.S.U. Cooperative Extension Service Office, Greater Lafourche Port Commission Building, Highway 308, Galliano, LA:

CLAIM NO. 84-1416

Daniel Charpentier, of Cut Off, LA, while trawling on the vessel, "Joan of Arc," in the Gulf of Mexico, at the mouth of the New Cut, at LORAN-C readings of 26,852.3 and 46,972.9, Cameron Parish, encountered an unidentified submerged obstruction on December 15, 1983, at approximately 9 p.m., causing damage to his vessel. Amount of Claim: \$5,000.

CLAIM NO. 84-1678

Fred Cheramie, of Grand Isle, LA, while trawling on the vessel, "LA-799-RU," in East Bay, north of Joseph Bayou, Plaquemines Parish, encountered a submerged piling on June 25, 1984, at approximately 4:15 a.m., causing damage to his vessel. Amount of Claim: \$4,057.63.

CLAIM NO. 84-1743

Charlie T. Williams, of Grand Isle, LA, while trawling on the vessel, "Spur Tree I," in Bay des Ilettes, Jefferson Parish, encountered a submerged boat on July 12, 1984, at approximately 5 a.m., causing loss of his trawl. Amount of Claim: \$1,104.38.

CLAIM NO. 84-2032

Webb Cheramie, Jr., of Grand Isle, LA, while trawling on the vessel, "Master Wayne," in the Gulf of Mexico, south of Caminada Pass, at LORAN-C readings of 28,486.0 and 46,849.3, Jefferson Parish, encountered an unidentified submerged obstruction on October 10, 1984, at approximately 5 a.m., causing damage to his trawl. Amount of Claim: \$502.40.

CLAIM NO. 84-2082

Houston Trahan, of Chauvin, LA, while trawling on the vessel, "Rebecca Lynn," in Lake La Grasse, entrance to Terrebonne Bay, Terrebonne Parish, encountered a submerged piling, on October 25, 1984, at approximately 7:30 a.m., causing damage to his vessel. Amount of Claim: \$5,000.

CLAIM NO. 84-2093

Douglas Chiasson, of Cut Off, LA, while trawling on the vessel, "Survivor," in the Gulf of Mexico, south of Grand Isle, at approximate LORAN-C readings of 28,540.7 and 46,854.9, Jefferson Parish, encountered an unidentified submerged obstruction on October 23, 1984, at approximately 9 a.m., causing damage to his 52 foot trawl. Amount of Claim: \$375.

CLAIM NO. 84-2094

Douglas Chiasson, of Cut Off, LA, while trawling on the vessel, "Survivor," in the Gulf of Mexico, north of Dead Woman Pass, at approximate LORAN-C readings of 29,068.9 and 46,849.0, Plaquemines Parish, encountered an unidentified submerged obstruction on October 29, 1984, at approximately 10 a.m., causing loss of his 52 foot balloon trawl, tickle chain and rope. Amount of Claim: \$839.

CLAIM NO. 84-2107

Percy Boudwin, Sr., of Houma, LA, while trawling on the vessel, "Sea Lady," in the Gulf of Mexico, southwest of Mound Point, at approximate LORAN-C readings of 27,431.3 and 46,919.9, Iberia Parish, encountered an unidentified submerged obstruction on October 23, 1984, at approximately 5 p.m., causing loss of his 50 foot trawl, boards and tickle chain. Amount of Claim: \$1,689.64.

CLAIM NO. 84-2116

David J. Pitre, of Cut Off, LA, while trawling on the vessel, "Misty-Erin," in Timbalier Bay, east of Calumet Island, Lafourche Parish, encountered an unidentified submerged obstruction on November 5, 1984, at approximately 4:50 p.m., causing loss of his 50 foot trawl. Amount of Claim: \$477.66.

CLAIM NO. 84-2122

Gary Borne, Sr., of Golden Meadow, LA, while trawling on

the vessel, "Lady Lola," in the Gulf of Mexico, west of Bayou Moreau, at LORAN-C readings of 28,436.1 and 46,841.6, Lafourche Parish, encountered an unidentified submerged obstruction on October 10, 1984, at approximately 9 a.m., causing loss of his trawl, tickle chain and easy line. Amount of Claim: \$852.35.

CLAIM NO. 84-2131

Webb Cheramie, Jr., of Grand Isle, LA, while trawling on the vessel, "Master Wayne," in the Gulf of Mexico, south of Grand Isle, at approximate LORAN-C readings of 28,523.0 and 46,854.5, Jefferson Parish, encountered a submerged piling on October 26, 1984, at approximately 9:30 p.m., causing loss of his 90' trawl. Amount of Claim: \$1,573.44.

CLAIM NO. 84-2133

Alvin Charpentier, of Cut Off, LA, while trawling on the vessel, "Capt. Alvin," in the Gulf of Mexico, west of Freshwater Bayou, at LORAN-C readings of 27,131.2 and 46,942.4, Vermilion Parish, encountered an unidentified submerged obstruction on November 8, 1984, at approximately 9 p.m., causing loss of his two trawls, boards and tickle chain. Amount of Claim: \$4,604.50.

CLAIM NO. 84-2214

Isadore Dardar, of Golden Meadow, LA, while trawling on the vessel, "Miss Lena," in the Gulf of Mexico, south of Belle Pass, at approximate LORAN-C readings of 28,326.5 and 46,825.0, Lafourche Parish, encountered an unidentified submerged obstruction on December 9, 1984, at approximately 10 a.m., causing loss of his 55 foot balloon trawl. Amount of Claim: \$1,017.65.

CLAIM NO. 85-2253

Joseph S. Verdin, of Galliano, LA, while trawling on the vessel, "Tony Joe," in Barataria Bay, northeast of Barataria Pass, Jefferson Parish, encountered an unidentified submerged obstruction on December 20, 1984, at approximately 12 p.m., causing damage to his vessel. Amount of Claim: \$948.85.

CLAIM NO. 85-2265

Raymond Duet, of Grand Isle, LA, while trawling on the vessel, "Capt. Duet," in the Gulf of Mexico, about 1200'-1500' west-northwest of Barataria Pass Beacon No. 8, Jefferson Parish, encountered a submerged boat on January 8, 1985, at approximately 11:30 a.m., causing loss of his trawl and tickle chain. Amount of Claim: \$994.37.

CLAIM NO. 85-2275

Leo Paul Pitre, of Golden Meadow, LA, while trawling on the vessel, "Capt. Leo," in the Gulf of Mexico, south of Barataria Pass at LORAN-C readings of 28,563.4 and 46,862.9, Jefferson Parish, encountered an unidentified submerged obstruction on December 15, 1984, at approximately 8 a.m., causing loss of his trawl, chain and boards. Amount of Claim: \$1,726.

CLAIM NO. 85-2292

Wayne Boudwin, of Houma, LA, while trawling on the vessel, "Capt. Wayne," in the Gulf of Mexico, south of Holly Beach, at approximate LORAN-C readings of 26,611.0 and 46,977.6, Cameron Parish, encountered an unidentified submerged obstruction on January 5, 1985, at approximately 2 p.m., causing loss of his 45 foot trawl, chain and boards. Amount of Claim: \$1,275.71.

CLAIM NO. 85-2299

Allen Charpentier, of Galliano, LA, while trawling on the vessel, "Wind Song," in the Gulf of Mexico, west of Belle Pass, at LORAN-C readings of 28,286.3 and 46,819.1, Lafourche Parish, encountered an unidentified submerged obstruction on December 13, 1984, at approximately 2:15 a.m., causing loss of his two 62 foot trawls, chain and boards. Amount of Claim: \$2,118.67.

Thursday, June 20, 1985, at 10 a.m., in the Police Jury Office, 8201 West Judge Perez Drive, in Chalmette, LA:

CLAIM NO. 84-1911

Albert Cauley, Jr., of Slidell, LA, while trawling on the ves-

sel, "Lana Marie," in West Pearl River, between Salt Bayou and U.S. 90, St. Tammany Parish, encountered an unidentified submerged obstruction on September 27, 1984, at approximately 12:30 p.m., causing damage to his vessel. Amount of Claim: \$499.95.

CLAIM NO. 84-1928

Rene Martinez, of St. Bernard, LA, while trawling on the vessel, "LA-440-6B," in Bayou Terre Aux Boeufs, north of Black Bay, Plaquemines Parish, encountered a submerged pipe on August 30, 1984, at approximately 1:30 p.m., causing loss of his 50 foot trawl. Amount of Claim: \$739.51.

CLAIM NO. 84-1947

Raymond Gilham, of Metairie, LA, while trawling on the vessel, "LA-2201-AP," in Lake Pontchartrain, west of Goose Pt., at approximate LORAN-C readings of 28,743.0 and 47,066.6, St. Tammany Parish, encountered an unidentified submerged obstruction on September 7, 1984, at approximately 8 a.m., causing loss of his 50 foot trawl. Amount of Claim: \$470.

CLAIM NO. 84-2058

John Zar, III, of Lafitte, LA, while trawling on the vessel, "Ladies Night," in East Bay, at LORAN-C readings of 28,921.0 and 46,779.4, Plaquemines Parish, encountered a submerged boat on September 29, 1984, at approximately 4 p.m., causing loss of his two 50 foot trawls. Amount of Claim: \$2,713.86.

CLAIM NO. 84-2119

Byron Charrier, III, of St. Bernard, LA, while trawling on the vessel, "King Kong," in the Gulf of Mexico, south of Locust Bayou, Terrebonne Parish, encountered an unidentified submerged obstruction on November 3, 1984, at approximately 11 p.m., causing loss of his two 60 foot siamese trawls and boards. Amount of Claim: \$4,630.

CLAIM NO. 84-2159

Steven Dairepont, of Pearl River, LA, while trawling on the vessel, "Lady Gerie," in Lake Borgne, west of Le Petit Pass, off of Malheureux Pt. at approximate LORAN-C readings of 29,048.0 and 47,039.0, St. Bernard Parish, encountered an unidentified submerged obstruction on October 22, 1984, at approximately 4 p.m., causing loss of his 45 foot trawl, boards, and 45 feet of chain. Amount of Claim: \$1,397.50.

CLAIM NO. 84-2163

Leon Harvey, of Lafitte, LA, while trawling on the vessel, "Guiding Light," in East Bay, at LORAN-C readings of 28,857.8 and 46,774.0, Plaquemines Parish, encountered an unidentified submerged obstruction on November 6, 1984, at approximately 6:45 p.m., causing loss of his trawl boards. Amount of Claim: \$1,170.

CLAIM NO. 84-2210

Manuel L. Campo, Sr., of Braithwaite, LA, while trawling on the vessel, "Miss Dot," in Breton Sound, south of Pt. Gardner, at LORAN-C readings of 28,959.6 and 46,937.3, St. Bernard Parish, encountered an unidentified submerged obstruction on November 17, 1984, at approximately 4:15 p.m., causing loss of his 50 foot trawl. Amount of Claim: \$761.75.

CLAIM NO. 84-2211

Manuel L. Campo, Sr., of Braithwaite, LA, while trawling on the vessel, "Miss Dot," in Breton Sound, southeast of Mozambique Pt., at LORAN-C readings of 28,965.2 and 46,920.0, Plaquemines Parish, encountered an unidentified submerged obstruction on November 19, 1984, at approximately 10:30 a.m., causing loss of his 50 foot trawl. Amount of Claim: \$761.25.

CLAIM NO. 84-2216

Craig Anthony Zimmer, of New Orleans, LA, while trawling on the vessel, "Crab Ass," in Lake Pontchartrain, northwest of South Pt., at approximate LORAN-C readings of 28,819.0 and 47,053.0, Orleans Parish, encountered an unidentified sub-

merged obstruction on December 3, 1984, at approximately 9 a.m., causing loss of his 50 foot trawl, rollers and bib. Amount of Claim: \$668.

CLAIM NO. 84-2217

Craig Anthony Zimmer, of New Orleans, LA, while trawling on the vessel, "Crab Ass," in Lake Pontchartrain, west of South Point, at approximate LORAN-C readings of 28,759.0 and 47,049.3, Orleans Parish, encountered an unidentified submerged obstruction on December 8, 1984, at approximately 6:30 a.m., causing loss of his 50 foot trawl. Amount of Claim: \$680.

CLAIM NO. 84-2231

Charles Ballas, of Metairie, LA, while trawling on the vessel, "Charlie B," in Lake Pontchartrain, north of Goose Point, at LORAN-C readings of 28,787.0 and 47,072.0, St. Tammany Parish, encountered a submerged stump on December 6, 1984, at approximately 10 a.m., causing damage to his trawl. Amount of Claim: \$150.

CLAIM NO. 84-2232

Charles Ballas, of Metairie, LA, while trawling on the vessel, "Charlie B," in Lake Pontchartrain, southwest of Goose Point, at LORAN-C readings of 28,761.0 and 47,064.6, St. Tammany Parish, encountered a submerged log on December 1, 1984, at approximately 3:30 p.m., causing loss of his 50 foot roller trawl. Amount of Claim: \$550.

CLAIM NO. 84-2234

Marcello Reynon, Jr., of Marrero, LA, while trawling on the vessel, "Lady Creshia," in Cat Bay, at the mouth of Quatre Bayou Pass, Plaquemines Parish, encountered a submerged steel tank on November 15, 1984, at approximately 4:30 p.m., causing loss of his 50 foot trawl. Amount of Claim: \$560.

CLAIM NO. 84-2244

George J. France, of Slidell, LA, while trawling on the vessel, "La Brina Jo," in Lake Pontchartrain, east of I-10, at approximate LORAN-C readings of 28,879.0 and 47,057.5, St. Tammany Parish, encountered an unidentified submerged obstruction on December 14, 1984, at approximately 8 a.m., causing damage to his 50 foot trawl. Amount of Claim: \$250.

CLAIM NO. 84-2248

Peter Gerica, of New Orleans, LA, while trawling on the vessel, "Miss Lucy," in Lake Pontchartrain, approximately 3 miles east of the Causeway, Orleans Parish, encountered an unidentified submerged obstruction on December 20, 1984 at approximately 2 p.m., causing damage to his trawl. Amount of Claim: \$275.

CLAIM NO. 84-2249

Frank Campo, Jr., of Shell Beach, LA, while trawling on the vessel, "Brandy Michelle," in the Gulf of Mexico, east of Pass A Loutre, at LORAN-C readings of 29,117.6 and 46,813.0, Plaquemines Parish, encountered an unidentified submerged obstruction on December 13, 1984, at approximately 10:35 a.m., causing damage to his vessel. Amount of Claim: \$1,683.70.

CLAIM NO. 85-2254

Wayne Abreaux, of Yscloskey, LA, while trawling on the vessel, "Pirate Lady," in Breton Sound, south of Deadman Island, at approximate LORAN-C readings of 29,040.0 and 46,961.4, St. Bernard Parish, encountered an unidentified submerged obstruction on December 1, 1984, at approximately 9 a.m., causing loss of his 50 foot trawl, cable and boards. Amount of Claim: \$2,279.65.

CLAIM NO. 85-2267

Frederick Seither, Jr., of Metairie, LA, while trawling on the vessel, "Dreamboat," in Lake Pontchartrain, east of the Causeway, at approximate LORAN-C readings of 28,732.0 and 47,066.0, St. Tammany Parish, encountered a submerged tree on December 1, 1984, causing loss of his 50 foot trawl. Amount of Claim: \$479.

CLAIM NO. 85-2268

Frederick Seither, Jr., of Metairie, LA, while trawling on the vessel, "Dreamboat," in Lake Pontchartrain, west of Goose Point, at LORAN-C readings of 28,750.0 and 47,070.7, St. Tammany Parish, encountered an unidentified submerged obstruction on November 28, 1984, causing loss of his 50 foot balloon trawl. Amount of Claim: \$499.

CLAIM NO. 85-2269

Frederick Seither, Jr., of Metairie, LA, while trawling on the vessel, "Dreamboat," in Lake Pontchartrain, northwest of South Point, at approximate LORAN-C readings of 28,811.0 and 47,057.8, St. Tammany Parish, encountered an unidentified submerged obstruction on December 1, 1984, causing loss of his 50 foot balloon trawl. Amount of Claim: \$490.

CLAIM NO. 85-2276

Barry Zar, of Marrero, LA, while trawling on the vessel, "Little Mo," in Grand Pass, north of Drauzenes Island, Plaquemines Parish, encountered a submerged floating log on January 14, 1985, at approximately 6:30 a.m., causing damage to his vessel. Amount of Claim: \$2,259.75.

CLAIM NO. 85-2286

Carl Landen, of Gonzales, LA, while trawling on the vessel, "Miss Gladys," in the Gulf of Mexico, west of the New Cut, at approximate LORAN-C readings of 26,828.2 and 46,970.3, Cameron Parish, encountered an unidentified submerged obstruction on December 3, 1984, at approximately 5 p.m., causing loss of his 50 foot wing net. Amount of Claim: \$769.50.

CLAIM NO. 85-2287

Carl Landen, of Gonzales, LA, while trawling on the vessel, "Miss Gladys," in the Gulf of Mexico, south of Beach Prong, at LORAN-C readings of 26,892.7 and 46,959.2, Cameron Parish, encountered a submerged pipeline on December 6, 1984, at approximately 3:25 p.m., causing loss of his 55 foot siamese trawl and doors. Amount of Claim: \$1,869.80.

CLAIM NO. 85-2293

Randy Dufrene, Jr., of Lafitte, LA, while trawling on the vessel, "Lady Karen," in the Gulf of Mexico, one mile west of the Grand Isle Sea Buoy, Jefferson Parish, encountered an unidentified submerged obstruction on January 7, 1985, at approximately 11 a.m., causing loss of his trawl, cable and boards. Amount of Claim: \$1,537.14.

Any written objections to these claims must be received by the close of business on June 13, 1985. Any person may submit evidence or make objections in person at the hearings. Written

comments must be mailed to: B. Jim Porter, Secretary, Department of Natural Resources, Box 44124, Capitol Station, Baton Rouge, LA 70804.

B. Jim Porter
Secretary

POTPOURRI

**Department of Natural Resources
Office of Conservation
Injection and Mining Division
Notice of Hearing**

DOCKET NUMBER UIC 85-14

In accordance with the laws of the State of Louisiana, and with particular reference to the provisions of LRS 30:4, notice is hereby given that the Commissioner of Conservation will conduct a public hearing at 7:00 p.m., Monday, June 24 1985, in the Police Jury Meeting Room of the Cameron Parish Police Jury Annex, located on Courthouse Square, Cameron, LA.

At such hearing the Commissioner of Conservation or his designated representative will hear testimony relative to the application of Bailey Landfarm Corporation, to operate a commercial nonhazardous oilfield waste treatment facility in Sections 53 and 10, Township 13 South, Range 7 West, Cameron Parish, LA.

Prior to authorizing the use of this facility for receipt and treatment of nonhazardous oilfield waste, the Commissioner of Conservation must find that the applicant has met all the requirements of Statewide Order No. 29-B (August 1, 1943, as amended).

The application is available for inspection by notifying Carroll D. Wascom, Office of Conservation, Injection and Mining Division, Room 253 of the Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA or by going by the Cameron Parish Police Jury office in Cameron, LA. All interested persons will be afforded an opportunity to present data, views or arguments, orally or in writing, at said public hearing. Written comments which will not be presented at the hearing must be received no later than 4:45 p.m., July 1, 1985, at the Baton Rouge Office. Comments should be directed to: Commissioner of Conservation, Box 94275, Baton Rouge, LA 70804; RE: Docket No. UIC 85-14, Commercial Treatment Facility, Cameron Parish.

Herbert W. Thompson
Commissioner

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