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Executive Orders

EXECUTIVE ORDER EWE 86-39

WHEREAS, Executive Order EWE 86-34 (the "executive order") was executed by the governor of the State of Louisiana (the "governor") on October 16, 1986, pursuant to the provisions of the Tax Reform Act of 1986 (the "Act") and provides for the allocation of the bonds subject to the private activity bond volume limits of the Act for the calendar year ending December 31, 1986 (the "ceiling"); and

WHEREAS, Section 3.14 of the executive order provides that if the ceiling exceeds the aggregate amount of bonds during any year by all issuers, the governor may allocate such excess to issuers for one or more carryforward projects permitted under the Act through the issuance of an executive order; and

WHEREAS, there remains as of the date hereof \$249,568,000 of the ceiling which will not be used for projects in the calendar year ending December 31, 1986; and

WHEREAS, the governor desires to allocate all of the excess unused ceiling to certain projects which are eligible for a carryforward under the Act:

NOW, THEREFORE, be it ordered by Edwin Edwards, Governor of the State of Louisiana, as follows:

SECTION 1.1 Pursuant to and in accordance with the provisions of Section 146(f) of the Internal Revenue Code of 1986 and in accordance with the request for carryforwards filed by the issuing authorities listed below, there is hereby allocated to said issuing authorities the following amounts of excess unused private activity volume limit under the ceiling for the following carryforward projects:

ISSUER	CARRYFORWARD PROJECT	CARRYFORWARD AMOUNT
East Baton Rouge Home Mortgage Authority	Qualified Mortgage Bonds (East Baton Rouge Parish)	\$ 24,000,000
Industrial Development Board of the City of Bastrop, Louisiana, Inc.	Solid Waste Disposal Facilities at the Louisiana Mill of International Paper Company in Bastrop, Louisiana	\$ 2,000,000
Jefferson Home Mortgage Authority	Qualified Mortgage Bond (Jefferson Parish)	\$ 38,623,000
Louisiana Housing Finance Agency	Qualified Mortgage Bonds (Statewide)	\$100,000,000
Louisiana Public Facilities Authority	Guaranteed Student Loan Bonds (Statewide)	\$ 43,754,000
Louisiana Public Facilities Authority	Bowling Alley Facility of Tiffany Lanes of Lafayette, Inc., Lafayette, Louisiana	\$ 3,200,000
New Orleans Home Mortgage Authority	Qualified Mortgage Bonds (Orleans Parish)	\$ 38,000,000

SECTION 1.2. This Executive Order shall be effective on the date of execution hereby by the Governor.

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 31st day of December, 1986.

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

EXECUTIVE ORDER EWE 86-40

WHEREAS, it has been reported to me by the commissioner of administration that the receipts of the Treasury will fall short of revenue for the fiscal year 1986-1987; and

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

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

WHEREAS, I found it necessary, under the powers granted me in Paragraph B of Section 2 of the Article III of the Constitution of Louisiana, to call the Legislature into extraordinary session for the purpose of enacting revenue-producing measures and addressing certain budgetary problems;

NOW THEREFORE I, EDWIN EDWARDS, Governor of the State of Louisiana, under the authority granted me in Act 10 of the First Extraordinary Session of 1986, do hereby rescind the following appropriations contained in Act 1040 of the 1986 Regular Session, in the stated amounts, the sum of which shall revert to the General Fund on January 1, 1987.

Flood Control and Drainage Priority Funds:

Highway Impact	\$ 496,549
State Match	4,930,451
Overlays	43,000,000
Office of Public Works	18,000,000
Bridge Repairs	2,000,000
Flood Control and Drainage Priority Funds	10,000,000

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 31st day of December, 1986.

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

Emergency Rules

DECLARATION OF EMERGENCY

Department of Civil Service Civil Service Commission

At its January 7, 1987 meeting, the State Civil Service Commission adopted an emergency rule, according to the provisions of Civil Service Rule 2.10(f). This rule will be proposed to be adopted on a regular basis at the February 4, 1987 Civil Service Commission meeting which will be held in the Twelfth Floor Commission Hearing Room, Republic Tower Building, 5700 Florida Boulevard, Baton Rouge, LA.

The emergency rule is as follows:

CHAPTER 18

New Rule 18.4 to read:

18.4 Layoffs During Transition to the New Classification and Pay System.

All layoffs effective January 1, 1987 and thereafter, must be submitted in the new classification system job titles and career fields assigned at the time the layoff plan is submitted to the director. Any change to allocations subsequent to the submission of the layoff plan shall not affect the layoff.

EXPLANATION

Rule 18.4 was adopted as an emergency rule and is being proposed for adoption on a regular basis in order to avoid problems which may result from allocations in the new classification system which are determined following a layoff, but which are considered retroactive to January 1, 1987 for pay purposes.

It would be impossible to "undo" a layoff if allocations are changed after a layoff has been conducted. This rule will allow agencies to conduct layoffs based on information available at the time the layoff is proposed.

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

Herbert L. Sumrall
Director

DECLARATION OF EMERGENCY

Department of Commerce Racing Commission

Title 35
Horse Racing
Part I. General Provisions

Chapter 17. Corrupt and Prohibited Practices §1793. Testing for Alcohol Abuse

Officials, jockeys, trainers and grooms shall, when directed by the state steward, submit to a breathalyzer test and, if the results thereof show a reading for more than .05 percent of alcohol in the blood, such person shall not be permitted to continue his duties. The stewards may fine or suspend any participant who records a blood alcohol reading of .05 percent or more. Any participant who records a reading above the prescribed level on more than one occasion shall be subject to license revocation and/or expulsion, or such penalty consistent with R.S. 4:141 et seq. and/or the rules of racing.

John P. Davis, DVM
Secretary

DECLARATION OF EMERGENCY

Department of Commerce Racing Commission

Title 35
Horse Racing
Part I. General Provisions

Chapter 63. Entries

§6336. Elimination of Horses; Too Many Entries

Should two horses which are owned separately but trained by the same trainer be entered in any race causing an excess of the number of horses which may, because of track limitation, be permitted to start; the horses to start shall be determined and selected by lot from all of the horses entered. Those entries which are eliminated shall receive a preference as provided in these rules.

John P. Davis, DVM
Secretary

DECLARATION OF EMERGENCY

Department of Commerce Racing Commission

Title 35
Horse Racing
Part I. General Provisions

Chapter 17. Corrupt and Prohibited Practices §1791. Testing for Dangerous Substances

A. No permittee or official shall use any controlled dangerous substance as defined in the "Louisiana Controlled Dangerous Substance Act," R.S. 40:961 et seq., or any prescription legend drug, unless such substance was obtained directly, or pursuant to a valid prescription or ordered from a licensed physician, while acting in the course of his professional practice. It shall be the responsibility of the official, jockey, trainer and groom to give notice to the state steward that he is using a controlled dangerous substance or prescription legend drug pursuant to a valid prescription or order from a licensed practitioner when requested.

B. Every official, jockey, trainer and groom for any race at any licensed racetrack may be subjected to a urine test, or other non-invasive fluid test at the discretion of the state steward in a manner prescribed by the Louisiana State Racing Commission. Any official, jockey, trainer or groom who fails to submit to a urine test when requested to do so by the state steward shall be liable to the penalties provided in R.S. 4:141 et seq. and/or the rules of racing.

C. Any official, jockey, trainer or groom who is requested to submit to a urine test shall provide the urine sample, without undue delay, to a chemical inspector of the commission. The sample so taken shall be immediately sealed and tagged on the form provided by the commission and the evidence of such sealing shall be indicated by the signature of the tested official, jockey, trainer or groom. The portion of the form which is provided to the laboratory for analysis shall not identify the individual official, jockey, trainer or groom by name. It shall be the obligation of the official, jockey, trainer or groom to cooperate fully with the chemical inspector in obtaining any sample who may be required to witness the securing of such sample.

D. A "positive" controlled dangerous substance or prescription drug result shall be reported in writing to the executive

DECLARATION OF EMERGENCY

Department of Commerce Racing Commission

Title 35
Horse Racing
Part I: General Provisions

Chapter 1. Definitions

§102. Masculine; Feminine; Singular; Plural

As used herein, the masculine shall include the feminine and the singular shall include the plural.

John P. Davis, DVM
Secretary

director or his designee. On receiving written notice from the official chemist that a specimen has been found "positive" for a controlled dangerous substance or prescription legend drug, the executive director or his designee shall proceed as follows:

1. He shall, as quickly as possible, notify the official, jockey, trainer or groom involved in writing.

2. For an official, jockey, trainer or groom's first violation, he shall issue a written reprimand and warning and notify the official, jockey, trainer or groom that he will be subject to mandatory drug testing and that any further violation shall result in the sanctions described in paragraphs 3 and 4 below.

3. For an official, jockey, trainer or groom's second violation, he shall require the official, jockey, trainer or groom to enroll in a Supervisory Treatment Program approved by the Louisiana State Racing Commission upon such reasonable terms and conditions as he may require. The official, jockey, trainer or groom shall be permitted to participate unless his continued participation shall be deemed, by the executive director or his designee, to be detrimental to the best interests of racing. It shall be the official, jockey, trainer or groom's responsibility to provide the commission with written notice of his enrollment, weekly status reports and written notice that he has successfully completed the program and has been discharged. If an official, jockey, trainer or groom fails to comply with these requirements, he shall be liable to the penalties provided in R.S. 4:141 et seq. and/or the rules of racing.

4. For an official, jockey, trainer or groom's third or subsequent violation, he shall be liable to the penalties provided in R.S. 4:141 et seq. and/or the rules of racing and may only enroll into a Supervisory Treatment Program in lieu of said penalties, with the approval of the Louisiana State Racing Commission.

E. Any information received in the process of obtaining a urine sample, including but not limited to medical information, the results of any urine test, and any reports filed as a result of attending a Supervisory Treatment Program, shall be treated as confidential, except for their use with respect to a ruling issued pursuant to this rule, or any administrative or judicial hearing with regard to such a ruling. Access to the information received and/or reports of any positive results and/or reports from a Supervisory Treatment Program shall be limited to the commissioners of the Louisiana State Racing Commission, the executive director and/or his designee, counsel to the Racing Commission and the subject, except in the instance of a contested matter. In the instance of a contested matter, any information received and reports prepared shall not be disclosed without the approval of the executive director or his designee.

F. Information received and reports prepared pursuant to this rule shall be stored in a locked secured area in the office of the executive director for a period of one year, after which time, they shall be destroyed. However, the commission may maintain the information received and reports on individuals who have violated this rule for the purpose of recording the number of violations and the results of supervisory treatment, and for use should future violations occur.

John P. Davis
Secretary

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, has exercised the emergency provision of the

Administrative Procedure Act, R.S. 49:953B, to adopt the following rule in the Aid to Families with Dependent Children and Refugee Cash Assistance Programs.

The Aid to Families with Dependent Children (AFDC) and Refugee Cash Assistance (RCA) Program's funding was restored to its previous level. Therefore, the emergency rule published in the November, 1986 issue of the *Louisiana Register* reducing the AFDC and RCA Programs' payment standard is being revoked.

Emergency Rulemaking

Effective December 28, 1986, the Aid to Families with Dependent Children and Refugee Cash Assistance Programs' payment standard was restored to its previous level. The emergency rule published in the November, 1986 issue of the *Louisiana Register* reducing the AFDC and RCA payment standard by 11.2 percent is hereby rescinded effective immediately.

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

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

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

The Medical Assistance Program promulgated an emergency rule, eliminating Title XIX coverage of Foster children, IV-E children, and children under the care and supervision of the Office of Human Development and Division of Youth Services between the ages of 18 and 21, in the *Louisiana Register*, Vol. 12, Number 11, Page 757. Sufficient funding has been restored to the Medical Assistance Program which will allow the agency to restore Title XIX coverage of these children included in the F, V, I, and O categories of assistance effective January 1, 1987.

Emergency Rulemaking

Title XIX services shall cover individuals between the ages of 18 and 21 in the F, V, I, and O categories of assistance.

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

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

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

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

The Medical Assistance Program promulgated an emergency rule, eliminating the provision for additional days beyond the maximum annual limit, in the *Louisiana Register*, Vol. 12, Number 11, Page 757. Sufficient funding has been restored to the Medical Assistance Program which will allow the agency to provide for additional inpatient days when a recipient exhausts the allowable limit for the calendar year, if the need for additional

days is due to a life-threatening emergency and the services are not available from a state charity hospital effective January 1, 1987.

Emergency Rulemaking

The service limitations for inpatient hospital services shall provide for additional inpatient days when a recipient exhausts the allowable limit for the calendar year, if the need for additional days is due to a life-threatening emergency and the services are not available from a state charity hospital.

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

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

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

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

The Medical Assistance Program promulgated an emergency rule, reducing the personal care needs allowance for Medicaid recipients in skilled nursing facilities and intermediate care facilities I and II from \$35 to \$25, in the *Louisiana Register*, Vol. 12, Number 11, Page 757. Sufficient funding has been restored to the Medical Assistance Program which will allow the agency to restore the personal care needs allowance to \$35 effective January 1, 1987.

Emergency Rulemaking

The personal care needs allowance for Medicaid recipients in skilled and ICF facilities shall be \$35 for individuals and \$70 for couples.

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

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

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

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

The Medical Assistance Program promulgated an emergency rule, eliminating physical therapy provided under home health services, in the *Louisiana Register*, Vol. 12, Number 11, Page 758. Sufficient funding has been restored to the Medical Assistance Program which will allow the agency to provide physical therapy as an optional home health service effective January 1, 1987.

Emergency Rulemaking

Home health agencies shall be reimbursed by the Medical

Assistance Program for physical therapy as an optional service under Title XIX.

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

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

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

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

Currently, the standards for payment for Title XIX Skilled Nursing Facilities (SNF) and Intermediate Care Facilities (ICF) allow the placement of a recipient requiring the SNF level of care in ICF facilities when the required level of services are not available and certain conditions are met. These recipients are certified by agency staff as requiring SNF waived services.

In July, 1984, the Health Care Financing Administration (HCFA) issued regional medical services letter number 84-27 which mandated that SNF Waived Services could only be approved by the agency under specific conditions. Because of pending policy clarifications, HCFA postponed implementation of this federal mandate.

The Medical Assistance Program has been advised by HCFA that the provisions of regional medical services letter number 84-27 will be implemented immediately. Non-compliance with this federal mandate will subject the agency to disallowances of the federal share of payments for Skilled Waivered Services.

This rule is necessary to implement changes in Skilled Waivered Services as mandated by the federal government. This rule will not reduce recipient benefits provided by the Medical Assistance Program or result in any charges to recipients by providers. The provisions of this rule shall become effective on January 1, 1987.

WAIVERED SERVICES

A recipient who is medically certified for skilled nursing facility care may be placed in an intermediate care facility, subject to agency review and approval, only if one or more of the following conditions exist:

1. The only skilled nursing facility or vacancy in a skilled nursing facility is located in excess of one hour travel time distance from the recipient's domicile (or that of his/her family).
2. There are no SNF beds available in skilled nursing facilities as verified in the OFS regional office records.
3. The transfer may be, in the opinion of the recipient's treating physician, harmful to the physical and/or mental health of the recipient.
4. The OFS state office staff have determined that special conditions exist which warrant the certification of the recipient as a SNF waiver.

All requests for waived services shall be accompanied by a written statement, signed by the facility administrator and nursing director, which acknowledges the client's level of care and states that the facility can provide appropriate services to the recipient.

Implementation of this rule is dependent on the approval of the Health Care Financing Administration (HCFA). Disap-

proval of the change by HCFA will automatically cancel the provisions of this rule and current policy will remain in effect.

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

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of the Secretary

The Department of Health and Human Resources, Office of the Secretary, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953 B, to change the wording of the rules on rate setting for residential care providers, other than nursing homes and hospitals, to redefine the limits on the revaluation of assets when a facility is sold to the acquisition costs of the previous owner increased by 50 percent of the Consumer Price Index. This change is effective December 19, 1986.

This change is necessary because of changes in federal regulations brought about by the Consolidated Omnibus Budget Reconciliation Act, Section 9509 (Public Law 99-272).

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

DECLARATION OF EMERGENCY

Department of Public Safety and Corrections Office of State Police

HAZARDOUS MATERIAL INFORMATION DEVELOPMENT, PREPAREDNESS, AND RESPONSE RULES

These rules will implement the initial phase of the Hazardous Material Information Development, Preparedness, and Response Act. It is important to note that the data generated during this initial phase will enable the Department of Public Safety and Corrections to comprehensively address all components of this Act in carefully coordinated states. These rules are hereby issued pursuant to the authority granted by Act 435 of the 1985 Regular Legislative Session.

1. PURPOSE

The purpose of these rules is to insure that the hazards of all chemicals produced, stored, distributed, transported, imported, consumed, applied, emitted or disposed in Louisiana are communicated to appropriate emergency response organizations, local information repositories, and to the general public upon request. This communication system shall be intended to provide information to medical personnel for emergency medical diagnosis, adequately prepare for disasters, centralize and coordinate regional and local long-range planning concerning the environmental hazards in various localities, to develop a data base which will facilitate research into possible chronic health risks which may appear as the result of the presence of hazardous materials and to allow the Department of Public Safety and Corrections, Office of State Police to coordinate hazardous material emergency response. Nothing contained herein shall be so construed as to conflict with the U.S. Department of Labor's Hazard Communication Standard 29 CFR 1910.1200.

2. SCOPE

A. These rules apply to all persons, corporate or real, in Louisiana, not otherwise excluded in this Section, who produce, store, distribute, transport, import, consume, apply, emit, or dispose any hazardous materials listed pursuant to these rules.

- b. These rules do not apply to -
 - i. hazardous materials under the direct control of the military forces of the United States;
 - ii. consumer products when packaged for distribution to, and intended for use by, the general public;
 - iii. products used by a facility when used from a container for, and in a manner consistent with, the intended use of the consuming public;
 - iv. substances reported to the Department of Agriculture under the Louisiana Pesticide Law, or the Louisiana Structural Pest Control Law, provided that pertinent data has been transmitted to the department as provided for in R.S. 30:1150.67;
 - v. nuclear materials required to be reported under 40:1299.100 or R.S. 30:1101-1120 et seq.;
 - vi. small businesses operating in the state of Louisiana. The term "small business" shall mean a single business establishment employing a maximum of nine employees and showing a maximum of \$2 million in average annual gross receipts;
 - vii. cosmetology and barber salons as defined by R.S. 47:301(4)(b) and (11);
 - viii. household non-commercial use of hazardous materials, provided the use, storage, or application is from a package purchased from a retail outlet and is specifically designed and intended for use by a person who requires no special information other than what information is supplied on the manufacturer's label;
 - ix. forensic laboratories mandated by applicable state law to conduct analyses for law enforcement or regulatory functions. This exemption does not apply to commercial laboratories contracted by government agencies;
 - x. persons regulated under 29 CFR 1910.1200 only when compliance with Paragraph v of Subsection B clearly conflicts with federal regulations.

3. DEFINITIONS

Board means the Hazardous Material Information Development, Preparedness, and Response Board.

Chemical means any element, chemical compound, or mixture of elements and/or compounds.

Chemical name means the scientific designation of a chemical in accordance with the nomenclature system developed by the International Union of Pure and Applied Chemistry (IUPAC) or the Chemical Abstracts Service (CAS) rules of nomenclature, or a name which will clearly identify the chemical for the purpose of conducting a hazard evaluation, such as the name located in Appendices A, B, or C of these rules.

Code means three letter designation corresponding with identity listed in Appendix D of these rules.

Container means any bag, barrel, bottle, box, can, cylinder, drum, storage tank, or the like that contains a hazardous material. For purposes of these rules, pipes or piping systems are not considered to be containers.

Distributor means a business, other than a chemical manufacturer or importer, which supplies hazardous materials to other distributors or to manufacturing purchasers.

Emission means a discharge into the atmosphere, land, or water, of any material regulated by these rules, whether permitted or not, where such discharge may reasonably be considered dangerous if it escapes beyond the confines of the facility.

Explosive means a chemical that causes a sudden, almost instantaneous release of pressure, gas, and heat when subjected to sudden shock, pressure, or high temperature, and meets the definition of Part 173.50 of the Louisiana hazardous materials/hazardous waste regulations.

Facility means the physical premises used by the owner or operator at which the hazardous materials are manufactured, used, or stored.

Hazardous material means any substance listed in Appendices A, B, or C of these Rules. *Hazardous material* also means any substance designated by the deputy secretary by rule on recommendation of the board which meets criteria established for adding other material to the list.

Identity means any chemical or common name which is indicated on the material safety data sheet (MSDS) for the chemical. The identity used shall permit cross-references to be made among the required list of hazardous materials, the label, and the MSDS.

Label means any written, printed, or graphic material displayed on or affixed to containers of hazardous materials.

Material Safety Data Sheet (MSDS) means written or printed material concerning a hazardous material. An MSDS prepared in accordance with the OSHA Hazard Communication Standard 1910.1200, Paragraph g, or identical to the U.S. Coast Guard Chemical Hazard Response Information System (CHRIS), shall be deemed to be in compliance with these rules. In any case, an MSDS must be prepared in a manner that provides basic chemical identity, health, safety, and emergency response information, consistent with the purpose of these rules.

Person means a natural person, whether or not employed at a given facility, a member of the general public, or a firm, association, partnership, co-partnership, joint venture, corporation, or other legal entity.

Produce means to manufacture, process, formulate, or repackage.

Trade secret means any confidential formula, pattern, process, device, information, or compilation of information (including chemical name or other unique chemical identifier) that is used in an employer's business, and gives the employer an opportunity to obtain an advantage over competitors who do not know or use it.

Use means to package, handle, react, or transfer.

4. SURVEY FORM

All persons subject to these rules shall complete and submit the following Hazardous Material Survey Form within 90 days after the effective date of these rules, and no later than March 31 of each subsequent year.

HAZARDOUS MATERIALS SURVEY FORM

PART A GENERAL INFORMATION

- 1) Facility Name: _____
- 2) Location: _____
- 3) Mailing Address (if different from location): _____
- 4) Business Phone: _____ 5) Emergency Phone: _____
- 6) Facility Type (check as many as appropriate):

a. Alternate means of compliance

- | | |
|--|---|
| 1. <input type="checkbox"/> building industry jobsite | 8. <input type="checkbox"/> oil & gas production facility |
| 2. <input type="checkbox"/> wharf or dock (maritime) | 9. <input type="checkbox"/> natural gas, crude oil, hydrocarbon product pipeline |
| 3. <input type="checkbox"/> electric substation | 10. <input type="checkbox"/> hydrocarbon storage facilities (other than refinery) |
| 4. <input type="checkbox"/> liquefied petroleum gas (only when tanks are clearly marked as such) | 11. <input type="checkbox"/> railcar storage area (if placarded appropriately) |
| 5. <input type="checkbox"/> hazardous waste commercial disposal | 12. <input type="checkbox"/> explosive storage magazine |
| 6. <input type="checkbox"/> gasoline retail sales | 13. <input type="checkbox"/> other |
| 7. <input type="checkbox"/> tank truck storage area (if placarded appropriately) | |

b. Full survey form

- | | |
|--|--|
| 1. <input type="checkbox"/> manufacturing | 12. <input type="checkbox"/> hardware or building supply |
| 2. <input type="checkbox"/> storage | 13. <input type="checkbox"/> warehouse |
| 3. <input type="checkbox"/> mixing | 14. <input type="checkbox"/> refining |
| 4. <input type="checkbox"/> coatings applicator | 15. <input type="checkbox"/> oil recycler |
| 5. <input type="checkbox"/> fiberglass repair | 16. <input type="checkbox"/> solvent recycler |
| 6. <input type="checkbox"/> tank or equipment cleaning | 17. <input type="checkbox"/> laboratory |
| 7. <input type="checkbox"/> sewerage treatment | 18. <input type="checkbox"/> hospital |
| 8. <input type="checkbox"/> waste water treatment | 19. <input type="checkbox"/> medical facility |
| 9. <input type="checkbox"/> drinking water treatment | 20. <input type="checkbox"/> dry cleaner or laundry |
| 10. <input type="checkbox"/> coatings warehouse | 21. <input type="checkbox"/> other |
| 11. <input type="checkbox"/> food store warehouse | |

PART B. HAZARDOUS MATERIALS INVENTORY

HAZARDOUS MATERIAL IDENTITY AND CODE	INVENTORY RANGE	AGENCY REPORTED TO (if applicable)	SHIPPING PAPER LOCATION (if applicable)

PART C. CERTIFICATION

This Hazardous Material Survey Form must be certified as true and correct by a responsible person as follows:

"I hereby certify the information contained herein is true and correct to the fullest extent of my knowledge".

SIGNATURE

DATE

Name: _____

Position: _____

Phone Number: _____

DO NOT WRITE BELOW THIS LINE

Approved by: _____

Date: _____

Disapproved by: _____

Reasons: _____

5. NOTIFICATION

A. Any emission of any hazardous material, when such hazardous material is reported under these rules, which escapes the boundary of any facility, where such emission may reasonably be considered dangerous, must be reported to the Hazardous Materials Unit of the Office of State Police via telephone within 30 minutes of the discovery of that release. Actual notification may be accomplished through local emergency response officials; however, it remains the responsibility of the facility experiencing the release that a proper notification is accomplished.

B. Any person required to report under Sections 8.1, 8.1.1, 8.1.2, or 8.1.3 of Part II of the Department of Environmental Quality's (DEQ) "Notification Regulations and Procedures for Unauthorized Discharges" shall also be required to notify the Hazardous Materials Unit within 30 minutes of discovery of the reportable incident. Upon receipt of emergency notification, the state police shall notify the Department of Environmental Quality. However, it remains the responsibility of the facility experiencing the release that a proper notification of Department of Environmental Quality is accomplished.

C. This emergency reporting does not relieve any person or facility of written or follow-up reporting as may be required under applicable laws, rules, or regulations; e.g., "Prompt Notification," "Written Report after Prompt Notification," or "Written Report Following Emergency/Notification," as contained in "Notification Regulation Procedures for Unauthorized Discharges" of DEQ.

D. Transportation incidents shall be reported according to R.S. 32:1510.

E. All emergency notifications required by these rules shall be reported to (504)925-6595.

6. REPORTING

A. Alternate means of compliance

i. Facilities indicating only Block 6a (of the Hazardous Materials Survey Form) who currently report chemical identities and quantities as may be required by applicable law to any other state agency shall list the agency to whom said chemical is reported, and the names of the hazardous materials reported, on the survey form.

ii. Facilities indicating only Block 6a who do not currently report to any other state agency, and are not solely engaged in transportation, shall list on the survey form all materials listed in Appendix A if the maximum quantity which may be encountered at any given time exceeds 10 pounds "Explosives," as defined by Part 173.50 of the hazardous materials/hazardous waste regulations, must be reported regardless of quantity. Mixtures containing materials listed in Appendix A need not be reported if the aggregate weight of Appendix A materials in said mixture does not exceed 10 percent, provided said mixture was formulated prior to its arrival at the reporting facility. Each material found in Appendix B and Appendix C shall be reported if the maximum quantity exceeds 60 gallons or 600 pounds.

iii. Fees -

a) Facilities checking only Block 6a shall submit a \$15 fee upon filing the survey form, for each form submitted.

b) Facilities in compliance with the Liquefied Petroleum Gas Commission regulations shall have their fees paid by the Liquefied Petroleum Gas Commission.

c) Said fee shall not exceed \$90 per parish, or \$270 for multi-parish facilities.

d) Agencies of the state or of the state's political subdivisions must file the survey form, but are exempt from the fees.

iv. Facilities indicating Block 6a engaged solely in the transportation of hazardous materials, or facilities whose storage of hazardous materials is purely incidental to the transportation of hazardous materials, shall -

a) report to the fullest extent possible, hazard classes and total quantities which may be experienced at any given time within the confines of their yard;

b) maintain a copy of the shipping papers as defined by Part 172.200 of the Louisiana hazardous material/hazardous waste regulations, in a central, accessible location, and include this location on the survey form. Shipping papers will not be required to be maintained for any wheeled vehicle which has been emptied to the fullest possible extent and is awaiting cleaning or refill, provided said vehicle is properly placarded according to the last hazardous material contained;

c) maintain all markings, labeling, or other communication devices required by law on all transportation containers, until such time as said container is cleaned, purged, refilled, or discarded, in accordance with applicable state law.

v. Facilities indicating "hazardous waste commercial disposal" shall report previous year's total waste received. Identification of wastes received shall be indicated using the alpha numeric designation as listed in Appendix C.

B. Full Survey Form

i. facilities indicating Block 6b, refer to Appendices A, B, C, D;

ii. any material found listed in Appendix A shall be reported in quantities which exceed 10 pounds; however, mixtures containing materials listed in Appendix A need not be reported if the aggregate weight of Appendix A materials in said mixture do not exceed 10 percent, provided said mixture was formulated prior to its arrival at the reporting facility. Hazardous materials meeting the definition of "explosives," as contained in Part 173.50 of the hazardous materials/hazardous waste regulations, shall be reported regardless of quantity;

iii. any material listed in Appendices B or C shall be reported when the total quantity at one facility exceeds 60 gallons or 600 pounds per material, unless previously provided for;

iv. any material listed in Appendices A, B, or C, which is also listed in Appendix D, shall also be reported using the three-letter code supplied in Appendix D;

v. hazardous materials required to be reported, but not listed in Appendices A or D, shall be reported by attaching an appropriate material safety data sheet (MSDS) to the survey form.

vi. the facility submitting the MSDS shall be responsible for supplying the most recent MSDS made available by the person supplying the facility;

vii. facilities checking Block 6b shall submit a fee of \$50 per survey form reported. In no case shall the fee exceed \$300 for any one person reporting multiple facilities in one parish; and in no case shall this fee exceed \$1,000.

C. Inventory Range

Materials listed in Appendices A, B, C, or D shall be listed according to the following range:

Range	Maximum Quantity for any given time
1	10 - 100 lbs.
2	101 - 1,000 lbs.
3	1,001 - 10,000 lbs.
4	10,001 - 100,000 lbs.
5	100,001 - 1,000,000 lbs.
6	Greater than 1,000,000 lbs.

7. TRADE SECRETS

A. If an owner or operator believes that disclosing information as required by these rules will reveal a trade secret, he may file a trade secret claim with the Department of Public Safety and Corrections (hereinafter referred to as the department) at the time of submission of the survey form(s). He shall first disclose the identity of the material which is the subject of the trade secret claim to the department. In filing such a claim, the owner or operator shall include for each claim -

i. a statement in writing that reporting the information requested would reveal a trade secret, stating that concealment is justified, and the reasons for such concealment;

ii. all appropriate information regarding procedures, including emergency treatment procedures for responding to leaks, spills, and any other exposure to hazardous materials. This information shall also be supplied to designated local governing authorities;

iii. a written statement identifying whether or not the material(s) sought to be protected as part of a trade secret claim appear on the most recent list of the National Toxicology Program Report on Carcinogens or most recent monograph of the International Agency for Research on Cancer.

B. Based on the claim submitted pursuant to Subsection (A) of this Section, the deputy secretary (of the department) shall make an initial determination of the validity of the trade secret claim. If he initially determines that such claim is not valid, he shall set a hearing date to receive information regarding the trade secret claim. The hearing shall be set not more than sixty days from the department's receipt of the owner or operator's claim, and shall be conducted with due regard for confidentiality. The owner or operator shall have the burden of showing the deputy secretary that the trade secret claim is valid. In determining such validity, the deputy secretary shall consider materials provided by the owner or operator regarding -

i. the extent to which the information, for which the trade secret claim is made, is known outside his business;

ii. the extent of measures he has taken to guard the secrecy of the information;

- iii. the value of the information to him or his competitor;
- iv. the amount of effort or money he has expended in developing the information;
- v. the ease or difficulty with which the secret could become known by analytical techniques, laboratory procedures, reverse engineering, or other means;

C. If the deputy secretary determines that the trade secret claim is not valid, he shall notify the owner or operator in writing by certified mail. The owner or operator shall have 15 working days, not to exceed 20 consecutive days, to file an appeal with a court of appropriate jurisdiction. The owner or operator shall notify the department of its filing within five days, in writing, that an appeal has been filed. If no appeal is filed, the owner or operator shall provide the department with a survey form containing the disputed information immediately. If the owner or operator timely notifies the department of filing an appeal, the department shall withhold from public disclosure, any information for which the trade secret claim was made. The deputy secretary's determination shall be considered the final agency review, and he shall inform the owner or operator of his action by certified mail.

D. The subject of any trade secret claim pending or approved shall be treated as confidential information. The department shall protect the confidentiality of trade secrets, provide separate secure storage areas for such information, and shall institute disciplinary procedures, including the firing of department employees who, negligently or intentionally, divulge such information.

E. At such time as the subject of an approved trade secret claim ceases to be a trade secret, the owner or operator shall have the obligation to report such information to the deputy secretary.

F. The provisions of this Section shall not apply to the disclosure of any information required pursuant to any other provision of law or rules adopted pursuant thereto.

G. The department may provide trade secret information to a physician under an agreement of confidentiality, when such information is needed for medical diagnosis or treatment of a person exposed to a hazardous material.

H. Nothing in this Section shall be so construed as to interfere with the duty of a physician to report actual or potential public health problems to the proper authorities.

For reporting purposes Appendices A, B, and C have been derived from the following listings:

Appendix A

EPA's list of 405 acutely toxic chemicals;

Appendix B

Hazardous Materials Table Proper Shipping Names, Section 172.101 of DPSC's Hazardous Materials/Hazardous Waste Regulation; and

Appendix C

The Department of Environmental Quality's list of Reportable Quantities for Notification of Unauthorized Discharges, as found in DEQ's Notification Regulations.

Appendix D

This section is to be used as a reference. It gives three-letter codes for 900 chemicals and hazardous materials.

Copies of these appendices can be viewed from 8 a.m. to 4:30 p.m., Monday through Friday, at the Hazardous Substance Control Section office located at 7901 Independence Boulevard, Baton Rouge, LA.

Colonel Wiley McCormick
Deputy Secretary

DECLARATION OF EMERGENCY

Department of the 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 December 18, 1986, found there existed an imminent peril to the public health and welfare which required the emergency amendment of its rules as follows:

1. The annual deductible will be increased to \$300 per person.

2. The stop-loss will be increased from \$1,000 to \$2,000. In other words, instead of paying 80 percent of the first \$5,000 of eligible medical expenses, the program will pay 80 of the first \$10,000 of eligible benefits. Thereafter, the program will pay benefits at 100 percent.

3. In-patient confinement for alcoholism or drug abuse treatment is limited to once in a lifetime.

This emergency action is effective January 1, 1987.

James D. McElveen
Executive Director

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

In accordance with the provisions of Act 494 passed during the 1986 Regular Legislative Session which allows the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission to use the emergency provisions of R.S. 49:953 (B) when setting shrimp seasons, the provisions of R.S. 56:497 (A) (3) and the authority granted to the secretary of Wildlife and Fisheries by the Wildlife and Fisheries Commission at its regular meeting on December 5, the secretary of Wildlife and Fisheries hereby sets a special shrimp season for that portion of Louisiana inside waters from South Pass of the Mississippi River to the Louisiana-Mississippi State line, otherwise known as Shrimp Management Zone 1. The special season will begin at 12:01 a.m. Monday, December 22, 1986 and run until 12:00 p.m. midnight, Wednesday, January 14, 1986. This special season is being allowed on an experimental basis to enable fishermen to harvest large late emigrating shrimp.

J. Burton Angelle
Secretary

Rules

RULE

Department of Agriculture and Forestry Office of Management and Finance Agricultural Industry Board

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 3:3704, the Department of Agriculture and Forestry, Agricultural Industry Board adopted amendments to the rules and regulations as detailed below.

Amend LR 7:XXXVI.17703 to include a definition for "sold for use in gasohol":

§17703. Definitions

In addition to definitions listed below and unless otherwise provided, the definitions in R.S. 3:3703 shall apply to these regulations.

Act means the Agricultural Ethanol Production Law.

Adjudicatory proceeding means an open public hearing by the board to determine whether violations of the act or these regulations have occurred. Such proceedings are conducted in accordance with the Louisiana Administrative Procedure Act (R.S. 49:950, et seq.).

Agency contract means a contract between a certified market participant and an intermediary, such as a grain dealer or warehouseman, who purchases or stores agricultural commodities or products for use in ethanol.

Agricultural commodities or products means crops and products made from processing crops. Commodities or products shall include sugar cane, grains (rice, rough rice, corn, wheat, oats, rye, soybeans, barley, milo and grain sorghum), sweet potatoes and sugar beets. Products shall include syrup and molasses. Any other agricultural commodity or product capable of producing ethanol may be declared to be an agricultural product or commodity by the board.

Applicant means a person who applies for designation as a certified market participant.

Authorized agent means any representative of a certified market participant whose name has been filed with the board is empowered by the certified market participant and the board to act for or on behalf of a certified market participant.

Blender means any person who purchases and mixes ethanol and gasoline for sale as gasohol and who files the required reports with the Louisiana Department of Revenue and Taxation.

Board means the Agricultural Industry Board established by R.S. 3:3704.

Capital costs means all expenditures made for the acquisition of land, equipment, buildings, engineering, construction interests and other expenses necessary to build an ethanol facility.

Central registry means the public filing and listing of security devices encumbering agricultural crops, commodities or products maintained by the commissioner.

Certified market participant means an applicant approved by the board to participate in a cooperative endeavor authorized under this Chapter.

Certified market participant confidential business plan is a confidential financial document or series of documents presented by an applicant or certified market participant periodically with the board, containing proposed agency and producer contracts and all other confidential and financial audit information.

Certified market participant contract means a contract or cooperative endeavor between the board and a certified market participant relating to the production of ethanol.

Commissioner means the Louisiana Commissioner of Agriculture and Forestry or his duly authorized representative.

Controlling interest means ownership by an individual or his spouse, either individually or collectively, of an interest in a person or entity which exceeds 25 percent of any legal entity.

Cooperative endeavor means a contractual relationship between the state of Louisiana through the board with a person

for a public purpose.

Ethanol means an ethyl alcohol which meets all of the following conditions in that it:

1. has a purity of at least 99 percent, determined without regard to any added denaturants;

2. has been denatured in conformity with one of the approved methods set forth by the United States Bureau of Alcohol, Tobacco and Firearms;

3. has been derived from agricultural commodities or products; and

4. has been produced in the state of Louisiana wholly from fermentation and distillation in the state of Louisiana.

Ethanol facility means a facility:

1. which is located in Louisiana;

2. owned or leased and shall be permanently constructed or converted and operated for the purpose of producing ethanol as its primary product from agricultural commodities or products;

3. whose entire production, fermentation and distillation shall occur in Louisiana; and

4. whose ethanol shall be produced and sold for use in gasohol in Louisiana.

First point of sale means: (1) the initial time when title to agricultural commodities or products passes from a seller to a buyer; or (2) the time when agricultural commodities or products are removed from storage.

Fund means the Agricultural Industry Incentive Fund established by R.S. 3:3706.

Gasohol means a fuel that contains not more than 90 percent gasoline and at least 10 percent ethanol.

Gasohol multiplier means the number 10, which reflects the fact that 10 gallons of gasohol contains at least one gallon of ethanol.

Grain dealer means any person who purchases agricultural commodities or products from producers, sells agricultural commodities for producers or represents producers in the purchase or sale of agricultural commodities. The term does not include producers who purchase grain commodities for their own use as feed or seed.

Intermediary means any person who purchases or stores agriculture commodities to be used to produce ethanol by a certified market participant. Grain dealers, a warehousemen and warehouse operators are intermediaries.

Licensee means any person holding a license as a warehouse or grain dealer issued by the Louisiana Agricultural Commodities Commission.

Person means any individual, partnership, association, corporation or other legal entity.

Principal managers means the individuals or persons responsible for the daily operation of an ethanol facility.

Principal office means the location where the records of the certified market participant will be maintained in the State of Louisiana.

Principal stockholders or owners means any individual who owns directly or indirectly 10 percent of an ethanol facility operated by a certified market participant.

Producer means a farmer, individual or person that engages in the production of agricultural commodities or products.

Producer contract means a two or three party contract between and among an agriculture producer, certified market

participant and intermediaries, such as a grain dealer or a warehouseman.

Production records means written evidence of the ethanol produced daily by a certified market participant.

Rules or regulations means the rules or regulations adopted by the Agricultural Industry Board under the authority granted by the Act.

Security device means any assignment, pawn, pledge, mortgage, privilege, lien or other device by which an interest in agricultural commodities or products is encumbered, either legally or conventionally, to secure the fulfillment of any obligation.

Scale ticket means the document issued to a producer when agricultural commodities or products are delivered to intermediaries such as a warehouse or grain dealer.

Settlement sheets means documents which reconcile contracts, shipping tickets, charges, deductions and payments to determine the value and quantity of agriculture commodities or products received by the certified market participant.

Shipping documents means the written evidence of ethanol produced and shipped by a certified market participant.

Sold for use in gasohol means that ethanol will be blended with gasoline and Louisiana taxes are paid on the sale of gasohol in Louisiana. This intent is evidenced by any document of gasohol sales as reported to the Louisiana Department of Revenue and Taxation on its Monthly Motor Fuels Report.

Spot or spot sale means a transaction where title to agricultural commodities or products passes from the producer to the buyer on the day of delivery, in which transaction the producer is paid promptly at the market price established on the day of delivery.

Storage means the physical possession by a warehouse, in any manner and/or under any type of fee arrangement, of agricultural commodities or products belonging to any person other than the owner of the warehouse. The term storage does not apply to a transaction in which title passes from the seller to the buyer upon delivery.

Taxes imposed on gasohol means any state tax levied on gasohol and includes any tax levied on gasohol under the provisions of R.S. 47:711, R.S. 47:802, R.S. 47:302(A), R.S. 47:321(A), and R.S. 47:331(A).

Under substantial construction means the certified market participant has entered into binding contracts for capital costs, including contracts for the purchase of land, engineering, capital construction and all other project costs, the total of which shall be not less than 25 percent of the project costs.

Warehouse means any building, structure or any other protected enclosure in which agricultural commodities or products or farm products are stored for the public for a fee. The term includes facilities which commingle commodities, facilities which preserve the identity of separate lots of agricultural commodities or products and facilities which dry and/or condition agricultural commodities or products belonging to any person other than the facility owner.

Warehouseman or Warehouse operator means any person or entity operating a warehouse.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3703 and R.S. 3:3704.

Amend LAC 7:XXXVI.17711 amending Subsections A.3.b and A.3.e.iii and adding Subsections A.3.e.iv, B.4 and D:

§17711. Incentive Payments to Certified Market Participants

A. Incentive Payments Application Procedure

1. A request for incentive payments shall be submitted in writing on the forms approved by the board.

2. The request for incentive payment form shall be a public record in accordance with R.S. 3:3707(E) and shall contain the following information:

a. name, address and phone number of certified market participant;

b. signature of authorized agent;

c. date submitted;

d. month for which payment is requested;

e. number of gallons of ethanol sold for which incentive payment is requested; and

f. certification by authorized agent that the information reported on the form is true, correct and complete.

3. The following information shall be submitted simultaneously with request for incentive payment and such information shall be exempt from R.S. 44:1 et seq. and be considered confidential information:

a. ethanol buyer's name, address and quantity;

b. total number of gallons of ethanol and gasohol sold in Louisiana;

c. copies of shipping and receiving documents; and

d. certification by authorized agent that the information reported is true, correct and complete; and

e. an affidavit in authentic form provided by the commissioner and executed by the blender attesting to the following:

i. the blender has purchased from _____, the certified market participant, _____ gallons of ethanol on the _____ day of _____, 19____, for use in gasohol to be sold in Louisiana;

ii. the blender shall on or before the twentieth day of each month file with the Louisiana Department of Revenue and Taxation report(s) or document(s) or pay monies as may be appropriate relative to taxes imposed on gasohol; and

iii. the blender shall attach to his affidavit and mail to the commissioner certified true copies of report(s) or documents(s) filed or monies paid by the blender with the Louisiana Department of Revenue and Taxation.

iv. the blender shall attach as a schedule to his affidavit and mail to the commissioner a copy of a first-in, first-out perpetual inventory report showing each certified market participant's beginning inventory balance, shipments of ethanol received from said certified market participant during the month, sales of ethanol for said certified market participant that month and ending certified market participant's ethanol inventory. A copy of this schedule will also be sent to the certified market participant.

4. The incentive payments shall be made only to certified market participants who have contracts approved by the board.

B. Procedures for Payment to Certified Market Participants

1. Certified market participants must submit a written request for payment which shall be reviewed and approved as to form and completeness by the commissioner or his designee.

2. Within five working days of the fifth day of each month, the commissioner shall notify each certified market par-

ticipant of his approval as to form and completeness of application for the month's incentive payment. This approval shall be evidenced by a certificate or certificates, the Agricultural Industry Board Incentive Payment Certificate, in the form approved by the board, signed by the commissioner stating the payment application has been approved as to form and completeness. The commissioner shall on or before the fifth working day following the fifth day of each month issue to certified market participant their specific Agricultural Industry Board Incentive Payment Certificate. The certified market participant may, with board approval, assign those certificates to a producer, intermediary, blender, financial institution or other person.

3. The commissioner is authorized on behalf of the board to take all necessary steps to make payments to certified market participants from the Agricultural Industry Incentive Fund.

4. Each incentive payment made from the fund shall be applied first to the oldest outstanding certificate issued to the certified market participant until all certificates issued to the certified market participant shall be paid.

C. Procedures For Adjustments In Incentive Payments Due To Overpayment

In the event the request for incentive payment is inaccurate or erroneous, the commissioner shall notify the certified market participant and if the certified market participant agrees that an error has been made then the commissioner is authorized to deduct from any future incentive payment requested an amount sufficient to correct any error in payment plus legal interest. If the commissioner and the certified market participant do not agree, then the commissioner shall call an adjudicatory hearing before the board to consider the matter.

D. Procedure for Other Adjustment of Incentive Payments

If on a monthly basis the money in the fund is not sufficient to satisfy all outstanding obligations for incentive payments, the payments shall be divided proportionately among the certified market participants in accordance with the following formula: the payment received by each certified market participant shall be in the same proportion to the total funds available for incentive payments as the number of gallons of ethanol produced and sold by the certified market participant for use in gasohol sold in Louisiana bears to the total number of gallons of ethanol produced and sold by all the certified market participants for use in gasohol sold in Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3704, R.S. 3705 and R.S. 3707.

Bob Odom
Commissioner

RULE

Department of Commerce Board of Certified Public Accountants

Notice is hereby given that the State Board of Certified Public Accountants of Louisiana pursuant to the authority vested in Section 75 of the Louisiana Revised Statutes, Title 46, Part XIX, adopts and amends the following rules in LAC 46:XIX. Summary

1. LAC 46:XIX.709.F, (R.S. 37:75) Adopt rule to allow CPE credit to volunteer reviewers with the Board's Positive Enforcement Programs.

2. LAC 46:XIX.1101, (R.S. 37:77) Amends section to

add the words, "who practice public accounting in Louisiana."

3. LAC 46:XIX.1303.B.2.a., (R.S. 37:78) Adopts new rule to amend the Commercial Law educational requirement for CPA examination applicants.

4. LAC 46:XIX.2101.A, (R.S. 37:80) Amends section to delete detailed examination fee schedule and to authorize board to set fees in conformity with the Statutes.

Proposed Rules

Chapter 7. Requirements for continuing Professional Education

§709.F CPE Credit for Reviewers

Credit will be granted for actual time expended reviewing reports for the board's positive enforcement programs up to a maximum of 16 credit hours per year as approved by the state board's program coordinator provided the reviewer completes and returns the assigned checklist(s). The effective date of this rule applies only to reports assigned January 1, 1986 and thereafter.

Chapter 11. Necessity for Certificate, License, Prohibited Acts

§1101. Necessity for Certificate, License, Prohibited Acts

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

Chapter 13. Examination

§1303. Educational Requirements

B.2.a. Beginning with applications for the November 1990 Certified Public Accountant examination, the Commercial Law (as it affects accountancy) requirement will be three semester hours or four quarter hours for the undergraduate or graduate level. The course "Legal Environment of Business" with emphasis on consumer protection and the regulatory environment will not be acceptable as meeting this requirement. At the undergraduate level the accounting elective will be increased to six semester hours or eight quarter hours with one of the electives being in the areas of either advanced auditing, theory or governmental. At the graduate level, the accounting elective of three semester or four quarter hours must be in the area of either advanced auditing, theory or governmental.

b. For the interim period only, the May 1987 through the May 1990 Certified Public Accountant Examinations, the board will accept the course "Legal Environment of Business," with emphasis on consumer protection and the regulatory environment, as an accounting elective or one of the other three electives, either advanced auditing, theory or governmental accounting.

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

§2101. Assessment of Fees

A. Fees shall be assessed as follows:

Service charge for refund of examination fee
under §1909

\$20

Original certificate	\$50
Original license	\$50 *
Replacement certificate	\$50 **

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:77.

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

RULE

Department of Commerce Racing Commission

Title 35
HORSE RACING
Part III: Personnel, Registration and Licensing

Chapter 21. Stewards §2115. Specific Duties and Responsibilities

The stewards shall review and approve stall application forms. They shall also advise the association of undesirable persons, if any, among owners and trainers applying for stalls and provide the association with information pertaining to such undesirable persons.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and 172.

John P. Davis, DVM
Secretary

RULE

Department of Commerce Racing Commission

Title 35
HORSE RACING
Part III: Personnel, Registration and Licensing

Chapter 29. Starter §2903. Use of Appliance to Start

REPEALED:

No appliance of any kind shall be used on a horse except at the written request of the owner or trainer, subject to approval of the stewards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and 143(9).

John P. Davis, DVM
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 October 20, 1986 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3; Act 455 of the Regular Session, amended by Act 800 of the 1979 Regular Session, adopted as policy, the rule listed below:
Rule 3.01.51.ee

The board adopted the revised standards for alternative

schools/programs. (Complete text of revisions may be seen in the office of the State Board or Department of Education.)

James Meza, Jr., Ed.D.
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 October 20, 1986 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3; Act 455 of the Regular Session, amended by Act 800 of the 1979 Regular Session, adopted as policy, the rule listed below:
Rule 3.01.51.cc

The board adopted changes proposed by the State Department of Education to Bulletin 741 relative to a new standard to be inserted between 2.037.08 and 2.037.09 to read:

"Secondary teachers shall teach no more than two subjects during a class period."

James Meza, Jr., Ed.D.
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 October 20, 1986 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3; Act 455 of the Regular Session, amended by Act 800 of the 1979 Regular Session, adopted as policy, the rule listed below:
Rule 3.01.51.dd

The board adopted the following changes proposed by the State Department of Education to Bulletin 741:
Standard 2.087.02 - reword to read:

"Each teacher of a state-required subject shall teach the skills and competencies found in each state curriculum guide."
Add a new standard between 2.087.02 and 2.087.03 to read:

"Planning by teachers shall reflect the use of the state curriculum guides."

Standard 2.087.03 - reword to read:

"Student performance standards established by the state shall be included in appropriate courses and levels."

James Meza, Jr., Ed.D.
Executive Director

RULE

Office of the Governor Division of Administration

The use of vehicles and aircraft owned or leased by the state of Louisiana is considered to be a privilege provided by the state so that official job responsibilities may be fulfilled. The intention of these rules and regulations is to insure that this privilege is exercised appropriately and that these vehicles and aircraft are managed in such a manner as to provide the most

economical and effective service to the user. All vehicles designated by the agency head of the Office of Public Safety as undercover vehicles shall be exempt from these regulations. Contents of this policy include:

Title 34
Government Contracts, Procurement
and Property Control

Part XI. Fleet Management

Chapter 1. General Provisions

§101. Program Definition

A. Current Legal Authority

The Fleet Management Program for the state of Louisiana is established and operated under the authority given to the commissioner of administration by R.S. 39:361-363.

B. Mission, Goal, and Objectives of the Fleet Management Program

1. Program Mission Statement

The Fleet Management Program is established to provide motor vehicle, aircraft and related services to the state and to maintain safe, dependable, and cost-effective transportation for state employees who need designated types of vehicles or aircraft to perform their job responsibilities.

2. Program Goal and Objectives

To manage state provided transportation so as to reduce its cost and increase its benefit to state government by:

- a. establishing, reviewing, and revising statewide policies and standards for the Fleet Management Program;
- b. monitoring agency and vendor compliance with established policies and standards;
- c. financial planning in operations, maintenance, and capitalization of resources;
- d. identifying and adopting practices to maximize cost-effectiveness while maintaining proper vehicle and aircraft availability and utilization;
- e. receiving, investigation, and resolving all reports of abuse or misuse of fleet vehicles or aircraft.

C. Scope of the Fleet Management Program

1. Agency Scope

The state entities included in the scope of the Fleet Management Program are all agencies, boards, commissions, councils, departments, or other entities of the executive branch of government; all state colleges and universities; and all offices and entities of the judicial and legislative branches of government.

2. Vehicle Scope

To be included in the Fleet Management Program, vehicles or aircraft must be owned by the state or under lease by a state agency, and meet the criteria of either Section a or b below:

- a. motorized and able to be licensed, with four or more wheels, whose primary use is surface transportation of passengers or delivery of small equipment and supplies;
- b. motorized aircraft owned or leased by an entity within the scope of the Fleet Management Program except the Office of State Police. This scope includes:
 - i. all automobiles, specifically: Subcompact, compact, mid-size, full size, and station wagons;
 - ii. all light duty pickup trucks (under two tons);
 - iii. special use passenger vehicles - specifically: Limousines, sport cars, ambulances, and motor homes (RV);
 - iv. all cargo and passenger vans - mini through maxi;
 - v. all busses;
 - vi. utility trucks and carryalls (under two tons);
 - vii. all motorized aircraft.

D. Definitions

For the purpose of these regulations, the following words have the meaning indicated.

1. *Agency* - Any state entity as identified in §101.C.1. above.

2. *Agency Head* - Use herein refers to statewide elected officials, the commissioner of administration, secretaries of executive departments appointed by the governor, presidents and chancellors of state colleges and universities and the equivalent position in the Office of the Governor, on state boards, commissions, and councils, or in the legislative and judicial branches.

3. *Agency Property Manager* - The employee designated by the agency head as the custodian of state property within the agency and who shall be responsible for all the property within his agency until his release from responsibility is approved by the commissioner.

4. *Agency Transportation Coordinator* - The employee designated by the agency head as the coordinator of fleet vehicles within the agency and who shall be responsible for any fleet management functions until his release from responsibility is acknowledged by the commissioner of administration.

5. *Break-even Mileage* - The annual mileage traveled on official state business above which it is more economical to provide the employee with a personally assigned vehicle and below which, if there is not a pool vehicle available, it is more economical to reimburse the employee for use of the employee's personal vehicle.

6. *Commissioner* - Use herein refers to the commissioner of administration.

7. *Fleet Vehicles* - Use herein refers to vehicles that meet the criteria and scope as stated above in §101.C.2., Vehicle Scope of the Fleet Management Program.

8. *Personal Assignment* - The exclusive assignment of a fleet vehicle to one particular employee for permanent use in accomplishing the duties of the employee's position.

9. *Home Storage* - The assigned off-duty storage location of the fleet vehicle is off state property and the vehicle is used for commuting, as defined by the Internal Revenue Service, by the individual to whom authorization for home storage is given.

10. *Louisiana Property Assistance* - That state agency within the Division of Administration delegated by the commissioner of administration as responsible for designated fleet management functions.

11. *Luxury Vehicles* - The Division of Administration, Office of Fleet Management and Office of State Purchasing will develop the parameters which will identify luxury vehicles.

12. *Personally Assigned Vehicle* - A fleet vehicle assigned exclusively to one particular employee for permanent use in accomplishing the duties of his/her position.

13. *Pool Vehicle* - Any fleet vehicle which is not a personally assigned vehicle is a pool vehicle. Pool vehicles are made available to state employees on a specific trip basis.

14. *State Employee* - Any classified or unclassified employee of the state of Louisiana; any duly appointed member of a state board, commission, or advisory council; and any other person who has received specific approval from the Division of Administration to operate or travel in a fleet vehicle.

15. *State Fleet Manager* - The commissioner of administration or the person appointed by the commissioner of administration as responsible for the implementation, monitoring, and overall administration of the Statewide Fleet Management Program.

§103. Functions of the Fleet Management Program

In accordance with the responsibilities and authority vested in the commissioner of administration by Sections 361 and 362 of Title 39 of the Louisiana Revised Statutes of 1950, as

amended, inter-agency management of state owned vehicles is the responsibility of the Division of Administration. The functions of the State Fleet Management Program shall include:

A. Program Planning

1. Long range planning for the Fleet Management Program. The state fleet manager shall be responsible for:

a. the continuous review of the scope of the Fleet Management Program including identifying and defining vehicle types to be included in the program, reviewing the scope of agencies subject to the rules and regulations established by the Division of Administration, and reviewing the scope of the functions of the Fleet Management Program.

b. The review and evaluation of the overall Fleet Management Program objectives and revision of the objectives as needed.

c. The review and recommendation of proposed Fleet Management policies.

d. The review and recommendation of proposed legislation concerning Fleet Management.

e. The development of operating and performance standards for fleet vehicles and establishment of minimum preventive maintenance requirements.

f. The development and maintenance of an operator's manual for fleet vehicles. This manual establishes minimum preventive maintenance procedures and instructions for the completion of the Daily Vehicle Usage Log (DOA Form MV-3). It will include procedures for the safe operation of fleet vehicles and accident reporting procedures as established by the Division of Administration, Office of Risk Management.

g. The development and maintenance of a directory of state fuel depots.

h. The development and maintenance of a directory of the agency transportation coordinators.

i. The development of performance evaluation standards for the Fleet Management Program.

j. The definition and revision as required of the operational methods and procedures of the Fleet Management Program.

k. The recommendation of a plan for obtaining the resources needed by the Fleet Management Program to meet the goals and objectives of the program.

2. Annual planning for the Fleet Management Program.

The state fleet manager shall be responsible for:

a. The assessment of state fleet vehicles. Annually, the state fleet manager shall calculate the break-even mileage and shall use this calculation to determine, after consultation with agency transportation coordinators, whether to retain, replace, or dispose of vehicles without replacement.

b. The reevaluation of the rate by which employees are reimbursed for using privately owned automobiles to travel on state business.

c. The annual evaluation of specifications for the purchase of fleet vehicles. The state fleet manager shall recommend to the director of State Purchasing changes in the specifications for the purchase of new vehicles based on the previous year's experience with fleet operations. The Office of State Purchasing shall then develop said specifications and establish procedures for the purchase of new vehicles by state agencies. These specifications shall exclude luxury automobiles and shall not include the following specific items of luxury equipment:

- i. automatic or electric powered seats;
- ii. automatic or powered windows;
- iii. automatic or powered antennas;
- iv. automatic or powered locks;
- v. any type of sunroof;
- vi. vinyl or hard top roofs;

- vii. spoked or sports designed wheel covers or hubcaps;
- viii. dual or multicolored exterior paint schemes;
- ix. tilting or telescopic steering wheels;
- x. automatic climate control systems;
- xi. tape players;
- xii. stereo radios.

Those items listed as luxury equipment may not be added by the agency to the automobile after the purchase or lease of said motor vehicle...except at the employees own expense and shall become the property of the state. Those vehicles assigned for the personal use of statewide elected officials are exempt from §103.A.2.c.

B. Program Operations

The effective and efficient utilization and operation of the fleet vehicles requires the cooperation of the state fleet manager and all agencies within state government. Each agency head is ultimately responsible for the operation of the Fleet Management Program within the respective agency. Each agency head shall designate one individual as the agency transportation coordinator. The agency head shall submit the name, position, mailing address, and telephone number of this person to the state fleet manager by July 1, 1986 and update as changes occur. In order to more efficiently fulfill the responsibilities outlined in the rules and regulations, each agency head, with notification of and acknowledgement from the state fleet manager may designate appropriate employees in smaller organizational units as agency transportation coordinators. The successful operation of the Fleet Management Program is dependent on the following division of responsibilities.

1. Dissemination of Division of Administration Rules and Regulations.

It shall be the responsibility of the state fleet manager to function as primary liaison with the agency transportation coordinators and to disseminate to the coordinators all statewide Fleet Management Rules and Regulations.

2. Vehicle Receiving

a. It shall be the responsibility of the Office of State Purchasing to insure delivery of all newly purchased state-owned fleet vehicles to Louisiana Property Assistance, except: state trooper cars, undercover cars, and DOTD vehicles.

b. Upon delivery of newly purchased state-owned fleet vehicles to Louisiana Property Assistance, it shall be the responsibility of the state fleet manager to insure that:

- i. the vehicles are inspected for compliance with purchasing specifications;
- ii. the vehicles are inspected to determine the condition of the vehicles at delivery;
- iii. an operator's manual is inserted into each vehicle which will include all procedures for the safe operation of fleet vehicles and accident reporting procedures as established by the Division of Administration, Office of Risk Management as well as minimum preventive maintenance procedures and instructions for the completion of the Daily Vehicle Usage Log (DOA Form MV-3);
- iv. the appropriate state identification is affixed to all fleet vehicles prior to their leaving the agency premises of Louisiana Property Assistance.

c. It shall be the responsibility of the agency transportation coordinator to apply to the Department of Public Safety for vehicle license plates and to notify the state fleet manager, within 10 days of receipt, of both the license number and agency property tag number assigned to a new vehicle and any subsequent number changes which may occur.

3. Vehicle Disposal

Upon determination by the agency head that a vehicle is ready for disposal or determination by the commissioner that an

under-utilized vehicle is subject to disposal without replacement, the vehicle shall be disposed of in accordance with Louisiana State Law.

a. It shall be the responsibility of the agency property manager to prepare and forward to Louisiana Property Assistance Agency the State Property Transfer Form (DOA BF-11) requesting disposal of the vehicle.

b. Upon receipt of the DOA Form BF-11, the director of the Louisiana Property Assistance Agency shall be responsible for the review of the form and approval or disapproval.

c. Upon notification from Louisiana Property Assistance that the transfer has been approved, the agency property manager shall notify the agency transportation coordinator who shall be responsible for the transfer of the vehicle to Louisiana Property Assistance.

d. The state fleet manager shall establish procedures for the transfer of under-utilized vehicles to surplus.

4. Vehicle Assignment

a. No person may be authorized to operate or travel in a fleet vehicle unless that person is a state employee as defined in §101.D.14 above.

b. No state employee of any agency may be assigned to operate a pool fleet vehicle or a personally assigned vehicle without the respective agency having on file a completed, signed and checked Louisiana State Employee Driver Safety Program Authorization/Driving History Form (Form DA 2054).

c. The agency transportation coordinator shall be responsible for maintaining a file on all signed and completed DOA Forms (Form DA 2054).

d. Personal assignment of fleet vehicles is not permitted without specific approval from the commissioner of administration via the DOA Form MV-2. Criteria which merit request for personal assignment include:

i. A state employee in a position which requires, in performance of assigned duties, that the employee drive in excess of the break-even mileage as established by the commissioner of administration. This mileage should accrue consistently throughout the year, not sporadically month to month.

ii. A state employee in a position of law enforcement who has the power to arrest and uses this power in the regular performance of his/her duties.

iii. A state employee in a position which requires, in performance of assigned duties, regular and unscheduled use of a special use vehicle or a vehicle with special equipment installed (e.g. - hazardous waste spill investigation equipment, bar lights for use in emergency situations, handicapped driver equipment, etc.).

iv. Statewide elected officials, the governor's executive counsel, the commissioner of administration, secretaries of executive departments, presidents and chancellors of state universities and colleges, and their equivalent in the judicial and legislative branches of government and vehicles purchased and assigned to the offices of statewide elected officials. (Note: These will be approved pending submission of the requests on properly completed DAMV-2 forms in order to assure proper record keeping.)

v. Additional exceptions as may be granted by the commissioner of administration and the Joint Legislative Committee on the budget. Individual requests for such exceptions must be submitted in writing to the state fleet manager along with accompanying documentation which shows a history of need for the use of a fleet vehicle. The state fleet manager shall forward requests with recommendations to the commissioner of administration. All requests must be signed by the agency head and the agency transportation coordinator.

e. It shall be the responsibility of the agency transportation

coordinator to insure that the Personal Assignment Agreement (DOA Form MV-2) is completed, signed and approved by the commissioner prior to the personal assignment of a vehicle.

f. Annually, it shall be the responsibility of the agency transportation coordinator to insure that a Personal Assignment Agreement (DOA Form MV-2) is completed and forwarded to the state fleet manager by May 1 and is signed and approved by the commissioner in order to continue the personal assignment into the new fiscal year beginning July 1. Any personal assignment approved by the commissioner during the year shall expire June 30 and renewal will require submission of a Personal Assignment Agreement (DOA Form MV-2) as described above.

g. It shall be the responsibility of the agency transportation coordinator to insure that a personally assigned vehicle shall be made available for official use by other state employees when it would otherwise not be used and that such use is noted on the Daily Vehicle Usage Log (DOA Form MV-3).

5. Vehicle Storage and Commuting Policies

Each fleet vehicle shall have a designated overnight storage site on property owned or leased by the state regardless of whether the vehicle is personally assigned or a pool vehicle, except as provided in §101.B.5.a below.

a. Home storage of fleet vehicles is prohibited unless required and/or permitted and approved by the commissioner of administration via the DOA Form MV-2. Criteria which merit request for home storage include:

i. Law enforcement officers with the power of arrest who use this power in the regular performance of daily job duties and whose home storage of a fleet vehicle is deemed by their agency head to be in the best interest of public safety and law enforcement. (Required)

ii. Employees for whom the provision of transportation to and from the workplace is a condition of employment as approved at the time of employment by the commissioner of administration. (Permitted)

iii. Employees whose job duties require the use of special use vehicles or vehicles with special equipment installed outside of normal working hours and for whom home storage of such vehicles can be documented as either cost effective to the state or necessary to protect the safety and/or health of the public. (Required)

iv. Statewide elected officials, the governor's executive counsel, the commissioner of administration, secretaries of executive departments, presidents or chancellors of state universities and colleges, and their equivalent in the judicial and legislative branches of government. (Permitted)

v. Additional exceptions as may be decided by the commissioner of administration and the Joint Legislative Committee on the budget. Individual requests for such exceptions must be submitted in writing to the state fleet manager along with documentation which demonstrates that home storage is in the best interest of the state. The state fleet manager shall forward requests with recommendations to the commissioner of administration. All requests for exceptions must be signed by the agency head and the agency transportation coordinator. (Required/Permitted)

b. It shall be the responsibility of the agency transportation coordinator to insure that the Home Storage Agreement (DOA Form MV-2) is completed, signed, and approved by the commissioner prior to allowance of home storage of any fleet vehicle.

c. Annually, it shall be the responsibility of the agency transportation coordinator to insure that a Home Storage Agreement Form (DOA Form MV-2) is completed and forwarded to the state fleet manager by May 1 and is signed and approved by the commissioner in order to continue home storage into the

new fiscal year beginning July 1. Any home storage approved by the commissioner during the year shall expire June 30 and renewal will require submission of a Home Storage Agreement (DOA Form MV-2) as described above.

d. It shall be the responsibility of the agency transportation coordinator to insure that a vehicle approved for home storage shall be made available for official use by other state employees when it would otherwise not be in use by the employee for whom storage is approved and that such use is noted on the Daily Vehicle Usage Log (DOA Form MV-3).

6. Vehicle Operations

It shall be the responsibility of the agency transportation coordinator to insure that:

a. All drivers of fleet vehicles are familiar with and are in compliance with the procedures for safe operation of fleet vehicles, minimum preventive maintenance procedures, accident reporting procedures, and the completion of the Daily Vehicle Usage Log (DOA Form MV-3) as set forth in the Fleet Vehicle Operator's Manual.

b. Any state employee that operates a fleet vehicle has a valid state license to operate that vehicle and has on file a completed and signed Louisiana State Employee Driver Safety Program Authorization/Driving History Form (Form DA 2054) and, when applicable, a Personal Assignment and/or Home Storage agreement (DOA Form MV-2).

c. All Daily Vehicle Usage Logs (DOA Form MV-3) for both personally assigned and pool vehicles are approved by the appropriate supervisor and received by the agency transportation coordinator by the third working day of the month following the month to which the report pertains. The approving supervisor is responsible for auditing each respective DOA Form MV-3.

d. Preventive maintenance is performed on all fleet vehicles and recorded on the Preventive Maintenance Record (DOA Form MV-4).

e. Any additional duties which are required to monitor the utilization of fleet vehicles and to insure their most efficient and effective use shall be performed.

7. Maintenance of Files and Records

a. It shall be the responsibility of the agency transportation coordinator to insure that:

i. A completed and signed Louisiana State Employee Driver Safety Program Authorization/Driving History Form (Form DA 2054) is on file at the agency for every driver of fleet vehicles.

ii. All Personal Assignment and/or Home Storage Agreements (DOA Form MV-2) are completed and forwarded to the state fleet manager for approval prior to the assignment of a personal vehicle to an employee, or the allowance of home storage and annually by May 1st thereafter.

iii. All Daily Vehicle Usage Logs (DOA Form MV-3) containing accurate information on miles traveled, repair/maintenance costs, and operating costs, are completed, approved, and forwarded to the state fleet manager by the 30th day following the end of the month to which the report pertains.

iv. Records are kept on all mileage reimbursement to state employees that have used privately owned vehicles to travel on state business. This reimbursement information shall be reported monthly to the state fleet manager no later than the 30th day following the end of the month to which the report pertains. A more extensive report on mileage reimbursement shall be filed with the state fleet manager for each fiscal year by the 30th day following the end of the fiscal year.

v. An annual report is submitted to the state fleet manager by September 30 of each year containing the following information for the preceding fiscal year concerning each aircraft owned or leased by the agency: type of aircraft, make, model,

year, primary user, if any, mileage traveled or hours of use, annual rental or lease cost, if not purchased, or the purchase price.

vi. Current and complete records concerning preventive maintenance (DOA Form MV-4) on each fleet vehicle assigned to, owned by, or used by the agency are completed and maintained in an agency file after review by the agency transportation coordinator for deficiencies.

b. It shall be the responsibility of the Louisiana Property Assistance director and state fleet manager to insure that the following files are maintained and updated at the state level based on information supplied by the agency property managers and the agency transportation coordinators:

i. The Fixed Asset File;

ii. The Daily Vehicle Usage Log File;

iii. The Personal Assignment/Home Storage File;

iv. The Employee Mileage Reimbursement File.

8. Management Reporting

a. The state fleet manager shall be responsible for the preparation of the commissioner of administration's quarterly and annual reports on the status of fleet vehicles and aircraft to the Legislature. The reports shall present the information required by R.S. 39:362 and 363.

C. Program Control

It shall be the responsibility of the state fleet manager to insure that control is maintained over the operation of the Fleet Management Program.

1. Inventory. It shall be the responsibility of the state fleet manager to require of all agency transportation coordinators to conduct an annual audit of the master listing of fleet vehicles for their respective agencies. The information provided will be used to verify that the vehicle information in Fleet Management's records correctly reflects the actual vehicles used by the agency and the pertinent characteristics of each fleet vehicle, and to verify the accuracy of records on personal assignment and home storage of fleet vehicles.

2. Monitor Policy Compliance

It shall be the responsibility of the state fleet manager to conduct random audits to verify agency compliance with the statewide policies regarding:

a. personal assignment of fleet vehicles;

b. home storage of fleet vehicles;

c. employee mileage reimbursement for use of privately owned vehicles on state business.

d. minimum preventive maintenance standards as set forth in the Fleet Vehicle Operator's Manual.

3. Review Department Requests for Exception to Policy

All requests for exceptions to these rules and regulations shall be in writing and signed by the agency head and the agency transportation coordinator and shall be forwarded with accompanying documentation to the state fleet manager. It shall be the responsibility of the state fleet manager to review all such requests for exceptions and forward the request with recommendations to the commissioner of administration.

4. Potential Abuse Investigation

It shall be the responsibility of the state fleet manager to insure that all reports of abuses in the use of state fleet vehicles are fully investigated. The state fleet manager shall, with cooperation of the appropriate agency transportation coordinator:

a. receive and initiate a file on each abuse complaint;

b. gather facts about each case;

c. initiate appropriate action;

d. note completion of the investigation and action taken in the file;

e. maintain the file on reported cases of abuse.

D. Program Evaluation

It shall be the responsibility of the state fleet manager to

regularly evaluate the Fleet Management Program. The state fleet manager shall be responsible for:

1. Preparing budgetary requests and monitoring expenses of the Fleet Management Program.

2. Planning and conducting operational audits of agency fleet management programs and reporting all findings to the legislative auditor.

3. Planning and conducting all special projects. The state fleet manager shall be responsible for planning and conducting all projects designed to investigate problems within the state fleet management program or problems discovered during the operational audit of agency fleet management programs and developing solutions for these problems.

All other responsibilities involving the planning, operation, control, and evaluation of the Fleet Management Program not herein specifically retained by the commissioner of administration and the commissioner's designee, the state fleet manager, are hereby granted the respective agency heads. All such agency responsibilities must be conducted using methods and procedures consistent with the overall mission and objectives of the program established by the commissioner and in accord with these rules and regulations.

§105. Non-Exclusion

These regulations supersede and replace PPM63 (LAC4:V. Chapter 25) and all other previous regulations and exceptional permissions, both written and verbal. Any exclusion request shall be submitted to the commissioner through the state fleet manager for consideration. Any exclusion from these regulations must be approved in writing by the commissioner.

Louis W. Amadee
Director

RULE

Office of the Governor Division of Administration Office of Risk Management

The Office of Risk Management has the responsibility in accordance with the provisions of R.S. 39:1527 et seq., to manage all state insurance except as specifically otherwise provided to the contrary, and in accordance with R.S. 39:1527 et seq., the Office of Risk Management adopted the following rules:

A. Underwriting

1. All coverages which are self-insured by the Office of Risk Management are mandatory for all Louisiana state departments, agencies, boards and commissions.

2. If any department, agency, board or commission requires or wishes to procure any insurance coverages which are not written through the Louisiana Self Insurance Program, request is to be made to the Office of Risk Management to procure said coverage. It is the responsibility of the department, agency, board or commission to provide the underwriting information required to procure or underwrite the risk.

3. All leases for real and movable property (including vehicles) which are entered into by any state department, agency, board or commission are to be forwarded to the Office of Risk Management for review in compliance of insurance requirements.

4. All inquiries regarding interpretation of insurance coverages are to be addressed to the Underwriting Unit and are to be in a written form.

5. Boiler and machinery equipment at new locations are to be reported to the Underwriting Unit before coverage will become effective.

6. Builder's Risk projects are to be reported to the Underwriting Unit when the construction contract has been awarded or the "notice to proceed" has been issued.

7. Applications for flood insurance on buildings, improvements and inventory are to be submitted to the Underwriting Unit when new policies are requested. Coverage does not become effective until after application and premiums are received by the insurance company.

8. All newly acquired state-owned aircraft are to be reported to the Underwriting Unit immediately but in no event more than 25 days after acquisition. All newly leased or borrowed aircraft are to be reported to the Underwriting Unit immediately but in no event more than five days after possession or lease.

9. Any newly acquired, leased or borrowed airport or heliport facilities are to be reported to the Underwriting Unit for inclusion under the state's insurance coverage.

10. All newly acquired state-owned marine vessels which are over 26 feet in length are to be reported to the Underwriting Unit immediately but in no event more than 25 days after acquisition. All newly leased or borrowed marine vessels which are over 26 feet in length are to be reported to the Underwriting Unit immediately but in no event more than five days after possession or lease.

11. Applications for new fidelity bonds and crime policies are to be submitted to the Underwriting Unit. Coverage does not become effective until the insurance company has accepted the new risk.

12. All departments, agencies, boards and commissions are to provide the name, address, telephone number and job title of the following: (1) the department, agency, board or commission head; (2) the person(s) to receive from the Office of Risk Management the insurance premium projection for budgetary purposes and/or insurance premium billings; (3) the safety coordinator or person(s) responsible for loss prevention matters; (4) the person(s) responsible for handling and disposition of claims matters.

B. Auditing and Statistics

1. The exposure data requested by the Office of Risk Management (ORM) are to be submitted in a timely manner and in the form specified. The exposures may include, but are not limited to: (1) payroll, (2) maritime payroll, (3) number of board and commission members (4) mileage of all licensed vehicles which are state-owned or leased, and all mileage on personal vehicles driven in the course and scope of state employment, (5) number of licensed vehicles, (6) acquisition or appraised value of property including but not limited to buildings, improvements and inventory (includes contents, all equipment including mobile equipment and watercraft 26 feet and under), and boiler and machinery, (7) and miscellaneous or special classes not falling within these definitions as required.

2. All exposure/experience data is to be received no later than August 1 for inclusion in the following fiscal year's insurance premium. No changes will be made after this date. Extraordinary changes in exposure bases (as required in B.1. above) are to be reported immediately.

3. Billed units are to allocate premiums to subunits if required; it is not the ORM's responsibility to provide breakdowns at a lower level than the level to which premiums were budgeted or billed.

4. The Office of Risk Management is to receive immediate written notification of the abolishment, transfer and/or merger of any department, agency, board or commission.

5. The state agencies are to provide or allow access to ORM representatives to records or information necessary to the effective operation of the Risk Management Program.

C. Billing and Collection of Insurance Premiums

1. After an agency receives a billing invoice from the Office of Risk Management for payment of insurance premiums, the agency is to render payment in full within 30 days from the billing date.

2. If a billing invoice for insurance premiums is not paid in full within 90 days from the billing date, the commissioner of administration may, at the option of the commissioner, cause funds for payment to be withdrawn from appropriations due the non-paying agency and paid or credited to the Office of Risk Management. If an agency is a non-FAC's agency, the commissioner of administration may direct the head of such agency to render payment of insurance premiums due and owing to the Office of Risk Management.

3. All billing inquiries are to be directed to the Office of Risk Management, Accounting Unit, Accounts Receivable Section.

D. Reporting of Claims

1. Reporting of Property Damage Claims

a. The state of Louisiana provides insurance coverage for damage to state-owned property which includes damage to buildings and improvements, contents, inventories (including mobile equipment and excluding licensed vehicles), heating and air conditioning systems, and marine hulls 26 feet and under.

b. All claims for damage to property owned by the state are to be reported to the Office of Risk Management's Property Claim Unit in writing. If a loss or claim is serious in nature it is to be reported by telephone to the Office of Risk Management's Property Claim Unit.

c. Claims are to be submitted in writing to the Office of Risk Management, Box 94095, Baton Rouge, LA 70804-9095.

d. Information required to be submitted when a claim is reported to the Office of Risk Management's Property Claim Unit includes the following:

1. name of insured, location of property or unit, and FAC's number;
2. date of loss;
3. description of loss;
4. location of item;
5. size, model and serial number of item, if applicable;
6. name of person reporting claim, listing job title and telephone number; and
7. proof of ownership.

e. After a loss has occurred, all property which has been damaged is to be protected against further damage and is to be made available for inspection by a claims adjuster assigned by the Office of Risk Management.

f. If a loss occurs or a claim arises the agency is not to assume any obligation or incur any expenses without authority from the Office of Risk Management.

g. If replacement, repair, reconstruction or rebuilding is not commenced within 36 months of the loss date for all state property losses; or if a claim remains inactive for 36 months after replacement, repair, reconstruction or rebuilding is commenced; or if approval is not obtained from the commissioner of administration within the same period of time for expenditure of insurance proceeds for some other purpose, the claim file will be closed.

h. Any claim paid by legislative appropriation is to be reported to the Office of Risk Management by Appropriations Control.

2. Reporting of Boiler and Machinery Claims

a. The state of Louisiana provides insurance coverage for bodily injury and third party property damage claims where such losses result from state-owned boiler and machinery equipment, and for property damage to state-owned boiler and machinery

equipment.

b. All claims for damage to boiler and machinery equipment are to be reported to the Office of Risk Management's Property Claim Unit in writing. Any claim involving bodily injury is to be reported by telephone to the Office of Risk Management's Property Claims Unit.

c. Claims are to be submitted in writing to the Office of Risk Management, Box 94095, Baton Rouge, La. 70804-9095.

d. Information required to be submitted when a claim is reported to the Office of Risk Management's Property Claim Unit includes the following:

1. name of insured, location of property or unit and FAC's number;
2. date of loss;
3. description of item, to include size, model, serial number, and tonnage or capacity;
4. name, job title and telephone number of person reporting claim;
5. name and phone number of person to be contacted by adjuster assigned by ORM.

e. After a loss has occurred, the property which has been damaged is to be protected against further damage and is to be made available for inspection by a claims adjuster.

f. If replacement, repair, reconstruction or rebuilding is not commenced within 36 months of the loss date for all state property losses; or if a claim remains inactive for 36 months after replacement, repair, reconstruction or rebuilding is commenced; or if approval is not obtained from the commissioner of administration within the same period of time for expenditure of insurance proceeds for some other purpose, the claim file will be closed.

g. All lawsuits, demands, notices, summons, or other legal documents pertaining to a claim against a state agency are to be forwarded immediately to the Office of Risk Management's Property Claim Unit for further handling.

h. Any objects and/or products which may, have caused, contributed to, or which are suspect of causing an accident are to be retained and preserved as evidence.

i. Any claim paid by legislative appropriation is to be reported to the Office of Risk Management by Appropriations Control.

3. Reporting of Comprehensive General Liability Claims

a. The state of Louisiana provides comprehensive general liability coverage for bodily injury and property damage claims resulting from operations for which the agency could be held legally liable.

b. All general liability claims are to be submitted in writing to the Office of Risk Management on an Accord CGL form. Accord CGL Forms can be obtained from the Office of Risk Management Claims Section.

c. Claims are to be submitted in writing to the Office of Risk Management, Box 94095, Baton Rouge, LA 70804-9095.

d. If a loss is serious in nature, it is to be reported by telephone to the Office of Risk Management for review to determine if coverage is applicable.

e. Claims which are made against a state agency by a third party are to be submitted to the Office of Risk Management for review to determine if coverage is applicable.

f. All lawsuits, demands, notices, summons, or other legal documents pertaining to a claim against a state agency are to be forwarded immediately to the Office of Risk Management's Claim Office for further handling.

g. Any objects and/or products which may have caused, contributed to, or which are suspected of causing an accident are to be retained and preserved as evidence.

h. If a loss occurs or a claim arises the agency is not to

assume any obligation or incur any expenses without authority from the Office of Risk Management.

i. Any claim paid by legislative appropriation is to be reported to the Office of Risk Management by Appropriations Control.

4. Reporting of Worker's Compensation and Maritime Claims

a. The state of Louisiana provides insurance coverage for worker's compensation and maritime claims.

b. All accidents or occupational diseases involving state employees while in the course and scope of their employment with the state are to be reported to the Office of Risk Management on the Employer's Report of Occupational Injury or Disease Form within five days from the date of injury or knowledge.

c. Employer's Report of Occupational Injury or Disease Forms can be obtained from Forms Management, Box 94095, Baton Rouge, LA 70804-9095.

d. A copy of the Employer's Report of Occupational Injury or Disease Form for a claim in which lost time exceeds seven days, is to be submitted to the Office of Worker's Compensation, 910 North Bon Marche Drive, Baton Rouge, LA 70806 within 10 days of actual knowledge of injury or death.

e. All Employer's Report of Occupational Injury or Disease Forms are to be accurately and completely filled out. Information required to be submitted when a worker's compensation claim is reported on the Employer's Report of Occupational Injury or Disease Form includes:

1. Agency's FACS Cost Center Number (located in a block below the Employer's Federal Tax I.D. Number).

2. The occupation of the employee, inclusive of his/her classified or unclassified job title. A classified job title is to include the civil service job classification code number.

3. An injured employee's monthly wages are to be reported on the Employer's Report of Occupational Injury or Disease Form under "Other Wages."

f. If an injured employee returns to work after having lost time, the Office of Risk Management, Worker's Compensation Claims Unit, is to be notified immediately by telephone and an Employer's Supplemental Report of Injury is to be submitted confirming the return to work date. Also, an Employer's Supplemental Report of Injury Form is to be submitted to the Office of Risk Management at any time the injured employee's work status changes.

g. All lawsuits, demands, notices, summons, or other legal documents pertaining to a claim are to be forwarded immediately to the Office of Risk Management's Claim Office for further handling.

h. Any objects and/or products which may have caused, contributed to, or which are suspected of causing any accident are to be retained and preserved as evidence.

i. Any claim paid by legislative appropriation is to be reported to the Office of Risk Management by Appropriations Control.

5. Reporting of State Automobile Liability and Physical Damage Claims

a. The state of Louisiana provides insurance coverage for liability and physical damage to state-owned and leased licensed vehicles and excess liability coverage for employee's private automobiles while being operated with proper authorization during the course and scope of state employment.

b. All claims for liability or physical damage to state-owned and leased licensed vehicles are to be reported to the Office of Risk Management's Transportation Claims Unit in writing. If a loss involves property damage estimated at \$5,000 or more or if a loss involves any bodily injury, the loss is to be reported by telephone to the Office of Risk Management Trans-

portation Claims Unit.

c. All claims are to be submitted on an automobile accident form approved by the Office of Risk Management, Loss Prevention Unit. Automobile accident forms are available by contacting the Office of Risk Management, Loss Prevention Unit.

d. Claims are to be submitted in writing to the Office of Risk Management, Box 94095, Baton Rouge, LA 70804-9095.

e. Automobile accident reports are to be submitted with as much information as possible, however if certain information is unavailable, the report is to still be submitted. Information which is unavailable can be obtained at a later date.

f. All lawsuits, demands, notices, summons, or other legal documents pertaining to a claim against a state agency are to immediately be submitted to the Office of Risk Management's Claim Office for further handling.

g. Any objects and/or products which may have caused, contributed to, or which are suspected of causing an accident are to be retained and preserved as evidence.

h. If a loss occurs or a claim arises, do not assume any obligation or incur any expenses without authority from the Office of Risk Management.

i. If repair or replacement of state vehicles is not completed within 18 months of the loss date, or if approval is not obtained from the commissioner of administration within the same period of time for expenditure of insurance proceeds for some other purpose, the claim file will be closed.

j. Any claim paid by legislative appropriation is to be reported to the Office of Risk Management by Appropriations Control.

6. Reporting of Aviation Claims.

a. The state of Louisiana provides insurance coverage for aviation losses which includes liability and hull coverage. All claims are to be reported to the Office of Risk Management's Transportation Claims Unit.

b. Information required to be submitted to the Office of Risk Management's Transportation Claims Unit includes the following:

1. complete description of aircraft including FAA number and serial number;

2. names and addresses of pilot, copilot, and passengers;

3. exact location, date, and time of accident;

4. names and addresses of third parties, if known;

5. description of damages; and

6. circumstances surrounding/causing the accident.

c. Claims are to be submitted in writing to the Office of Risk Management, Box 94095, Baton Rouge, LA 70804-9095.

d. All lawsuits, demands, notices, summons, or other legal documents pertaining to a claim against a state agency are to be forwarded immediately to the Office of Risk Management's Transportation Claims Unit for further handling.

e. Any objects and/or products which may have caused, contributed to, or which are suspected of causing an accident are to be retained and preserved as evidence.

f. If a loss occurs or a claim arises the agency is not to assume any obligations or incur any expenses without authority from the Office of Risk Management.

g. Any claim paid by legislative appropriation is to be reported to the Office of Risk Management by Appropriations Control.

7. Reporting of Wet Marine Claims

a. The state of Louisiana provides insurance for liability and hull damage for marine vessels over 26 feet in length.

b. All claims involving vessels in excess of 26 feet are to be reported in writing to the Office of Risk Management's Transportation Unit. All bodily injury claims are to be reported by

telephone to the Office of Risk Management's Transportation Unit.

c. Claims are to be submitted in writing to the Office of Risk Management, Box 94095, Baton Rouge, LA 70804-9095.

d. Information required to be submitted when a claim is reported to the Office of Risk Management's Transportation Unit includes the following:

1. complete description of vessel including hull identification and coast guard certificate number;
2. name of captain or master and passengers;
3. exact location of incident;
4. date and time of incident;
5. names and addresses of third parties involved if known;
6. description of damages;
7. contact persons who can assist in investigation;
8. circumstances surrounding and/or cause of accident.

e. All lawsuits, demands, notices, summons or other legal documents pertaining to claim against a state agency are to be forwarded immediately to the Office of Risk Management's Transportation Claims Unit for further handling.

f. Any objects and/or products which may have caused, contributed to, or which are suspected of causing an accident are to be retained and preserved as evidence.

g. If a loss occurs or a claim arises the agency is not to assume any obligation or incur any expenses without authority from the Office of Risk Management.

h. Any claim paid by legislative appropriation is to be reported to the Office of Risk Management by Appropriations Control.

8. Reporting of Bond and Crime Claims

a. The state of Louisiana provides insurance coverage for bond and crime which includes performance, money and securities. All claims are to be reported in writing to the Office of Risk Management's Property Claims Unit, Box 94095, Baton Rouge, LA 70804-9095.

b. Information required to be submitted includes the following:

1. name of insured agency;
2. date of loss;
3. location of loss;
4. circumstances surrounding the occurrence;
5. approximate value of loss; and
6. name of person reporting claim, listing job title and telephone number.

c. Claims are to be submitted in writing to the Office of Risk Management, Box 94095, Baton Rouge, LA 70804-9095.

d. Any objects and/or products which may have caused, contributed to, or which are suspected of causing an accident are to be retained and preserved as evidence.

e. If a loss occurs or a claim arises the agency is not to assume any obligation or incur any expenses without authority from the Office of Risk Management.

f. Any claim paid by legislative appropriation is to be reported to the Office of Risk Management by Appropriations Control.

9. Reporting of Medical Malpractice Liability Claims

a. The Office of Risk Management administers medical malpractice claims in accordance with the provisions of R.S. 40:1299.39 which details coverage and liability provisions. Medical malpractice coverage is extended to state health care professionals acting in a professional capacity in providing health care services by or on behalf of the state, including medical, surgical, dental, or nursing treatment of patients and post mortem examinations.

b. Coverage excludes the following:

1. premises liability;
2. bodily injury to employees arising out of employment by the insured;
3. all obligations under worker's compensation or similar laws;

4. bodily injury received in handling or maintenance of automobiles, aircraft, watercraft, or transportation of mobile equipment by an auto owned, operated, rented, or loaned to any insured.

c. Upon receipt all claims are to be submitted and mailed to the Office of Risk Management, Box 94095, Baton Rouge, LA, 70804-9095. If the loss is deemed to be serious in nature, it is to be reported by telephone to the Medical Malpractice Claims Unit.

d. All claims made against a state agency by a third party should be submitted to the Office of Risk Management for review to determine if coverage is applicable.

e. all lawsuits, demands, notices, summons, or other legal documents pertaining to a claim should immediately be sent to the Office of Risk Management for further handling.

f. No obligations nor expenses should be assumed or incurred by anyone without written consent from the Office of Risk Management.

g. Any objects and/or products which may have caused, contributed to, or which are suspected of causing any accident should be retained and preserved as evidence.

h. Any claim paid by legislative appropriation is to be reported to the Office of Risk Management by Appropriations Control.

Allen Doescher
Assistant Commissioner

RULE

Office of the Governor Division of Administration Office of State Planning

Louisiana Community Development Block Grant
(LCDBG) Program
FY 1985 Final Statement

The Division of Administration is amending the FY 1985 LCDBG Final Statement. The purpose of this amendment is to reflect an increase in the monies set-aside for economic development for applicants within the jurisdiction of the South Louisiana Revolving Loan Fund, Inc.; the set-aside will increase by \$23,333 resulting in a total set-aside of \$356,667 rather than \$333,334. The following paragraph in Section II.E of the Final Statement is revised as shown:

Of the 25 percent of the LCDBG funds allocated for economic development, \$356,667 will be set-aside to fund economic development applications submitted by applicants within the jurisdiction of the South Louisiana Revolving Loan Fund, Inc. No deadlines will be established for the acceptance of these applications; however, an application cannot be submitted for consideration under this fund if that same application is currently under consideration for funding under any other LCDBG program category. All other program requirements and criteria stated within the Final Statement apply to these applications.

This amendment is to become effective on January 20, 1987, and is to remain in force until amended or rescinded. Anyone having comments should contact: J. W. Vaughn, Assist-

ant Commissioner, Division of Administration, Box 94095, Baton Rouge, LA 70804.

Stephanie Alexander
Commissioner

RULE

**Office of the Governor
Governor's Special Commission
on Education Services**

Pursuant to P.L. 98-558 which added this program to the Carl D. Perkins Vocational Educational Act of 1984 and, in 1986, Congressional appropriation of funds for each state, the program has been implemented by the U.S. Department of Education. The Governor's Special Commission on Education Services has been designated the administering agency for Louisiana. The commission has adopted the initial regulations for the Congressional Teachers Scholarship Program (Formerly Carl D. Perkins Scholarship Program). The program provides scholarships to eligible applicants who desire to obtain teaching degrees and then teach in elementary and secondary schools upon graduation. These regulations consist of guidelines for eligibility, procedures for application (including a \$2.50 fee) and, a promissory agreement specifying the recipient's obligation for repayment of the scholarship in the event he/she defaults on its conditions.

Mona H. Durham
Director

RULE

**Office of the Governor
Governor's Special Commission
on Education Services**

The Education Majors Program has been implemented for initial funding during Spring 1987. Applications and supporting documents for initial funding are due in the Scholarship/Grant Division, Governor's Special Commission on Education Services, no later than December 31, 1986. Program application and guidelines are available by contacting: GSCES, Scholarship/Grant Division, Box 44127 Baton Rouge, LA 70804; 504-342-9435 or 1-800-626-0115.

Mona H. Durham
Director

RULE

**Office of the Governor
Governor's Special Commission
on Education Services**

In accordance with Act 341 of the Regular Session of 1986, the Governor's Special Commission on Education Services has adopted the initial regulations for the Governor's Scholars Program. The program provides scholarships to eligible applicants who plan to attend Louisiana colleges. These regulations consist of guidelines for eligibility and procedures for application (including a \$2.50 application processing fee).

Mona H. Durham
Director

RULE

**Office of the Governor
Governor's Special Commission
on Education Services**

The Governor's Special Commission on Education Services has amended the following in the Scholarship/Grant Division. Effective January 1, 1987, a processing fee of \$2.50 must accompany each State Student Incentive Grant certification. During 1985-86, approximately 4,000 certifications were requested from the Scholarship/Grant Division, GSCES: approximately 3,000 certifications were processed.

Mona H. Durham
Director

RULE

**Office of the Governor
Office of Elderly Affairs**

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Governor's Office of Elderly Affairs (GOEA) has revised the GOEA Policy Manual, Subsection 1167(B) and LAC 4:1167(B) by adding a second paragraph to read as follows:

§1167. Organization

B.1. . .

2. Parish Council on Aging staff members may not serve on the Executive Committee of the Board of Directors for a period of two years immediately following separation from employment.

This rule change is effective January 20, 1987.

Sandra C. Adams
Director

RULE

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

The Medical Assistance Program is adopting the following rule which became effective September 25, 1986 as a result of emergency rulemaking promulgated in accordance with R.S. 49:953B and published in the *Louisiana Register*, Vol. 12, No. 10, Page 657, Dated October 20, 1986. A Notice of Intent was published in the *Louisiana Register*, Vol. 12, No. 11, Page 788, Dated November 20, 1986.

Medicaid benefits under categorically needy shall be available to any disabled widow or widower who for any month is entitled to a widow's or widower's benefit under Section 202(e) or (f) of the Social Security Act, but is not eligible for SSI benefits, if he or she:

1. was entitled to a monthly insurance benefit under Title II of the Social Security Act for December 1983;

2. was entitled to and received a widow's or widower's benefit based on a disability under Section 202(e) or (f) of the Social Security Act for January 1984;

3. because of the increase in the amount of his or her widow's or widower's benefit which resulted from the elimination of the reduction factor for disabled widows and widowers entitled before age 60 became ineligible for SSI/SSP in the first month in which that increase was paid to him or her (and in which a retroactive payment of that increase for prior months was not made);

4. has been continuously entitled to a widow's or widower's benefit under Section 202(e) or (f) of the Act from the first month that increase in his or her widow's or widower's benefit was received; and

5. would be eligible for SSI/SSP benefits if the amount of that increase, and any subsequent cost-of living adjustments in the widow's or widower's benefits provided under Section 215(i) of the Act, were disregarded.

Individuals who may be eligible for categorical Medicaid under this rule must file a written application for Medicaid under this Section before July 1, 1987. If an individual does not file a written application before that date, he or she cannot be eligible for Medicaid under this Section. Eligibility for categorical Medicaid under this rule is effective no earlier than July 1, 1986.

Regulatory Exception

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

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

RULE

Department of Health and Human Resources Office of Family Security

The Medical Assistance Program is adopting the following rule effective January 20, 1987. A notice of intent was published in the *Louisiana Register* Vol. 12, No. 11, Page 789, Dated November 20, 1986.

Final Rulemaking

Provider participation in the Louisiana Dispensing Fee Survey will be mandatory.

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

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

RULE

Department of Health and Human Resources Office of Family Security

The Medical Assistance Program will begin implementation of the following rule effective for services rendered on or after February 1, 1987. A notice of intent, announcing this rule, was published in the *Louisiana Register* Vol. 12, No. 9, Page 621, dated September 20, 1986.

Final Rulemaking

Reimbursement under Title XIX for Physician, Osteopath, Optometrist, and Registered Nurse-Midwife services shall be made at the lower of:

(a) the provider's actual charge for the service; or

(b) a statewide flat fee for service based on reasonable charges. Fees shall be paid in accordance with the revised State Maximum Pricing File.

Implementation of this rule is dependent on the approval of the Health Care Financing Administration (HCFA). Disap-

proval of the change by HCFA will automatically cancel the provisions of this rule and current policy will remain in effect.

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

RULE

Department of Health and Human Resources Office of the Secretary

The Department of Health and Human Resources is implementing the following collection procedure for fees for licensing by the Division of Licensing and Certification:

1. the fees are to be submitted to the department with the initial or renewal application for a license;
2. fees are nonrefundable;
3. fees are not to be submitted in cash;
4. fees are to be submitted by certified check or U.S. Postal money order only;

5. the license will not be issued unless the fee is paid first.

This collection procedure for licensing fees within the Division of Licensing and Certification is to implement the following actions of the legislature: 1984 session—Act 705; 1985 session—Acts 268 and 896; 1986 session—Acts 491 and 497 and Revised Statutes 40 Part 10 Chapter 4 section 971 et seq. A fee schedule may be obtained by writing the Division of Licensing and Certification, Box 3767, Baton Rouge, LA 70821 and requesting the licensing fee schedule. Also, a licensing fee schedule will be attached to all applications for a license requested from the Division of Licensing and Certification.

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

RULE

Department of Labor Board of Barber Examiners

The Board of Barber Examiners hereby gives notice in accordance with R.S. 49:950 et seq. and R.S. 37:341-392, that it has adopted LAC 46 VII. Chapter 11 relative to Due Process Procedures for violations of the Louisiana Barber License Law.

Chapter 11. Due Process Procedures for violations of the Louisiana Barber License Law

§ 1101. Applicability

A. Violations of the Louisiana Barber License Law shall be determined on the basis of the rules and regulations of the Louisiana State Board of Barber Examiners, R.S. 37:341-392.

1. If it has been determined that a party has used fraud or deception in applying for a license or in taking an examination provided for in the Act.

B. These procedures shall apply only in the consideration of alleged violations by licensed barbers.

Note: The board will answer complaints regarding the violations of the Louisiana Barber License Law of non-licensed persons by making referrals elsewhere when appropriate; for example, to better business bureaus, professional associations, agencies, private legal counsel, or the district attorney of the appropriate judicial district.

C. Complaints may be initiated by any citizen of the state, another licensed barber, or by the board on its own initiative.

D. Declarative Statements of the Board

The board may issue a declarative statement in response to a request for clarification of the effect of rules and regulations of R.S. 37: 341, et seq.

1. A request for a declarative statement is made in the form of a petition to the board. The petition should include at least:

- a. the name and address of the petitioner;
- b. specific reference to the statute or rules and regulations to which the petition relates;
- c. a concise statement of the manner in which the petitioner is aggrieved by the rule or statute or by its potential application to her/him, or in which (s)he is uncertain of its effect.

2. Said petition shall be considered by the board at its next regularly scheduled meeting provided that the petition has been filed at least 21 days prior to said meeting.

3. The declarative statement of the board on said petition shall be in writing and mailed to petitioner at the last address furnished to the board.

§1103. Procedures for Processing Complaints and Inquiries

A. Upon receipt of complaints or inquiries, the board will take immediate action.

1. Anonymous letters of complaint against individuals shall not be recognized as a basis for formal action.

2. If the information in the complaint is insufficient, the board may request further information by either written correspondence or an informal hearing.

B. All complaints received shall be assigned a sequentially ordered complaint code number which shall be utilized in all official references.

C. At its next meeting, the board shall officially receive and act upon all complaints and inquiries received.

D. Upon receipt of the complaint, the board shall determine if the complaint is an ethical issue.

E. The identity of all parties to a complaint shall be revealed to the involved parties except if contrary to law.

F. The board shall inform the complainants of the initial determination.

1. No action
2. Informal inquiry
3. Informal hearing
4. Formal hearing

§1105. Conduct of an Informal Inquiry/Hearing. This is a non-adversarial procedure.

A. Informal Inquiry Procedures.

1. The licensee shall be given adequate prior notice of the informal inquiry and possible hearing of the issues to be discussed. Adequate notice includes:

- a. informing the licensee in writing that a complaint has been filed;
- b. a short and plain statement of the nature of the complaint;
- c. a reference to the particular sections of the statutes, rules and/or ethical standards of the board which appear to have been involved;
- d. copies of the law and the rules and regulations of the board; and
- e. a request for the licensee's cooperation in obtaining a full understanding of the circumstances which led to the allegation.

2. The licensee is requested to provide, within 30 days, a written statement giving the licensee's view of the situation which is the subject of the complaint so that the board may be cognizant of all relevant aspects of the case.

3. Evaluating the findings of the informal inquiry. Upon receipt of a reply from the licensee, the board shall review the information and determine if a violation may have occurred, and if so, what standard(s) have been violated.

- a. If the determination of the board is that the issues

raised by the complainant would constitute a violation of standards, the board shall then determine whether:

- i. further investigation by correspondence is indicated;
- ii. further investigation by an informal hearing is indicated; or
- iii. institution of formal hearing procedures is indicated.

B. Informal Hearing Procedures

The board shall conduct informal hearings in executive session in accordance with the following:

1. It is expected that the licensee not have an attorney or other advisor present, although it is his right to do so.

2. Witnesses may be called, but are not placed under oath and no subpoenas are issued.

3. Statements made at the informal hearing may not be introduced at a formal hearing unless all parties consent.

4. No transcript of the informal hearing is made.

C. Evaluating the Finding of the Informal Hearing

1. If the board decides that the subject of the complaint is a violation of the standards, and the disciplinary proceedings are warranted, the board shall then determine whether:

- a. the violation merits informal disposition; or
- b. a formal hearing will be held.

2. The board, in determining for informal disposition, shall order actions such as:

a. A settlement between the person making the complaint and the licensee. This settlement shall be written, signed by the licensee and the complainant and submitted to the Board within 30 days of the informal hearing.

b. A consent order describing the disciplinary action which will be taken. A consent order shall be signed by the licensee, the chairman and the vice-chairman of the board.

D. Refusal to Respond or Cooperate With the Board

1. If the licensee does not respond to the original inquiry within 30 days a follow-up letter shall be sent to the licensee by registered or certified mail, return receipt requested.

2. If the licensee refuses to reply to the board's inquiry or otherwise cooperate with the board, the board shall continue its investigation. The board shall record the circumstances of the licensee's failure to cooperate and shall inform the licensee that the lack of cooperation may result in action which could eventually lead to the suspension or revocation of license, or other appropriate legal action under the law.

E. Withdrawal of a Complaint

If the complainant wishes to withdraw the complaint, the inquiry is terminated. except in cases where the board judges the issues to be of such importance as to warrant completing the investigation in its own right and in the interest of the public welfare.

F. If, at any point in the informal proceedings described above, the board finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, the board is hereby given authority to obtain a restraining order from a judge of the appropriate court to suspend the license pending formal hearing proceedings for revocation of license or other disciplinary action. This formal hearing shall be promptly instituted.

§1107. Conduct a Formal Hearing

A. Initiating the process

1. The board initiates a formal hearing by issuing full notice of the hearing. A formal hearing may be the result of a complaint made by any manner specified in the informal procedures.

2. Once full notice of the formal hearing has been served, no board member or officially designated hearing officer may communicate with any party to a formal hearing or to that party's representative concerning any issue of fact or law involved in that

formal hearing.

3. Full Notice

The written notice shall recite specific acts which the licensee is alleged to have committed and shall assert that those acts violate a statute or rule of the board.

a. Notice shall include:

1 a statement of the date, time, place and nature of the hearing,

2 a statement of the legal authority and jurisdiction under which the hearing is to be held;

3 a reference to the particular sections of the statutes, rules or ethical standards involved;

4 a short and plain statement of the matters asserted which shall be the subject of the hearing;

5 a statement of the rights of the parties.

b. Notice shall be given to all parties 30 days in advance of the proceedings to allow a reasonable opportunity for preparation.

c. The notice shall be delivered by registered or certified mail, return receipt requested. If the licensee can not be found by this or other reasonable methods, the board may hold a hearing in the licensee's absence.

NOTE: It is the licensee's obligation to keep the board informed of his/her whereabouts.

d. The content of the notice limits the scope of the hearing and of the evidence which may be introduced.

e. If the agency or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter, upon application, a more definite and detailed statement shall be furnished.

4. Designation of a Hearing Officer

a. The hearing officer is responsible for ensuring that the hearing is orderly and fair and that it progresses in an expeditious manner. This officer is empowered to prepare written findings of fact and conclusion which shall be recommended to the board.

b. The board shall designate a hearing by affirmative vote of a majority of its members.

c. The hearing officer shall be unbiased and qualified to preside over the case. A designated hearing officer shall withdraw when that officer can not accord a fair and impartial hearing or consideration.

d. Any party may request the disqualification of a hearing officer on the ground of inability to give a fair and impartial hearing by filing an affidavit (which states the specific grounds) within three days of receipt of notice of the designation of the hearing officer. The issue shall be determined promptly by the board.

e. The hearing officer shall not be a current member of the board.

B. 1. Discovery.

a. Depositions and interrogatories of witnesses may be taken and shall be admissible in the proceedings.

b. Evidence which was not made available to both parties at least five days in advance may be barred from introduction.

c. Evidence not within the scope of the notice may be excluded.

d. When the interest of the parties will not be prejudiced substantially, any part of the evidence may be received in written form.

e. Documentary evidence in possession of the Board may be received in the form of copies of excerpts, or by incorporation by reference.

f. Official notice may be taken of generally recognized technical or scientific facts. However, parties shall be afforded an opportunity to contest the material so noticed.

2. Subpoenas.

The Louisiana Department of Justice Disciplinary Action Manual for Occupational Licensing Boards by William J. Guste, Jr., Attorney General, Section 10.2 Subpoena Authority: Boards are empowered by statute to issue subpoenas, and in Louisiana, the statutes allow the board to issue a subpoena when requested in writing by any party in a contested case.

Either side in a contested hearing may request that a subpoena be issued. It is generally required that the information called for by a subpoena must be reasonable in terms of the amount required and that it must relate to the matter under consideration. A subpoena duces tecum should be reasonable in scope and should be limited to documentary material that is relevant to the proceeding.

a. The board, or its designated hearing officer, may sign and issue subpoenas when requested in writing by any party to a contested case.

b. The information called for by a subpoena shall be reasonable and shall relate to the matter under consideration.

c. Investigative subpoenas are issued at the discretion of the hearing officer.

d. If the person fails to comply with a subpoena, the board may apply to the judge of the appropriate district court for an attachment as for a contempt.

3. Motions

a. A request to the board or the hearing officer by a party for a particular action should be made in the form of a motion.

b. A motion may be made before, during or after a hearing.

c. All motions must be made at an appropriate time.

d. Motions made before or after the hearing shall be made in writing. Motions made during the course of the hearing may be made orally.

e. Motions are directed to the hearing officer who shall dispose of them appropriately.

f. A party may not submit written proposed findings of fact.

g. The hearing officer may refer a motion to the board.

C. Formal Hearing Procedures

1. Conduct of a Hearing

a. The members of the board shall be present for the hearing.

b. The hearing will be conducted in accordance with the Administrative Procedure Act, R.S. 49:955-966.

1 Opportunity shall be afforded all parties to respond and present evidence on all issues of fact involved and argument on all issues of law and policy involved and conduct such cross-examination as may be required for a full and true disclosure of facts.

2 Objections to evidentiary offers may be made and shall be noted in the record.

c. The hearing will be open to the public.

2. Order of Proceedings

a. The hearing officer calls the session to order, identifies the case, subject of the case and cites the authority for holding the hearing.

b. The hearing officer asks the parties to identify themselves and their counsel.

c. All testimony shall be given under oath, such oath to be administered by the hearing officer.

d. Customary order of the proceedings should be followed at the discretion of the hearing officer.

3. Evidence

a. In determining the admissibility of evidence, the hearing officer must follow the rules governing administrative hearings in Louisiana.

b. Constitutional guarantees of due process give the li-

censee a right to a decision based on the evidence presented at the hearing or officially noted in the record.

D. The Final Decision of the Board

1. The board must determine whether the facts in the case support the charges brought against the licensee. It must determine whether the charges are a violation of R. S. 37:341 - 37:392, et seq., or other rules and regulations of the board.

2. The board accepts a proposed order from the hearing officer setting forth the findings of facts and conclusions of the hearing. The board may adopt such findings and conclusions in whole or in part. Any board members not present at the hearing must review the record prior to such decision.

3. The decision must be accompanied by a statement of the reasons for the decision and must dispose individually of each issue of fact or law necessary from the hearing officer.

4. The board's decision shall be based on the evidence and the proposed decision from the hearing officer.

5. The vote of the board must be recorded and made a part of the decision. A majority vote must be obtained in order for a violation to be judged to have occurred.

6. The board determines the sanctions appropriate and consistent with law. The board may decide to revoke or suspend a license or fine the licensee.

7. The final decision shall be delivered to each party by registered or certified mail, return receipt requested.

8. The final decision shall be delivered within 30 days of the close of the hearing.

9. The final decision shall become effective 11 days after the receipt of notification of all parties, provided that there is no appeal. Publication shall be withheld until that date.

E. Appeal of Board Decision

1. A petition by a party for reconsideration of hearing must be in writing and filed with the board within 10 days after receipt of the board's final decision. The petition must set forth the grounds for rehearing which must be one of the following:

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

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

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

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

2. If a petition for reconsideration is denied, a party may proceed to seek judicial review of the decision.

3. Judicial review may be initiated by filing a petition in the appropriate district court within 30 days after mailing or notice of the final decision of the hearing or rehearing.

F. Case Record

1. A complete case record must be maintained for each formal hearing.

2. The record must be retained until the time for any appeal has expired, or until the appeal has been concluded.

3. The case record shall be composed of all material officially noted.

G. Notification of Final Actions

Upon completion of the final decision, expiration of the time for any appeal, or conclusion of appeals, the board shall notify the following of its actions.

1. All affected parties.

Kathy Brown Berry
Secretary

RULE

Department of Labor Board of Barber Examiners

The Board of Barber Examiners hereby gives notice in accordance with R.S. 49:950 et seq. and R.S. 37:341-392, that it has adopted LAC 46:VII. Chapter 9 relative to examinations.

Chapter 9. Examinations

§901. Application For Examination

Each applicant for examination shall:

A. apply to the board on blank forms prepared and furnished by the board. This application shall contain proof under the applicant's oath of the particular qualifications set forth in the application;

B. furnish to the board two five-by-three inch signed photographs of the applicant, one to accompany the application and one to be returned to the applicant and to be presented to the board when he/she appears for examination;

C. pay to the board the fee provided in R.S. 37:375.

§903. Notice

A. Every three months the board shall conduct an examination of applicants for certificates of registration to practice as registered barbers, applicants for certificates of registration as instructors, and applicants to enter an approved barber college to determine their educational qualifications. Notice of such examinations and the times and places thereof shall be given by mail to each applicant.

B. The examination of applicants for certificates of registration as registered barbers and as instructors shall include both a practical demonstration and a written and oral test and shall embrace the subjects usually taught in colleges of barbering approved by the board.

§905. Applicants Notification to Board

All applicants who will take the next examination shall furnish the board written notification at least two weeks prior to the next examination date.

§907. Completion of Hours of Instruction

A. All students upon completing their 1500 hours of instructions will be permitted to take the next available examination.

B. All students shall furnish to the board, prior to the examination date a certificate from the barber college attended, the total amount of completed hours of instructions, signed by the instructor of the barber college.

§909. Examination Fees

A. Students

The fee for student examination is \$32 (\$25 for the examination and \$7 for National Testing), and the license fee is \$40.

B. Teachers

The fee for teachers examination is \$35 (\$25 for the examination and \$10 for National Testing), and the license fee is \$10.

C. Out of State

The fee for out-of-state examination is \$57 (\$50 for the examination and \$7 for National Testing), and the license fee is \$40.

D. Cosmetologist

The fee for Louisiana cosmetologist is \$32 (\$25 for the examination and \$7 for National Testing), and the license fee is \$40.

§911. Deadline for Examination Fees

A. All examination fees must be received by The Louisiana Board of Barber Examiners no later than two weeks prior to the next examination date.

B. No personal checks will be accepted.

§913. Models Required

A. All applicants are required to furnish their own models for the examination.

B. All applicants must have three models: two males and one female. A taper cut is to be done on one of the males and a cut and style on the other male and female. Also, be prepared to do full service on models, such as, shaves, massages, perm rod wraps any other service necessary as determined by the board.

C. All applicants should be prepared for an all day examination, and when called upon, models must be available immediately, regardless of the time. Any applicant delaying the examination at anytime may be disqualified.

§915. Time Limits

A. Practical Examination

All applicants must complete all phases of the practical examination within a three hour period of time.

B. Written Examination

All applicants must complete all phases of the written examination within a one hour period of time.

§917. Tools and Supplies Required

All applicants are required to furnish their own tools, supplies and towels and any other materials necessary to complete the entire examination.

§919. Closed Examination

The Board of Barber Examiners and the staff will conduct the examinations and no other person or persons are allowed to view the examination unless authorized by the president of the Barber Board. During the examination, all applicants shall direct their questions to board members or staff personnel only. Failure to comply may result in disqualification.

§921. Grading

A. All applicants must achieve an average score of at least 70 percent, on the entire examination, and a minimum score in each part of the examination of at least 60 percent. The practical and oral examination segments warrants 60 percent of the total score and the written examination warrants 40 percent of the total score.

B. Any applicant for a certificate of registration who fails to satisfactorily acquire an average score of 70 percent of the examination, may continue to appear before the board for examination every three months thereafter. Re-examination will be given upon receipt of additional examination fee.

C. Any applicant for a certificate of registration who fails to satisfactorily acquire a minimum score of 60 percent in either part of the examination, may continue to appear before the board for that portion of the examination needed to acquire a minimum score of 60 percent. Re-examination will be given upon receipt of additional exam fee.

Kathy Brown Berry
Secretary

RULE

Department of Labor Board of Barber Examiners

The Board of Barber Examiners gives notice in accordance with R.S.49:950 et. seq. and R. S. 37:341-392, that it has

amended the following sections in Chapter 1 of LAC 46:VII:

Title

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part VII. Barbers

Chapter 1. Shops

§107. Minimum Equipment and Supplies Required for a New Barber Shop

A. One Chair Shop

1. One barber chair in good repair and condition as determined by the inspector.

2. One modern work stand, not less than 60 inches wide and 12 inches deep.

3. One mirror, not less than two inches in diameter and/or not less than 800 square inches in size.

4. Two cabinets, one for storage of sufficient supply of clean linen and one for accessories.

5. One closed hamper or covered container, for soiled linen.

6. One dry cabinet sterilizer or electrical disinfecting cabinet not less than 1200 cubic inches in size.

7. One large professional wet sterilizer.

8. One lavatory or shampoo bowl.

9. One soap dispenser.

10. One waste container, for neck strips and shaving paper.

11. Compounds for dry and wet sterilizers.

12. Sufficient supply of creams, lotions, hair tonics, shampoos, neck strips, headrest paper, linen, etc., necessary for serving the public.

13. Hot water heater.

14. One covered waste container, for residue, cut hair, dirt, etc.

15. Toilet facilities.

16. Sufficient chairs or benches for waiting customers.

17. Sufficient hooks or racks for customers' hats and coats.

B. For each extra barber chair, the above equipment and supplies must be duplicated except items (A)(13), (14) and (15). Items (A)(4), (5), (6) and (7) may be built into and be part of the work stand.

§111. Proper Quarters

B. Every barber shop shall be well lighted and heated, well ventilated or cooled and kept in a clean, orderly, well painted and sanitary condition and free from dust and powder. The interior of every barber shop shall be so constructed and finished as to permit its being maintained in a clean condition. The floor shall be covered, from wall to wall with linoleum, tile or some other washable and nonporous material in the working area.

C. Furniture, fixtures and apparatus shall be kept clean, in good condition, mechanically sound and with acceptable upholstery. Not less than one lavatory or shampoo bowl shall be provided for every three barber chairs and shall be kept clean and sanitary at all times. Brooms, mops and any other articles used in cleaning shall be left exposed. All residue, cut hair, dirt, etc., must be swept off the floor and placed in covered containers until properly disposed of.

§117. Headrest

A roll of regulation shaving paper or a clean towel shall be provided for the headrest of each barber chair in operation.

§119. Sterilization

B.

1. Acceptable means of sterilization and disinfection are

- a. ultra violet lights;
- b. household laundry bleach (100 parts per million of available chlorine);
- c. ethyl or isopropyl alcohol (70-90 percent);
- d. sodium hypochlorite (100 ppm available chlorine);
- e. phenolic germicidal detergent solution (1 percent aqueous solution of concentrate);
- f. quaternary ammonium germicidal detergent solution (2 percent aqueous solution of concentrate). Exposure time of greater than 10 minutes to any of the above chemicals is required.

2. An acceptable procedure is a wash, rinse and sanitization process. This means a wash in hot water with a suitable soap or detergent rinsing in warm water to remove the detergent; then a final rinse in a disinfectant. Household laundry bleach is the most commonly available and easily used disinfectant. The disinfectant solution should be made up to the strength of at least 100 parts per million (ppm) of available chlorine. The implements would then be air dried and stored in a clean enclosed cabinet or drawer.

§121. Prohibitions

A. The serving or eating of food in a barber shop working area is prohibited. Candy, cigarettes and cigars, etc., when sold in a barber shop must be kept in an enclosed case and individually wrapped.

B. The serving of coffee in a barber shop work area is prohibited.

C. The use of common styptic pencil or lump alum is prohibited. Alum or any other material used to stop the flow of blood shall be used only in a liquid or powder form.

D. The use of neck dusters, shaving mugs and shaving brushes in common, or for more than one person without proper sterilization is also prohibited.

E. Latherizers are recommended.

F. No barber shall serve a customer with an eruption or sore that is suspected of being a communicable disease.

G. Pets disallowed

No pets will be allowed to be kept in a barber shop such as reptiles, etc.: small pets such as goldfish may be allowed with board approval. These pets and area around them must be kept in good sanitary condition and such pets must not be considered dangerous to the public health and safety.

§123. Display of Certificate of registration

A. All certificates of registration shall be displayed in a conspicuous place adjacent to or near his/her work chair in his/her place of employment, so that the public may see them; each certificate must be renewed each year.

Kathy Berry
Secretary

RULE

**Department of Natural Resources
Office of the Secretary
Fishermen's Gear Compensation Fund**

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) the secretary of the Department of Natural Resources has adopted the rules and regulations set forth below, with an effective date of January 20, 1987.

Regulations for the Fishermen's Gear Compensation Fund.
Section 2. LIMITATION OF CLAIMS, GEOGRAPHIC BOUNDARY OF FUND

A. The Fishermen's Gear Compensation Fund shall be limited to the payment of no more than two claims for damage or loss of fishing gear filed by qualified claimants during a fiscal year applicable to the department (July 1-June 30). Claims must be received by the fund within the period indicated. A single claim may not exceed \$5,000 and shall be based on damage or loss of fishing gear due to an encounter with an obstruction in state waters located below the northern boundary of the Louisiana Coastal Zone as set forth in R.S. 49:213.4, and depicted on official maps of the state regulatory authority having jurisdiction over coastal zone management, and extending seaward to the limits of Louisiana's territorial jurisdiction.

B. Jim Porter
Secretary

RULE

**Department of Natural Resources
Office of the Secretary
Division of State Lands**

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) the secretary of the Department of Natural Resources has adopted the rules and regulations set forth below, with an effective date of January 20, 1987.

Increases in fees charged by the Division of State Lands for providing certified copies of various matters pertaining to tax adjudicated lands, patents, and official township plats.

- 1. Redemption certificates - increase from \$5 to \$10.
- 2. Cancellation certificates - increase from \$5 to \$10.
- 3. Original patents - increase from \$10 to \$20.
- 4. Copies of official township plats - increase from \$7 to \$10; copies of field notes - from 50 cents to \$1; copies of patents - from 50 cents to \$1.
- 5. Each certification attached to copies in Number 4 above, increase from \$2 to \$5.
- 6. Copies of any document pertaining to state lands - increase from 50 cents to \$1.

B. Jim Porter
Secretary

RULE

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

Pursuant to the authority granted by R.S. 42:871 (c) and R.S. 42:874 the Board of Trustees of the State Employees Group Benefits Program has amended Article 3, Section VIII (J) of the Plan Document as follows:

"Any expense incurred by a member of a Health Maintenance Organization (HMO), Health Maintenance Plan (HMP), or other pre-paid medical plan or medical services plan enrolled in such on a group (employer-sponsored) basis;"

James D. McElveen
Executive Director

RULE

**Department of Wildlife and Fisheries
Wildlife and Fisheries Commission**

Title 76

Wildlife and Fisheries

Part IX. Natural and Scenic River Systems

Chapter 3. Royalties

§301. Dredging

A. The Louisiana Department of Wildlife and Fisheries has adopted, via resolution of the Wildlife and Fisheries Commission, the following rules relative to the dredging of fill material, sand and gravel and royalties thereon.

B. The fill material agreement between the Department of Wildlife and Fisheries and the applicant heretofore used to regulate the severance of fill material from state owned water bottoms and the payment of royalty thereon is abolished and reinstated with appropriate changes as a fill material permit. The contents and terms of said permit as they were with the fill material agreement constitute rules of this commission.

C. The royalty on fill material shall be 20 cents per cubic yard, the royalty on screened sand shall be 22 cents per cubic yard, the royalty on unscreened sand and gravel combined shall be 40 cents per cubic yard and the royalty on screened and washed gravel shall be 60 cents per cubic yard.

D. No person or firm shall dredge fill material, sand or gravel from the waterbottoms of this state without a permit from this department, the fee for which shall be set at \$50, non-refundable. A performance bond in the amount of \$75,000 shall be executed by the permittee within 30 days of the issuance of the permit. The department shall act on the permit application either favorably or unfavorably within a period of 30 working days.

E. A permit shall not be issued to an applicant who is not currently in good standing with the department, whose fill material permit has been revoked or suspended within the past 12 months, who has an outstanding, unresolved royalty debt to the department, or who has habitually violated the provisions of previous permits or agreements.

F. The quantity of sand, gravel and/or fill material removed by the permittee shall yield to the Department of Wildlife and Fisheries a guaranteed sum of not less than \$5,000 annually for each permit obtained. If for any reason the permittee does not remove sufficient permitted material to aggregate in total the guaranteed yield to the department of \$5,000, the permittee shall pay to the department an amount sufficient to total \$5,000.

G. The extent of a single permitted site in the Mississippi River, the Atchafalaya River, the Red River, the Calcasieu River below the saltwater barrier, the Ouachita/Black River south of the confluence of Bayou Bartholomew shall not exceed one linear mile and shall not extend across the center line of the stream.

H. Any person or firm found to be dredging without or in violation of a validly issued permit from this department shall be subject to criminal or civil penalty. Additionally, any firm or person violating the provision shall be prohibited from conducting dredging operations and shall be refused a permit from this department for a period of one year from the day of said violation.

J. Burton Angelle
Secretary

Notices of Intent

NOTICE OF INTENT

**Department of Agriculture and Forestry
Office of Agro-Consumer Services
Agricultural Commodities Commission**

In accordance with the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 3:3405, the Department of Agriculture and Forestry, Agricultural Commodities Commission, is hereby giving notice of its intention to adopt the rules and regulations detailed below for the administration of the Self-Insurance Program. Public hearings have been scheduled for the following dates: (1) January 28, 1987 at 7 p.m. in West Monroe in the Agricultural Extension Auditorium at 704 Cypress Street; (2) January 29, 1987 at 7 p.m. in Alexandria in the Rapides Extension Service Meeting Room at 708 Washington Street; (3) February 3, 1987 at 7 p.m. in Crowley at the the Department of Agriculture and Forestry Building on the corner of Mill Street and Western Avenue; and (4) February 5, 1987 at 9:30 a.m. in Baton Rouge in the State Capitol, 21st Floor. Comments will be accepted at the public hearings or by writing to Manning Broussard, Director, Agricultural Commodities Commission, Box 44456, Baton Rouge, LA 70804. Comments will be accepted through February 6, 1987.

**Title 37
INSURANCE**

Part IX. Agricultural Commodity Commission

Chapter 1. Self-Insurance Fund

§101. Definitions

As used in this part:

Applicant means any person, firm, corporation, or other legal entity seeking the issuance of a warehouse license or grain dealer's license from the commission or a renewal thereof.

Claim means a written notice and/or proof of loss which is filed with the Agricultural Commodity Commission Self-Insurance Program.

Claimant means any person or entity who in writing alleges a loss covered under the Agricultural Commodity Commission Self-Insurance Program.

Fee with respect to the self-insurance fund, means the charge imposed by the Louisiana Agricultural Commodities Commission for participation in the self-insurance program, as contemplated in R.S. 3:3410.1(C).

Insurance with respect to the self-insurance fund, means the amount of annual coverage the self-insurance program will provide to each warehouse and grain dealer licensee participating in the program.

Licensee means any person holding or required to hold a license as a warehouse or grain dealer issued by the commission.

Self-insurance fund means that special fund created in the state treasury for the Agricultural Commodity Commission fees or assessments collected by the commission for participation in the self-insurance fund. All other definitions given in R.S. 3:3402 and in the regulations are applicable.

§103. The Fund

There is hereby created, pursuant to the authority granted

in R.S. 3:3410.1, a fund to be used for the purposes described in the following subsection hereof and said fund shall be known as the Agricultural Commodity Commission Self-Insurance Fund.

§105. Purpose

The self-insurance fund is established to guarantee the faithful performance of all duties and obligations of licensed grain dealers and licensed warehouses to agricultural producers and holders of state warehouse receipts for agricultural commodities.

§107. Fees

A. Fees for participation in said fund shall be set annually by the commission and the commission setting said fees shall consider the self-insurance fund's experience and current market conditions affecting the financial status of licenses.

B. Each applicant for a warehouse license and/or a grain dealer license shall be assessed an annual fee for participation in the self-insurance program. Said fee, in the form of a cashier's or certified check, must accompany the application for a license, and is not refundable unless the license application or renewal is denied and, in that event, the fee will be refunded on a pro rata basis with the commission retaining a proportionate amount for any period during which coverage was provided to the applicant.

C. An applicant who does not pay said fee timely shall pay an additional sum equal to 20 percent of the annual fee.

D. The amount of the annual fee shall be \$1,000 for a grain dealer licensee. The annual fee for a warehouse licensee shall be determined by the total licensed capacity of the facilities to be covered by the fee, as follows:

BUSHEL CAPACITY	PREMIUM
100,000 or less	\$ 250
Less than 250,000	450
251,000 to 500,000	800
501,000 to 750,000	1,200
751,000 or greater	1,200 plus \$1.20/1,000 bushels above 750,000.

E. Whenever the licensed warehouse capacity changes, the amount of the fee shall be amended to conform with the current licensed capacity of the facility or facilities covered by the fee.

§109. Insurance Coverage

A. Insurance coverage available to the user of a licensed operation shall be limited to the amount of the bond required by R.S. 3:3410 and/or R.S. 3:3411, and shall be accepted in lieu of said bond as follows:

1. Each licensed grain dealer shall be insured in the total aggregate amount of \$50,000, for all claims in each licensed year;

2. Each licensed warehouse shall be insured, in an amount not less than \$25,000 and not more than \$500,000, in the total aggregate amount in each licensed year as follows:

a. \$.20 per bushel for the first million bushels of licensed capacity;

b. \$.15 per bushel for the second million bushels of licensed capacity;

c. \$.10 per bushel for all bushels over two million.

3. For purposes of this section, one CWT shall equal 2.22 bushels and one barrel shall equal 3.6 bushels.

§111. Claim Provisions

A. The monies in the Agricultural Commodity Commission Self-Insurance Fund shall be used solely for the administration and operation of this program of self-insurance.

B. Any claimant who wishes to assert a claim must provide under oath written and notarized proof of a loss covered under this program within 30 days of the loss.

C. Said written claim shall include the following information:

1. name and address of claimant;

2. name of the licensee(s) against whom claimant is asserting a loss;

3. nature of the relationship and transaction between claimant and licensee(s);

4. the date of the loss which shall be defined as the date on which the claimant knew or should have known that a loss had occurred;

5. the amount of the loss and how calculated;

6. a concise explanation of the circumstances that precipitated the loss;

7. copies of those documents relied upon by claimant as proof of said loss.

D. Failure to furnish such proof of loss within the required time shall not invalidate nor reduce the claim if it was not reasonably possible to give proof within such time, provided such proof is furnished as soon as reasonably possible.

E. Upon receipt of a proof of loss, the commission will review the claim to determine whether it is covered under the program. The burden of proof to establish the loss shall be upon the claimant.

F. Where any loss is or may be covered by other insurance or bond the other insurance is primary and the commission may require the claimant to exhaust his remedies as to the other insurer before considering the payment of the claim.

G. Once a proof of loss has been filed against a licensee(s), the commission may make a complete inspection of the licensee's physical facilities and the contents thereof, as well as an audit of all books and records of the licensee and/or claimant, subject to the confidentiality requirements of R.S. 3:3421.

H. Once proof of loss has been filed against a licensee(s), any other claimants alleging a loss caused by said licensee(s) will have a period of 60 days within which to post and thereby file a written claim. The said 60-day period will begin to run upon publication by the commission of the notice of claim in the official local journal for legal notices, or the print publication with the highest circulation in the area serviced by the licensee. The purpose of said notice is to determine whether there are multiple claims, and in the event of multiple claims, proceeds available for losses of said licensee(s) will be prorated.

I. The commission shall provide a notice, by published advertisement, in the official local journal for legal notices or the print publication with the highest circulation in the area serviced by the licensee of the failure of a warehouse and/or grain dealer licensee and all claims pursuant thereto must be filed within 60 days of the published advertisement.

J. The commissioner may, at his option, represent the producers and the patrons of a licensee in their claim against a licensee.

K. When claims against different licenses are filed timely and approved by the commission and the aggregate amount claimed exceeds the amount in the fund, those claims filed first will be paid before other claims until the fund is exhausted. However, the commission may for good cause shown permit the payment of any claim or claim over a period of years as it shall determine.

L. The fiscal year for the self-insurance fund shall be from July 1 through June 30 of each year. However, any claims received by the commission on or before August 15 of any calendar year shall be deemed as a claim on the self-insurance fund of the previous fiscal year. Claims against a licensee which are posted or received by the commission within 60 days of the advertisement of the first claim shall be considered as received on the same date as the first claim.

§113. Appeal Procedure

A. Any decision of the commission to deny or grant a claim for payment from the fund may be appealed to the commission by the licensee or claimant by seeking an adjudicatory hearing to have said decision reconsidered by the commission in accordance with Chapter 13 of Title 49 of the Louisiana Revised Statutes, as well as all subsequent appeals therefrom, provided said appellant files with the commission a written notice of appeal within 30 days of the mailing of the decision of the commission to the affected party.

B. Said notice of appeal shall contain an expressed statement of each and every basis upon which said appeal is sought and the hearing to consider same shall be limited accordingly.

§115. Special Assessments

For any licensed year, the commission may levy one or more assessments, which assessment shall be paid by the licensees that participated in the fund upon a finding that the fund has, is or is likely to become inadequate to pay claims, however, said assessments shall not exceed the annual fee paid by the licensee(s).

§117. Subrogation

Whenever a claim is paid by the commission from the self-insurance fund, the claimant, by accepting said payment, subrogates his rights to the commission up to the full amount of payment and the commission shall have the right to recover such payments from any responsible person or entity as it shall determine.

§119. Limit of Self-Insurance Fund

The maximum amount necessary to sustain the self-insurance fund is \$2,000,000. When the self-insurance fund has \$2,000,000 available for payment of claims no further fees or assessment will be collected until said fund is reduced by payment of claims or as otherwise provided for herein.

§121. First Year of Operation

A. During the first year of operation of the self-insurance fund, the commission may utilize an underwriter to underwrite said fund until the fund becomes self sustaining.

B. The commission may collect the annual fee or levy an assessment, to be paid by all warehouse and grain dealer licensees in the state of Louisiana, at any time during the fiscal year from July 1, 1986 through June 30, 1987 by giving 30 days written notice to all licensees or applicants. However, no licensee who has obtained a surety bond or alternate security in accordance with R.S. 3:3410(A) and/or R.S. 3:3411(F) shall be required to pay a fee or an assessment during the fiscal year from July 1, 1986 through June 30, 1987.

§123. Participation in the Self-Insurance Fund

Participation in the agricultural commodity commission self-insurance fund shall be mandatory, however, for good cause shown the commission may require a licensee to provide other security, in accordance with R.S. 3:3410 (A) and/or R.S. 3:3411 (F), in lieu of or in addition to participation in the self-insurance fund.

§125. Prohibited Acts; Criminal Penalties

A. Any claimant who provides the commission with false

information regarding an alleged loss may be denied payment of the claim on that basis alone.

B. Any warehouse or grain dealer licensee who intentionally provides the commission with false information regarding a claim, or regarding any other matter pertaining to the self-insurance program, shall be subject, upon conviction, to the penalties for perjury established under R.S. 14:123.

C. Any warehouse or grain dealer licensee who intentionally provides the commission with false information regarding a claim, or regarding any other matters pertaining to the self-insurance fund, shall be subject to a fine of up to \$10,000 for each occurrence proven at a hearing conducted in accordance with Chapter 13 of Title 49.

§127. Validity of Rules

If any part of this regulation is declared to be invalid for any reason by any court of competent jurisdiction, said declaration shall not affect the validity of any other part not so declared.

Bob Odom
Commissioner

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Ag. Commodities Commission

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

All implementation costs for this program will be absorbed by the Louisiana Agricultural Commodities Commission.

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

Grain dealers will be required to pay an annual fee of \$1,000. Warehouses will be required to pay a fee based on the total licensed capacity of the facilities. It is anticipated that approximately \$152,000 will be collected into the fund on an annual basis.

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

Although grain dealers and warehouses will be required to pay an annual fee, they will be able to continue their business since all grain dealers and warehouses are required to be bonded or pledge alternate securities in order to be licensed. Currently, there are numerous grain dealers and warehouses who have been unable to obtain bonds or alternate security.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Without the required bond or alternate security, numerous grain dealers and warehouses would not be able to keep their business open if it wasn't for the self-insurance program.

Richard Allen
Assistant Commissioner

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Agriculture and Forestry Office of Agro-Consumer Services Commission of Weights and Measures

In accordance with the Administrative Procedure Act and R.S. 55:3, the Department of Agriculture and Forestry, Commis-

sion of Weights and Measures, is hereby proposing to adopt rules and regulations as detailed below in order to implement the provisions of Act Number 938.

Adopt LAC 7:XXXV.17502:

§17502. Definitions

Accurate means a device that when its performance or value (that is, its indications, its deliveries, its recorded representations or its capacity or actual value, etc., as determined by test made with suitable standards) conforms to the standard within the applicable tolerances and other performance requirements. Equipment that fails to conform is inaccurate.

Commercial means the use: (1) in proving the size, quantity, extent, area or measurement of things for distribution or consumption, purchased or offered, or submitted for sale, hire or award; (2) in computing any charge for services rendered on the basis of weight or measure; or (3) in determining weight or measure when a charge is made for the determination.

Commission means the Commission of Weights and Measures established in R.S. 55:3.

Compound weighing device means a weighing device that in its operation utilizes either more than one load receiving element and/or more than one primary indicating element.

Correct means conformance to all applicable requirements for weighing and measuring devices. Any other device is incorrect.

Indicating element means an element incorporated in a weighing or measuring device by means or which its performance relative to quantity or money value is read from the device itself (i.e. an index-and-graduated-scale combinations, a weighbeam-and-poise combination, a digital indicator, etc.).

Load-receiving element means that component of a scale that is designed to receive the load to be weighed (i.e. platforms, decks, rails, hoppers, platters, plates, scoops, etc.).

Primary indicating element means those principal indicating elements (visual) and recording elements that are designed to, or may, be used by the operator in the normal commercial use of a device. The term "primary" is applied to any element or elements that may be the determining factor in arriving at the sale representation when the device is used commercially. (Examples of primary elements are the visual indicators for meters or scales not equipped with ticket printers or other recording elements for meters or scales so equipped.) The term "primary" is not applied to such auxiliary elements (i.e. the totalizing register of predetermined-stop mechanism on a meter or the means for producing a running record of successive weighing operations) as these elements being supplementary to those that are the determining factors in sales representations of individual deliveries or weights.

Weights, measures, or weighing and measuring devices means all weights, scales, beams, measures of every kind, instruments and mechanical devices for weighing or measuring, and any appliances and accessories connected with any such instruments.

Amend LAC 7:XXXV.17521 as follows:

§17521. Weighmasters

A. A weighmaster license shall be required of each individual in charge of weighing commodities being bought from or sold to the public and each such individual weighing for the public when a charge is made for such weighing or when a certificate of weight is issued. There shall be at least one such individual on duty at all times that weighing is taking place. Individuals weighing at retail consumer outlets and individuals weighing pre-packaged commodities shall be exempt from this provision.

B. The director of the Louisiana Division of Weights and Measures may issue a weighmaster license after the applicant has passed the required test of his knowledge of weighing equip-

ment.

C. This weighmaster license would be good for one calendar year, beginning January 1 through the month of December, or any part of the calendar year, but would have to be renewed at least 15 days before the beginning of each calendar year.

D. The director of the Division of Weights and Measures shall have the authority to revoke or cancel any weighmaster license if it is found that the weighmaster is improperly using any type of weighing device.

Adopt LAC 7:XXXV.17523:

§17523. Registration

A. Each commercial weighing and measuring device in use in Louisiana shall be registered annually with the commission insofar as is specified in this regulation.

B. Whenever there shall exist a weight or measure or weighing or measuring device in/or about any place in which or from which buying or selling is commonly carried on, there shall be a rebuttable presumption that such weight or measure or weighing or measuring device is regularly used for the business purposes of that place and shall be registered as a commercial device.

C. Scales shall be registered according to the following criteria:

1. make;
2. model;
3. serial number;
4. capacity; and
5. intended use.

D. An annual registration fee as specified in R.S. 55:20 shall be paid as follows:

1. Scales with a capacity of 0 to 50 pounds (Category 1) - \$10
2. Scales with a capacity of over 50 pounds to 1000 pounds (Category 2) - \$10
3. Scales with a capacity of over 1,000 pounds to 10,000 pounds (Category 3) - \$50
4. Scales with a capacity of over 10,000 pounds (Category 4) - \$75

E. A late fee of \$25 will be assessed for each device, the maximum penalty of \$100 per outlet, when the application is submitted after December 31.

F. A late fee of \$25 will be assessed for each new device not registered within 30 days from the date it is put into service.

G. A compound weighing device shall be considered one or more devices for the purpose of registration in accordance with the following:

1. A compound weighing device that consists of a single load receiving element and more than one indicating element shall be considered a single device when all indicating elements may be tested during the same test for the purpose of sealing the device as correct. Said device shall be considered separate devices for each separate test necessary for sealing.

2. A compound weighing device that consist of one indicating element and more than one load receiving element shall for the purpose of registration be considered a separate device for each load receiving element.

H. Applicants for registration may request application forms, verbally or in writing, from the Commission of Weights and Measures of the Department of Agriculture and Forestry.

I. Each application for annual registration shall be accompanied by payment of required fee and said registration shall be valid until December 31. To remain valid, each annual registration must be renewed on or before January 1.

J. Any registration obtained without complying with all of the requirements of these regulations may be voided by the com-

mission.

K. Before a device may be sealed to certify the accuracy and correctness of a device, that device must be registered with the Commission of Weights and Measures of the Louisiana Department of Agriculture and Forestry.

L. In accordance with R.S.55:9, no one shall use, or have in possession for the purpose of current use, any weight, measure or weighing or measuring device which has not been sealed by the commission, its director, or its inspectors, at its direction, within the year prior thereto, unless written notice has been given to the commission to the effect that the weight, measure or weighing or measuring device is available for examination or is due for re-examination.

M. Application for registration or renewal of registration shall fulfill the requirement of notification required in Subsection L of this Section.

N. Applications for annual renewal of registration shall be mailed by the Commission of Weights and Measures of the Department of Agriculture and Forestry to all registrants, at the last address provided by the registrant, on or before November 15 and must be returned on or before January 1.

O. The record of all registrations shall be maintained by the Commission of Weights and Measures and the director of the Division of Weights and Measures in its office in Baton Rouge.

P. Any registrant having a device registered under provisions of this regulation, and that is taken out of commercial use at the location shown on the application for registration, shall notify the commission's office in writing to remove said device from its records.

Adopt LAC 7:XXXV.17525:

§17525. Standards

A. For the purposes of registration of weighing and measuring devices, the criteria shall be compliance with the applicable requirements of NBS Handbook 44, "Specifications, Tolerances, and Other Technical Requirements for Weighing and measuring Devices." This publication is published annually by the United States Department of Commerce, National Bureau of Standards".

B. For any device being registered for the first time, it shall be determined that the above criteria has been met and that the device:

1. has been tested and approved in Louisiana prior to January 1, 1987, with no modifications to the device since such test and approval;

2. has been tested by the National Bureau of Standards and shown to comply with Handbook 44 criteria by the issuance of a Report of Test (Prior to 1985) or a Certificate of Conformance (1985, Forward); or

3. has been tested by the Commission of Weights and Measures of the Louisiana Department of Agriculture and Forestry or another state which uses Handbook 44 as its criteria and has been issued a certificate stating such test and compliance with said criteria.

C. For the purpose of registration of a weighing and measuring device, the stated intended use shall be a use that the manufacturer intended or a use that is proven suitable for that device.

Adopt LAC 7:XXXV.17527:

§17527. Penalties

A. The commission, or his duly authorized representative, shall mark any device that is incorrect and warn its owner/user that the device is incorrect and should not be used until it is made correct. If a device that has been so marked as incorrect continues to be used commercially, the commission may seize the device in order to protect the public. The commission shall give a notice of intent to seize the incorrect device five calendar

days before the actual seizure. However, a device which is not used at a fixed location may be seized immediately upon a determination that said device is incorrect.

B. Upon a showing by the owner/user that adequate steps have been taken to correct the seized device, the commission shall release the seized device.

C. The commission shall give the owner/user of the seized device a hearing within 60 calendar days of a request for such a hearing. If the owner/user of the seized device fails to request a hearing on the seizure within 30 days of seizure, the right to a hearing shall be deemed waived.

D. If the owner/user waives his right to request a hearing and takes no action to retrieve the device within 60 days of seizure, the device shall be deemed abandoned property. The device may then be disposed of by the state with an obligation to the owner.

Bob Odom
Commissioner

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Weights and Measures

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
This amendment will not require any implementation costs.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
This amendment will not 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)
This amendment will not directly affect persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
This amendment will not have any effect on competition or employment.

Richard Allen
Assistant Commissioner

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Agriculture and Forestry Office of Management and Finance Central Registry

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.), R.S. 3:3660, R.S. 3:3654 and Public Law 99-198 (Food Security Act of 1985), the Department of Agriculture and Forestry, Central Registry, is hereby giving notice of its intention to adopt the amendments detailed below. All inquiries should be sent to Richard Allen, Assistant Commissioner, Office of Management and Finance, Box 44306, Capitol Station, Baton Rouge, LA 70804. Comments will be accepted through February 6, 1987.

LAC 7:XXXVII.18111 should be amended to read as follows revising Subsection D:

§18111. Farm Product Encumbrance List (Master List)

A. The Central Registry shall compile all filings into a master list. The master list or portions thereof will be distributed

to each registrant based on farm products and parishes as indicated on each registration application (Form CR-3 or CR-4).

B. The master list will be compiled on the first regular business day of each quarter beginning January 1, 1987 and distributed within five regular business days. Each master list shall contain all filings prior to close of business on the last regular business day of the previous quarter. Cumulative addendums shall be compiled on the first and fifteenth day of each month and distributed within three regular business days. The Central Registry will not distribute cumulative addendums on the first of each month in which there is a distribution of a master list.

C. The department shall allow interested parties to obtain direct access to the computerized information in the Central Registry. Request for direct access will be considered on a case by case basis. Method of access, terms, costs and conditions will be stipulated by contract between the department and the interested party. The cost of direct access to the interested party will be limited to the actual cost to the Central Registry.

D. All registrants shall be deemed to have received any master list or cumulative addendum distributed by the Central Registry on the seventh day following the date of mailing to the intended recipient or the date of actual delivery, whichever occurs first. The Central Registry shall maintain accurate records so that such dates can be readily determined.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3660, R.S. 3:3654 and Public Law 99-198 (Food Security Act of 1985).

LAC 7:XXXVII.18119 should be amended to read as following revising Subsection A to delete greens and cheese from the list of farm products:

§18119. Farm Products List and Codes

A. In accordance with R.S. 3:3654 (B) and Section 1324 of the Food Security Act of 1985, Public Law 99-198 as amended, and regulations issued thereunder as applicable, only those products listed below shall be deemed farm products by the Central Registry.

CODE	PRODUCT	CODE	PRODUCT
1010	Cabbage	1220	Pecans
1020	Cantelopes	1230	Peppers
1030	Cauliflower	1240	Rice
1040	Corn	1250	Rye Grass Seed
1050	Cotton	1260	Sorghum Grain
1060	Cucumbers	1270	Soybeans
1070	Cushaw	1280	Squash
1080	Flowers, Shrubs & Ornamentals	1290	Strawberries
		1300	Sugarcane
1090	Garlic	1310	Sunflower Seed
1100	Grapes	1320	Sweet Potatoes (Yams)
1110	Grass	1330	Sweet Sorghum
1130	Hay	1340	Tomatoes
1140	Milo	1350	Watermelons
1150	Mushrooms	1360	Wheat
1160	Oats		
1170	Onions		
1180	Oranges		
1190	Peaches	2020	Eggs
1200	Peanuts	2030	Honey
1210	Peas	2040	Milk
3010	Alligators	3090	Horses
3020	Catfish	3100	Mink
3030	Cattle	3110	Oysters
3040	Chickens	3120	Quail
3050	Crawfish	3130	Prawns

3060	Goats	3140	Sheep (Lamb)
3070	Hogs	3150	Shrimp
3080	Honeybees	3160	Turkeys

B. Louisiana shall be deemed to be a state that has established a Central Registry as to those farm products listed above and shall be deemed not to be such a state as to all other farm products.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3654, R.S. 3:3660 and Public Law 99-198 (Food Security Act of 1985).

Bob Odom
Commissioner

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Central Registry**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will not be any implementation costs.
- 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 costs and/or economic benefits which will directly affect persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There will be no effect on competition or employment.

Richard Allen
Assistant Commissioner

Mark C. Drennen
Legislative Fiscal Officer

**NOTICE OF INTENT
Department of Civil Service
Board of Ethics for Elected Officials**

The Board of Ethics for Elected Officials, acting in its capacity as the Supervisory Committee on Campaign Finance Disclosure pursuant to R.S. 18:1511.1A, proposes to amend the following forms currently used for campaign finance disclosure by candidates and political committees: Candidate's Affidavit In Lieu Of Report and Committee Affidavit in Lieu of Report. The amendments will change the format of the forms and instructions contained on the forms; these changes are being made for the purpose of making these forms easier to complete.

FORM 1

Mail Original of Completed Form To: CAMPAIGN FINANCE OFFICE 7434 Perkins Road, Suite B Baton Rouge, LA 70808-4379 Or Hand Deliver To Suite D Telephone: (504) 925-3991	CANDIDATE'S AFFIDAVIT IN LIEU OF REPORT THIS FORM MUST BE NOTARIZED	OFFICE USE ONLY			
		Cand #	PC	Def	
		Pr/ Elec	Def		
		Filed	Can		
		D/C	S/O	New	
		W/P	Pg		
		S/O			
Use ONLY if you meet ALL of the following criteria: 1. You are a candidate for "major" or "district" office; 2. You have not received contributions from one source in excess of your reporting amount; 3. You have not made expenditures in excess of \$5000 for this election; and 4. You have not filed an itemized (long) report in connection with this election.					
PLEASE TYPE OR CLEARLY PRINT IN BLACK INK ONLY					
<small>FULL NAME AND COMPLETE MAILING ADDRESS OF CANDIDATE (INCLUDING ZIP CODE)</small>					

(Continued on page 36)

FORM 1 (Continued)

Day Telephone ()	Office Sought	Parish and/or District
DATE OF PRIMARY:		DATE OF GENERAL:
THIS REPORT COVERS	180th day prior to primary	10th day prior to general
FROM / /	90th day prior to primary	40th day after general
month/day/year	30th day prior to primary	Annual Report (due Jan. 15)
	10th day prior to primary	Supplemental Report (due Jan. 15)
TO / /	Final Report ONLY If: <input type="checkbox"/> Withdrawn <input type="checkbox"/> Unopposed	
month/day/year	(See Schedule of Reporting and Filing Dates for this Election)	

AFFIDAVIT

I do hereby certify, after being duly sworn, that, with respect to the elections described above, I have not received a contribution in excess of my reporting amount, and have not made expenditures totaling in excess of \$5000 in the aggregate from the time of becoming a candidate through the close of the current reporting period.

Signature of Candidate _____

SWORN and subscribed before me this ___ day of _____ Month, 19___ at _____ City, State _____

NOTARY PUBLIC

FORM 2

Mail Original Of Completed Form To: CAMPAIGN FINANCE OFFICE 7434 Perkins Road, Suite B Baton Rouge, LA 70808-4379 Or Hand Deliver To Suite D Telephone: (504) 925-3991	COMMITTEE AFFIDAVIT IN LIEU OF REPORT THIS FORM MUST BE NOTARIZED	OFFICE USE ONLY ON Comm # _____ PC _____ Pri Elec _____ Def _____ Filed _____ Cat _____ O/C _____ S/O _____ New _____ W/O _____ Pg _____ D/O _____
Use ONLY if the committee meets ALL of the following criteria: 1. It has not received contributions from one source in excess of its reporting amount; 2. It has not made expenditures in excess of \$5000 for this election; and 3. It has not filed an itemized (long) report in connection with this election.		
PLEASE TYPE OR CLEARLY PRINT IN BLACK INK ONLY		
FULL NAME AND COMPLETE MAILING ADDRESS OF COMMITTEE (including ZIP CODE)		
Chairman	Treasurer	
Day Telephone ()	Office Sought (if Principal Campaign Committee)	
DATE OF PRIMARY:		DATE OF GENERAL:
THIS REPORT COVERS	180th day prior to primary	10th day prior to general
FROM / /	90th day prior to primary	40th day after general
month/day/year	30th day prior to primary	Annual Report (due Jan. 15)
	10th day prior to primary	Supplemental Report (due Jan. 15)
TO / /	Final Report ONLY If: <input type="checkbox"/> Withdrawn <input type="checkbox"/> Unopposed	
month/day/year	(See Schedule of Reporting and Filing Dates for this Election)	

AFFIDAVIT

I do hereby certify, after being duly sworn, that, with respect to the elections described above, this political committee has not received a contribution in excess of its reporting amount, and has not made expenditures totaling in excess of \$5000 in the aggregate during the aggregating period ending at the close of the current reporting period.

Signature of Chairman or Treasurer _____

SWORN and subscribed before me this ___ day of _____ Month, 19___ at _____ City, State _____

NOTARY PUBLIC

Interested persons may submit written comments until 4:45 p.m., February 5, 1987, to R. Gray Sexton, Executive Secretary, Board of Ethics for Elected Officials, 7434 Perkins Road, Suite B, Baton Rouge, LA 70808-4379. Inquiries concerning this proposed action may be made to Maris LeBlanc at the same address or at (504) 925-7290.

R. Gray Sexton
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Campaign Finance Disclosure Forms**

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

The cost of implementing these changes is negligible. The

only cost incurred will be those associated with preparing the new format. This will be done in-house with current staff, and, accordingly, will not increase the agency expenditures. These new forms will replace the current forms as their supply is exhausted, so implementation of these changes will not involve any extra cost for producing the forms.

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

There will be no estimated effect on revenue collection of state or local governmental units.

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

There will be 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 estimated effect on competition and employment.

Peter G. Wright
Attorney

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of State Civil Service
Civil Service Commission**

The State Civil Service Commission will hold a public hearing on Wednesday, February 4, 1987 to consider a rule for layoffs during the transition to the new classification system job titles.

The hearing will begin immediately after the General Business Session and will be held in the Twelfth Floor Commission Hearing Room, Republic Tower Building, 5700 Florida Boulevard, Baton Rouge, LA.

Consideration will be given to the following:

CHAPTER 18

PROPOSAL

18.4 Layoffs During Transition to the New Classification and Pay System.

All layoffs effective January 1, 1987 and thereafter, must be submitted in the new classification system job titles and career fields assigned at the time the layoff plan is submitted to the director. Any change to allocations subsequent to the submission of the layoff plan shall not affect the layoff.

EXPLANATION

Rule 18.4 was adopted as an emergency rule in order to avoid problems which may result from allocations in the new classification system which are determined following a layoff, but which are considered retroactive to January 1, 1987 for pay purposes.

It would be impossible to "undo" a layoff if allocations are changed after a layoff has been conducted. This rule will allow agencies to conduct layoffs based on information available at the time the layoff is proposed.

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

Herbert L. Sumrall
Director

NOTICE OF INTENT

Department of Commerce Office of Commerce and Industry

The Board of the Louisiana Minority Business Development Authority proposes to amend its rules. At the October 30, 1986 board meeting the following amended rules were adopted.

Title 19 Minority Business Development Authority (LAMBDA)

Chapter 1. Loan Policies §Program Procedures

A. Loan Policy Statement

This statement is an outline of lending policies for the guidance of the staff and lending officers, and the management of the Louisiana Minority Business Development Authority, herein referred to as the "Authority" and is adopted by the Board of Directors for this purpose. No part of this policy will be construed as authority for any person to act contrary to Acts #768 - 1980; #328 - 1982; #68, #480, #762 - 1984; #434 - 1985 and the provisions of Acts #389, #682, #683, #1018 of the 1986 Legislature.

B. General Policy

The staff and lending officers of the authority will be guided by the following general principles in making loans.

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

2. The authority desires to make sound loans as resources permit. The board of the authority recognizes that lending money carries certain risks, and the authority is willing to undertake reasonable exposure. Some losses are anticipated in any lending program, and adequate reserves will be maintained.

C. Loan Approval and Review

1. All loan requests will be presented to the loan committee of the authority at its monthly meetings. The screening committee meets on the third Wednesday of each month except during a moratorium and the board members meet on the last Thursday of each month. All loans will be presented on application forms authorized by the authority.

2. All completed loans received on or before the tenth of the month will be presented at the following month's screening and board meetings.

3. Financial assistance can be approved to:

- a. finance construction for new building and the purchase of real estate;
- b. provide for conversion of product line or expansion;
- c. finance purchase of new equipment, facilities, machinery, supplies or materials;
- d. provide working capital;
- e. Provide cash bonds.

§103. Eligibility

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

A. It must be owned or controlled by a socially or economically disadvantaged person, which is defined as person, regardless of sex or marital status who are members of groups whose disadvantage may arise from cultural, racial, chronic economic circumstances or background or other similar cause.

B. It must be certified as a minority business enterprise or minority-owned business, which is defined as a small business

organized for profit performing a commercially useful function which is owned and controlled by one or more minority individuals or minority business enterprises certified by the Governor's Office of Minority Business Enterprise.

C. Owned and controlled means a business in which one or more minorities or minority business enterprises certified by the office owns at least 51 percent or in the case of corporation, at least 51 percent of the voting stock and control at least 51 percent of the management and daily business operation of the business.

D. Minority means a person who is a citizen or lawful permanent resident of the United States and who is:

1. BLACK: having origins in any of the black racial groups of Africa.

2. HISPANIC: of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish or Portuguese culture or origin regardless of race.

3. ASIAN AMERICAN: having origins in any of the original peoples of the Far East, Southeast Asia; the Indian Sub-Continent, or the Pacific Islands.

4. AMERICAN INDIAN or ALASKAN NATIVE: having origins in any of the original peoples of North America.

E. Businesses can be certified as minority owned and operated with the Governor's Office of Minority Business Enterprises, located at the State Capitol Annex Building, Room 206, in Baton Rouge, or you may contact the office at 504/342-6491.

F. The business enterprise must be a small business as defined by the Small Business Administration of the United States Government, which for purposes of size, eligibility or other factors, meets the applicable criteria set forth in 13 Code of Federal Regulations, Part 121, as amended.

G. The applicant shall be financially and legally responsible based upon his criminal, credit, and business history.

H. The applicant and any affiliate(s) shall have paid in full all taxes due and owing to the United States, the State of Louisiana or to any other level of government or shall present evidence noting a satisfactory arrangement to make sure payment which has been agreed to by all parties.

I. The applicant shall show through experience, training, or education, or a combination thereof, that he is capable of performing his responsibilities in connection with the ownership, management, or control of the enterprise.

J. The applicant, if he has received prior loans from the authority, shall be current with respect to all amounts due under said loans.

K. The applicant or principal stockholder must have Louisiana as his or her principal place of residence and the principal place of business must be domiciled in Louisiana.

L. It must provide reasonable security to assure repayment of the loan. Security may include, but not to be limited to, a mortgage on real estate to personal property, monies due on contracts, assignment of warehouse receipts and guarantees.

M. The applicant must meet a cash injection requirement, which will be determined by the authority.

N. Proper credit reports are required on each applicant. Credit information will be acquired from the proper credit reporting agency.

O. The applicant must exhibit proof that the desired credit is not otherwise available on reasonable terms.

P. The applicant must present evidence acceptable to the authority that the enterprise will succeed if the loan or loan guarantee is received.

§105. Interest Rates

The authority shall fix the rate of interest to be charged on

every loan, including participation loans. The rate shall be determined by averaging the rates charged by the Small Business Administration for the current quarter and the three immediately preceding quarters.

§107. Lending Regulations

Pursuant to the authority hereby vested in the authority, consistent with all other provisions of this Section and Part, and as shall be provided for by regulations of the authority promulgated in accordance with law, the authority may:

A. Loan to any eligible minority business enterprise a sum not in excess of 90 percent of the value of the property offered as security pursuant to a first mortgage, or a sum not in excess of 50 percent of the value of the property offered as security pursuant to a second mortgage, but in any case not to exceed \$150,000. Any such loans shall be made pursuant to duly promulgated regulations of the authority, which at a minimum shall require the borrower to execute a note secured by a first or second mortgage payable to the authority within such time and on such terms together with such endorsements and additional security as the authority may require.

B. Participate in any loan made by any bank, financial institution, or federal agency to any eligible minority business enterprise. Participation on the part of the authority shall not exceed 90 percent of the total amount required by the borrower for any purpose herein authorized, but in any case shall not exceed \$150,000. Participation shall be in accordance with duly promulgated regulations.

C. When the authority's participation is paid directly to the borrower, it shall be evidenced by a note properly executed by the borrower, payable to the authority within such time and on such terms together with such security as the authority may require, consistent with the requirements of the authority.

D. When the authority's participation is paid directly to the bank, financial institution, or federal agency through which the loan was negotiated, it shall be evidenced by the bank, financial institution, or federal agency, payable to the authority, setting forth the terms and conditions under which the authority agrees to participate, the amount of the participation, the security pledged for repayment, and the time within which the loan shall be liquidated. A participation certificate must be properly executed.

E. The authority shall maintain in the Minority Business Development Fund a reserve to be used to secure loan guarantees made by the authority. Such reserve shall be an amount not less than the sum of 20 percent of each outstanding guarantee.

F. The funds in the minority business development fund shall be invested by the state treasurer in accordance with its policies and in such a manner as to accrue the maximum benefit to the state and the fund. Any interest earning accruing from the investment of funds shall be deposited by the treasurer into the state treasury and shall be administered in the same manner as all other funds collected by the authority.

G. Underwrite the guarantee payment not in excess of 90 percent of any loan made by any bank, financial institution, or federal agency to any eligible minority business enterprise for the purposes specified. Such guarantee shall be for a loan in an amount not to exceed \$150,000. The authority shall promulgate regulations thereon which at a minimum shall require that when any portion of any loan is underwritten and guaranteed by the authority, an agreement shall be executed in the form of a commitment setting forth the terms and conditions under which the authority is obligated and the extent to which repayment of the loan is guaranteed and secured.

H. The authority may guarantee individual loans up to no more than a total of \$5 million from state or nationally chartered

lending institutions. In no case may any individual loan be guaranteed for more than 90 percent.

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

J. The authority shall make no loan or participate in, or guarantee the repayment of any loan for a period of more than five years. However, the authority may review or extend loans when it deems it necessary, in the aggregate, not to exceed a total of 15 years. All balloon notes shall be renewed at the prevailing interest rate at the time of the renewal. The minimum lending amount is \$10,000 and the maximum amount is \$150,000.

§109. Lending Officers' Responsibilities

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

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

1. name and address of borrower;
2. date of loan request;
3. brief summary of the business;
4. amount of loan request;
5. rate requested by the borrower and rate agreed upon by the lending officer;
6. terms of repayment. If the loan is to be amortized on a monthly basis, the number of monthly installments and dollar amount should be noted;
7. purpose of the loan;
8. security. Give a complete description of the collateral and state its current value. Where the loan is secured by real estate, this value should be established by an adequate appraisal.

C. All loans to minority business concerns will be supported by adequate financial statements; this includes balance sheets, profit and loss statements. All statements must be current within 90 days and must be signed by borrower and spouse.

D. The authority will review all loans at its monthly board meeting during which the board will take action on each request at the meeting.

E. If the application is denied, the authority shall provide written reason(s) within 30 days of the denial as to why such action was taken. If an application for a loan guarantee is approved, written notification will be given to the applicant and financial institution outlining the terms and conditions of the approval. The loan transaction may be completed, and the borrower shall execute a secured note to the authority to secure the guarantee of the authority.

F. If an application for a participation loan is approved, the financial institution shall be notified and the loan transaction may be completed. If an application for a direct loan is approved, the applicant shall be notified and the loan transaction completed. Any applicant whose application is denied may reapply within 90 days of such board action unless the board offers a waiver of this requirement.

Chapter 3. Desirable Loans and Collateral

§301. Lending Criteria

A. Equipment — Loans to business secured by chattel mortgage on equipment will be amortized over a period not to exceed five years. Excessive loans to value ratios on equipment

can result in significant loss. Loans of over 75 percent of cost should be seriously discouraged.

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

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

D. Assignment of contracts — Valid contracts are acceptable collateral.

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

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

G. Listed securities: New York or American Stock Exchange - Loans should not exceed 75 percent of the stock's value.

H. Cash surrender value of life insurance.

I. Loans to new businesses for the following purposes:

1. land, building and/or equipment to be used for all or part of the operation of the business;
2. construction of building;
3. purchase of inventory;
4. purchase of supplies;
5. operating capital.

J. When the items listed above are pledged as collateral, applicants will be required to provide a:

1. list of the equipment, amount and model number;
2. aging of accounts receivables;
3. list of inventory, purchase amount;
4. list of securities;
5. copy of insurance policy.

§303. Small Business Administration

It will be the policy of the authority to participate in loans for minority businesses with the Small Business Administration.

§305. Farmers' Home Administration

It will be the policy of the authority to participate in loans for minority businesses with the Farmers' Home Administration.

§307. Bonding

The authority will provide monies to be used as cash bonds which are needed by minority small businesses. These bonds cannot exceed \$150,000 and will be approved by the authority's standard approval procedure and will be placed on a 10-month pay back plan. The standard security procedures will be required by the borrower. A one percent commitment fee will be charged by the authority to the borrower which will be payable upon the issuance of the cash bond. Interest will be charged only on the amount of money used in the period of use and will be 10 percent.

Chapter 5. Undesirable loans

§501. Lending Criteria

Some types of loans considered undesirable by the authority are loans:

A. to applicants who cannot or refuse to furnish adequate

financial information;

B. to applicants outside of the state of Louisiana;

C. where the integrity and honesty of the principal(s) are questionable;

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

E. to build or purchase apartment complexes;

F. that after having been reviewed by the authority, do not show repayment ability;

G. to provide funding for the acquisition, renovation, or alteration of a building or property for the principal purpose of real estate speculation;

H. To provide funding for the principal purpose of refinancing existing debt;

I. To establish:

1. restaurants (except for regional or national franchises);
2. bars;
3. taverns;

4. any project established for the principal purpose of dispensing alcoholic beverages.

Chapter 7. Delinquency, Charge-Off Method

§701. Policy Statement

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

B. Delinquency and Charge-Off

1. The board of the authority recognizes that the lending of money carries an inherent risk and that LAMBDA is willing to undertake reasonable risks. The staff is responsible for the overall collection program for the authority. When a loan becomes 11 days past due and depending on the staff's knowledge of the particular account and the circumstances, staff should contact the account either by phone or letter as to the problem causing the past due status.

2. Loans that fall into the 30-60 day past due category will be considered seriously delinquent and the Attorney General's representative will be asked to send a letter requesting payment within five days or legal action will begin.

3. Effective July 1, 1983, payments on approved LAMBDA direct loans will be considered late if not received within 10 calendar days of the payment due date. Beginning on the eleventh day following the scheduled due date, a late fee of 10 percent of the monthly payment will be assessed.

C. Charge-Off Loans

1. Loans will be considered as charge-offs on the recommendation from the attorney(s) in charge of the account(s) in question.

2. Effective January 1987 the staff shall prepare a memo on loans that are considered charge-off and each month thereafter. This memo will be presented to the board and approved by the body before the loan is charged off. At this board meeting the staff should be prepared to discuss the original credit judgment, collection attempts, reasons for the loan's failure and whether all avenues for collection have been exhausted. Loans approved for charge-off will be categorized on the loan summary report as such and the accounts will be maintained in a charge-off file.

D. Credit Information

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

credit reporting agency.

E. Collection Procedures

The authority will require that all loans be repaid on a monthly basis. The standard payment period will be the first or fifteenth of each month. In the case of bonding, the collection will be at the end of the expiration date of the note. There will be no prepayment penalty, therefore, any loan can be paid before maturity. Loans may only be repaid by a cashier's check, certified check or money order. The authority will not accept cash money, company checks or personal checks. All payments should be made payable to the Louisiana Minority Business Development Authority.

§703. LAMBDA: Code of Conduct

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

§705. Board Member and Employee Loans

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

§707. Contingency Fund

The authority shall establish a loan contingency fund of \$25,000 to be used for loan collection expenses including attorney fees, court costs, travel, and any other expenses incurred by the authority in the collection of loans. The loan contingency fund shall be used to initiate the loan collection process and shall be reimbursed by the attorney or record at settlement.

§709. Fee charges

In accordance with Acts No. 682 and No. 683 of the 1986 Legislature, a \$50 non-refundable application fee is required to be submitted with each application. This fee is acceptable only with the application and in the form of a cashier's check or money order. When a loan application is approved a non-refundable 1 percent origination fee must be submitted at the loan closing in the form of a cashier's check or money order.

Written comments concerning the rules should be addressed to the Louisiana Minority Business Development Authority, Box 94185, Baton Rouge, LA 70804-9185 to the attention of Patricia A. Robinson.

Patricia A. Robinson
Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Loan Policy**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
No effect to local governmental units or state.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Increased lending limits will mean an increase in principal and interest collection to the State Treasury.
No effect to local governments.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
The increased lending limits will strengthen minority entrepreneurs' ability to create new jobs and compete in the private sector.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed changes will strengthen minority entrepreneurs' ability to become or remain competitive and will create an unknown number of employment opportunities.

Nadia Goodman
Director of Policy and Planning

Mark C. Drennen
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Establish Fees for Applicants**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
None
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
It is expected that about \$25,500 will be collected in fees.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
The fees will generate revenue from loan applications, paid by the business establishment applying for and benefiting from the loan applied for.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
None

R. P. Adams
Director of Finance

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Commerce
Office of Financial Institutions**

**SECURITIES REGULATION RULE 2
Exemption from Registration**

Pursuant to the authority granted by R.S. 51:709(15) the commissioner of financial institutions, as Ex-Officio Commissioner of Securities, intends to adopt a new rule concerning securities regulations.

The proposed rule provides an exemption from the provisions of Securities Law requiring registration for the offer or sale of securities offered or sold by a bank holding company when the securities will be sold to no more than 490 persons, all purchasers are residents of the state of Louisiana, no fees or commissions will be paid to any one other than a registered broker-dealer and the securities will not be offered or sold by any form of general solicitation or general advertising.

Interested persons may submit written comments or make written inquiries concerning the proposed rule until 4:45 p.m., February 6, 1987, at the following address: Fred C. Dent, Commissioner of Financial Institutions, Office of Financial Institutions, Post Office Box 94095, Baton Rouge, LA, 70804-9095.

Commissioner Dent and/or H. Wayne Valentine are the persons responsible for responding to inquiries concerning the proposed Rule.

Fred C. Dent
Commissioner of Financial Institutions

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Securities Regulation**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
NONE
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
NONE
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
The adoption of this Rule will decrease the cost to bank holding companies for the sale of their securities. It will reduce the potential filings of documents with the State Securities Office and decrease the associated delays of offering the securities for sale and the raising of needed capital. This rule codifies a policy that has been in effect for the past two years.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
NONE

K. E. Pickering
Commissioner

Mark C. Drennen
Legislative Fiscal Officer

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

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to amend rule LAC 35:5725 "Horsemen's Bookkeeper" relative to funds deposited in the horsemen's bookkeeper account.

Title 35
Horse Racing
Part III: Personnel, Registration and Licensing

**Chapter 57. Association's Duties and Obligations
§5725. Horsemen's Bookkeeper**

Each association conducting a race meeting shall provide a separate office to be used by the horsemen's bookkeeper who shall keep a separate bank account to be known as the "horsemen's bookkeeper account."

Except for the fee of a jockey (the deposit of which shall be made as provided for in LAC 46:XLI.5725), prior to the first race of each race day in which races are run at a licensed race meeting conducted by an association, the horsemen's bookkeeper account shall contain at all times funds sufficient to cover all monies due horsemen relative to purses (offered by an association on its official program), stakes, rewards, claims and other deposits. The association conducting the race meeting shall be required to make a deposit in the horsemen's bookkeeper account each day racing is conducted by it, and as required herein, in an amount equal to the purses to be distributed by it for the races to be run at its track on each race day. Withdrawals from said account shall be only for the purposes set forth herein and no other, except by written order of the stewards. The horsemen's bookkeeper account shall be subject to audit by the commission at all times.

The office of the Racing Commission is open from 9 a.m. to 4 p.m. and interested parties may contact Tom Trenchard or Alan J. LeVasseur at (504) 568-5870 or LINC 621-5870, holidays and weekends excluded, for a copy of this rule. All inter-

ested persons may submit written comments relative to this rule through Friday, January 9, 1987 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Albert M. Stall
Chairman

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: LAC 35:5725 "Horsemen's Bookkeeper"**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no implementation costs (savings) to the commission.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no effect on revenue collected by the commission.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
This amendment will benefit horsemen by assuring that there are funds for their payment at all times.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There are no effects on competition or employment.

Albert M. Stall
Chairman

Mark C. Drennen
Legislative Fiscal Officer

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

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to adopt rule LAC 35:I.1793 "Testing for Alcohol Abuse" relative to the detection and prevention of alcohol abuse on race tracks.

Title 35
Horse Racing
Part I. General Provisions

**Chapter 17. Corrupt and Prohibited Practices
§1793. Testing for Alcohol Abuse**

Officials, jockeys, trainers and grooms shall, when directed by the state steward, submit to a breathalyzer test and, if the results thereof show a reading of more than .05 percent of alcohol in the blood, such person shall not be permitted to continue his duties. The stewards may fine or suspend any participant who records a blood alcohol reading of .05 percent or more. Any participant who records a reading above the prescribed level on more than one occasion shall be subject to license revocation and/or expulsion, or such penalty consistent with R.S. 4:141 et seq. and/or the rules of racing.

The office of the Racing Commission is open from 9 a.m. to 4 p.m. and interested parties may contact Tom Trenchard or Alan J. LeVasseur at (504) 568-5870 or LINC 621-5870, holidays and weekends excluded, for a copy of this rule. All interested persons may submit written comments relative to this rule through Friday, January 9, 1987 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Albert M. Stall
Chairman

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: LAC 35:1793 "Testing for Alcohol Abuse"**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Implementation costs, within the commission's budget (acquisitions), should amount to approximately \$3,600.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no effect on revenue collected by the commission.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
This amendment will benefit horses, horsemen and the public by protecting them from individuals under the influence of alcohol.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There are no effects on competition or employment.

Albert M. Stall
Chairman

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Commerce
Racing Commission**

Title 35
HORSE RACING
Part I. General Provisions

**Chapter 17. Corrupt and Prohibited Practices
§1791. Testing for Dangerous Substances**

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to adopt rule LAC 35:1791 "Testing for Dangerous Substance Abuse" relative to the detection and prevention of drug abuse on race tracks. This rule can be viewed in its entirety in the Emergency Rule section of this issue of the *Louisiana Register*.

The office of the Racing Commission is open from 9 a.m. to 4 p.m. and interested parties may contact Tom Trenchard or Alan J. LeVasseur at (504) 568-5870 or LINC 621-5870, holidays and weekends excluded, for a copy of this rule. All interested persons may submit written comments relative to this rule through Friday, January 9, 1987 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Albert M. Stall
Chairman

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: LAC 35:1791 "Testing for Dangerous
Substance Abuse"**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Implementation costs, within the commission's budget (acquisitions), should amount to approximately \$46,500.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no effect on revenue collected by the commis-

- sion.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
This amendment will benefit horses, horsemen and the public by protecting them from individuals under the influence of drugs and/or illegal substances.
 - IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There are no effects on competition or employment.

Albert M. Stall
Chairman

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Commerce
Racing Commission**

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to amend rule LAC 35:6329 "Two Races on a Day" relative to declaration of preference of a horse racing more than once a day.

Title 35
Horse Racing
Part V. Racing Procedures

**Chapter 63. Entries
§6329. Two Races on a Day**

No horse may be entered for two races on a single day unless one is a stakes race. Preference of which race said horse to is run in, that day, must be declared at scratch time.

The office of the Racing Commission is open from 9 a.m. to 4 p.m. and interested parties may contact Tom Trenchard or Alan J. LeVasseur at (504) 568-5870 or LINC 621-5870, holidays and weekends excluded, for a copy of this rule. All interested persons may submit written comments relative to this rule through Friday, January 9, 1987 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Albert M. Stall
Chairman

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: LAC 35:6329 "Two Races on a Day"**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no implementation costs to the commission.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no effect on revenue collected by the commission.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
This amendment will benefit 1) competing horsemen by assuring early preference declaration, and 2) horses by preventing them from being over-raced in one day.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There are no effects on competition or employment.

Albert M. Stall
Chairman

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

Regulations for Implementation of Kindergarten Developmental Readiness Screening Program

In accordance with R.S. 49:950, et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the following regulations for implementation of kindergarten developmental readiness screening program as required by Act 146 of the 1986 Regular Session of the Legislature R.S. 17:391.11:

Statement of Purpose

These regulations provide for the implementation of local kindergarten developmental readiness screening programs as required by Act 146, Regular Session, 1986. Activities conducted under these regulations shall be coordinated with other forms of screening conducted by the school district. (R.S. 17:391.11, SBESE Policy)

Definition of Terms

Readiness Screening—The process of identifying the performance levels, skills, and abilities of young children through the gathering of information concerning their physical, intellectual, emotional, and social development.

Developmental—Appropriate behavior by age level in areas such as motor skills, oral language development, cognitive development, social-emotional development, auditory discrimination, visual discrimination, and self-help skills (SBESE Policy).

Target Population

Every child entering public school kindergarten for the first time shall be screened with a nationally recognized developmental readiness instrument. If a student is identified as handicapped according to Bulletin 1508 and has a current multidisciplinary evaluation he or she shall not be excluded from this screening. If appropriate developmental screening information from the current evaluation cannot be used, appropriate adaptations of the developmental screening instrument shall be made. The results of the screening shall not be used to exclude any child who meets the age requirements from entering public school kindergarten (R.S. 17:391.11A, P.L. 94-142, R.S. 17:1941, Bulletin 1508, R.S. 17:151.3, SBESE Policy).

Screening Instrument

Each local education agency (LEA) shall select and administer one nationally recognized readiness screening instrument from among those recommended by the Louisiana Department of Education (LDE) and approved by the State Board of Elementary and Secondary Education (SBESE). The results of this screening shall be used in placing children within a regular kindergarten classroom setting and planning their instructional programs to meet identified needs (R.S. 17:391.11 A, and B, SBESE Policy).

Administrative Time Lines

Each LEA shall submit to the LDE by the date established by the LDE and annually thereafter the name of the developmental readiness screening instrument selected for systemwide use by the local school board for the purpose of program implementation.

Beginning with the 1987-88 school year and annually thereafter, screening shall occur within 30 days before or after the opening date of school. (R.S. 17:391.11 B, SBESE Policy).

Pupil Progression Plans

Beginning with the 1987-88 school year and annually thereafter, local pupil progression plans shall include the following:

1. the name of the developmental readiness screening instrument selected for systemwide use (R.S. 17:391.11 B);
2. the policies adopted for enrollment in kindergarten and

the criteria used for placement (R.S. 17:391.11 A and B), and

3. the age for kindergarten entrance (in accordance with R.S. 17:151.3).

Funding

In the initial year the state will pay the costs of kindergarten developmental readiness screening materials based on a per student allocation. Recurring costs for subsequent years will be based on the instrument selected and the cost of replacing consumable materials.

By October 15 of each year each LEA shall provide to the LDE a budget justification for renewed funding for the upcoming year. In subsequent years, if substantive changes entailing a significant cost increase are required in the local program, a detailed budget justification must be submitted to and approved by the LDE (R.S. 17:391.11 E, SBESE Policy).

Parental Advisement

Beginning with the 1987-88 school year and annually thereafter, local school systems shall inform the parent or guardian of the results of the individual student's screening (R.S. 17:391.11 C).

Reporting

By December 1, 1987, and annually thereafter, each LEA shall report to the LDE by school and by district, the number of students screened, appropriate scores or frequency distributions, and the manner in which the results were used in planning the kindergarten program. Each system shall make such report available to the public served by the local school board (R.S. 17:391.11 D, SBESE Policy).

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m. March 10, 1987 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

James Meza, Jr., Ed.D.
Executive Director

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Kindergarten Developmental Readiness Screening Program

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

As per Act 146 of 1986, the state shall pay the cost of state required screening materials and reporting required by law and regulation. State costs are estimated at \$172,000 for 1986-87 and \$70,000 for 1987-88 and 1988-89. Local school systems currently screening will have a cost reduction. Those school systems not currently screening will incur costs in manpower as the state monies are only for materials.

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)

Children not currently screened will be screened.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOY- MENT (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

Department of Environmental Quality Office of the Secretary

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:1051 et seq., and in particular Section 1065 B and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Rules of Procedure of the secretary.

The proposed amendments to the Rules of Procedure, Chapter 13 will require facilities to place funds in an escrow account to pay for the cost of the facility's adjudicatory hearing.

The proposed amendments are to become effective on March 20, 1987, or as soon thereafter as practical upon publication in the *Louisiana Register*.

RULES OF PROCEDURE OF THE SECRETARY

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER XIII: Permit Hearing Costs

13.1 APPLICABILITY: These regulations apply to applicants for permits for which adjudicatory hearings are mandated by statute or regulation, or for which the secretary deems an adjudicatory hearing is necessary.

13.2 AUTHORITY: The Louisiana Environmental Quality Act, R.S. 30:1051 et seq., and particularly Section 1065 B, authorizes the secretary to charge an initial fee for permitting.

13.3 ESTIMATE OF COST: Prior to an adjudicatory hearing on any permit applications filed under any provisions of the Louisiana Environmental Quality Act, R.S. 30:1051 et seq., the secretary shall establish an estimated hearing cost and shall notify the applicant of such estimate. The "estimated costs" shall include any expected expenditures for contract services of a hearing officer and court reporter or for any other extra costs expected to be incurred. The "estimated costs" shall not include the salaries of regular departmental employees involved in presenting the department's position at the hearings.

13.4 DEPOSIT OF COSTS: No later than three days before the beginning of any such hearing, the applicant shall deposit into an escrow account with the department an amount equal to the estimated hearing cost, which shall be placed in a separate departmental escrow account and shall be used by the department to defray any or all costs directly associated with, or incurred because of, the hearing other than the salaries of departmental employees involved in presenting the department's position at the hearing. If, during the course of the hearing, the secretary determines that the deposit is insufficient, the secretary may require the deposit of additional funds.

13.5 ACCOUNTING OF EXPENDITURES: At the termination of any such permit adjudicatory hearing, the secretary shall cause an accounting to be made showing the actual expenses incurred and paid from the escrow account by the department in regard to the hearing and shall provide the applicant a copy. A copy shall also be placed in the hearing record.

13.6 TERMINATION OF ACCOUNT: Within 10 days after the accounting, the secretary shall refund or release to the applicant any funds deposited which were not expended. If the costs of the hearing exceed the amount deposited, the secretary may order the balances owed be paid by the applicant prior to issuance of the permit in question. Such order shall establish a deadline for payment.

13.7 APPEAL: The permittee may challenge any specifically disputed portion of the accounting by filing, together with payment of any amounts owed, a request for a hearing on such

specific portion under the provisions of R.S. 30:1072 A.

A public hearing will be at 10 a.m. on February 3, 1987, in the Mineral Board Hearing Room, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA. Interested persons are invited to attend and submit oral comments on the proposed amendments.

All interested persons are invited to submit written comments on the proposed amendments. Such comments should be submitted no later than February 11, 1987 to Glenn A. Miller, Administrator, Hazardous Waste Division, Department of Environmental Quality, Box 44307, Baton Rouge, LA 70804-4307. He may be contacted at the address above, or telephone (504) 342-1227. A copy of the proposed amendments may be obtained from the Hazardous Waste Division at the address provided. In addition, copies of the proposed amendments are also available for inspection at the following locations from 8 a.m. until 4:30 p.m.

State Land and Natural Resources Building, Room 615, Sixth Floor, 625 North Fourth Street, Baton Rouge, LA.

State Office Building, 1525 Fairfield Avenue, Shreveport, Louisiana.

Department of Environmental Quality, 1155 Ryan Street, Second Floor, Lake Charles, Louisiana.

Department of Environmental Quality, 804 Thirty-First Street, Monroe, Louisiana.

Department of Environmental Quality, 3945 North I-10 Service Road, Metairie, Louisiana.

Department of Environmental Quality, 100 Eppler Road, Lafayette, Louisiana.

Patricia L. Norton
Secretary

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Adjudicatory Permit Costs/Escrow Account

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

The anticipated additional cost for implementing the proposed rule is estimated to be \$200,000 annually; however, there will be no additional cost/savings to state or local governmental units because all expenses associated with adjudicatory hearings will be borne by the applicant/facility applying for the permit.

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

It is estimated that revenue collected by the state will be \$200,000 on an annual basis. It is also estimated that the rule will require collection/deposit of \$50,000 for each applicant. Furthermore, it is estimated that approximately four hearings will be held per year. All money collected will be placed in an escrow account to cover expenses of the adjudicatory hearing.

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

The proposed rule would cost directly affected Hazardous Waste Facilities \$50,000 each which would be the approximate cost of the adjudicatory hearing. If the hearing does not cost the full amount, the remaining money will be refunded. If additional costs are incurred over \$50,000, the facility will be billed for the balance.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No effect on competition or employment as existing personnel will perform all proposed tasks.

Janet A. Smith
Undersecretary

Mark C. Drennan
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 Food Stamp Program.

This rule is mandated by federal regulations as published in the *Federal Register*, Vol. 51, No. 229, Friday, November 28, 1986, page: 42992 - 42994.

Public Law 99-500 increased the dependent care deduction for elderly or disabled households from \$149 to \$160.

It was necessary to adopt this as an emergency rule to avoid sanctions as Public Law 99-500 and federal regulations mandate a December 1, 1986, implementation date. The emergency rule was published in the December, 1986 *Louisiana Register*.

Proposed Rulemaking

The rule entitled "Increased Earned Income Deduction" published in the *Louisiana Register* Vol. 12, NO. 7. July 20, 1986, page 423 - 424 is hereby amended.

Numbers 5 and 7 were revised. Number 6 was deleted and number 7 renumbered to be 6. The amendment is as follows:

5. The maximum dependent care deduction shall be \$160 for all households.

6. The maximum shelter deduction increases from \$139 to \$147 for households which do not include a member who is elderly or disabled. The amounts in Items 5 and 6 will be adjusted October 1, 1986, and each October 1 thereafter.

Interested persons may submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Office of Family Security, Box 94065, Baton Rouge, LA 70804. She is the person responsible for responding to inquiries regarding this proposed rule. A 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 February 4, 1987, in the Louisiana State Library Auditorium, 760 North Riverside, Baton Rouge, LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing, at said hearing.

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

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Food Stamp Dependent Care Deduction

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The cost in FY 86-87 is \$100 (\$50 state and \$50 federal.)
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no effect on revenue.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Household containing elderly members might get increased food stamp benefits.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no effect on competition and employment.

Majorie T. Stewart
Assistant Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, proposes to adopt the following rule in the Medical Assistance Program.

On July 3, 1986 the Health Care Financing Administration published a final regulation which provides an alternative to terminating Medicaid provider agreements with long term care facilities that are found to be out of compliance with standards for participation in Title XIX reimbursement. In facilities with deficiencies that do not pose immediate jeopardy to the health and safety of patients the agency may deny payment for new admissions to promote correction of deficiencies without having to exclude facilities from the Medicaid Program. This final regulation implements Section 916(a) of the Omnibus Reconciliation Act of 1980.

The Medical Assistance Program is proposing to adopt the intermediate sanctions for long term care facilities allowed under 42 CFR Parts 405, 420, 422, 447, and 489 as published in the *Federal Register*, Volume 51, Number 128, Pages 24484-24493, dated July 3, 1986. Under this rule, the medical assistance shall continue terminating provider agreements as mandated by federal regulations when deficiencies are found which pose immediate jeopardy to the health and safety of patients.

PROPOSED RULE

The Standards for payment for skilled nursing and intermediate care facility services are amended to include the following:

Definitions:

Immediate Jeopardy - for Medicaid certified SNF's, and ICF's means a situation in which a facility's noncompliance with one or more standards for participation poses a serious threat to patients' health and safety such that immediate corrective action is necessary.

New Admission means the admission of a Medicaid recipient who has never been in the facility or, if previously admitted, had been discharged or had voluntarily left the facility. The term does not include the following:

1. Individuals who were in the facility before the effective date of denial of payment for new admissions, even if they become eligible for Medicaid after that date.
 2. Individuals who, after a temporary absence from the facility, are readmitted to beds reserved for them in accordance with the agency's policies on bed reservations during an absence of a recipient from a long term care facility.
- Termination of Certification for Facilities Whose Deficiencies Pose Immediate Jeopardy.

The Division of Licensing and Certification must terminate a facility's certification if it determines that:

1. the facility no longer meets applicable standards for participation;
2. the facility's deficiencies pose immediate jeopardy to patients' health and safety.

Subsequent to a certification of a facility's noncompliance, the Medical Assistance Program shall, in terminating the provider agreement, follow the agency's appeals process for providers.

Denial of Payments for New Admissions

1. Basis for Denial of Payments

The Medical Assistance Program may deny payment for new admissions to a SNF or ICF that no longer meets the applicable standards for participation if either of the following conditions is met:

(a) Facility's deficiencies do not pose immediate jeopardy.

If the agency finds that the facility's deficiencies do not pose immediate jeopardy to patients' health and safety, the agency may either terminate the facility's provider agreement or deny payment for new admissions.

(b) Facility's deficiencies do pose immediate jeopardy.

If the agency finds that the facility's deficiencies do pose immediate jeopardy to patients' health and safety and thereby terminates the facility's provider agreement, the agency may additionally seek to impose the denial of payment sanction.

2. Agency Procedures

Before denying payments for new admissions, the Medical Assistance Program shall:

(a) Provide the facility up to 60 days to correct the cited deficiencies and comply with the standards.

(b) If at the end of the specified period the facility has not achieved compliance, the facility shall be given notice of the agency's intent to deny payment for new admissions, and opportunity for an informal hearing.

(c) If the facility requests a hearing, an informal hearing shall be provided that includes:

(1) The opportunity for the facility to present, before the secretary or designee who was not involved in making the initial determination, evidence or documentation, in writing or in person, to refute the decision that the facility is out of compliance with the applicable standards; and

(2) A written decision setting forth the factual and legal basis pertinent to a resolution of the dispute.

(d) If the decision of the informal hearing is to deny payments for new admissions, the facility and the public shall be provided notice at least 15 days before the effective date of the sanction. Such notice shall include the effective date and the reasons for the denial of payments. The provider's notice shall be sent in writing by certified mail. Public notice shall be published in the state's official journal, the *Louisiana Register*, under Potpourri notices.

(e) Any facility which receives an adverse action from DHHR may also request an evidentiary hearing as outlined in Section XII of the agency's Standards for Payment - SNF/ICF.

3. Effect of Denial of Medicare Payment

(a) Period of denial.

If HCFA denies Medicare payments for new admissions to a SNF that also participates in Medicaid, the Medical Assistance Program shall deny Medicaid payments for new admissions, effective for the same time period that Medicare payments are denied.

(b) Informal hearing.

Only one informal hearing is available to a SNF that participates in both programs. HCFA shall provide any informal hearing requested by the provider.

Duration of Denial of Payments and Subsequent Termination

1. Period of Denial

The denial of payments for new admissions shall continue for 11 months after the month it was imposed unless, before the end of that period, the Medical Assistance Program finds that:

(a) The facility has corrected the deficiencies or is making a good faith effort to achieve compliance with the standards; or

(b) The deficiencies are such that it is necessary to terminate the facility's provider agreement.

2. Subsequent Termination

The Medical Assistance Program shall terminate a facility's provider agreement:

(a) upon the agency's finding that the facility has been unable to achieve compliance with the standards during the period that payments for new admissions have been denied:

(b) effective the day following the last day of denial of payments period; and

(c) in accordance with the agency's procedures for appeal of terminations.

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

A public hearing on this proposed rule will be held on February 4, 1987 in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge LA, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

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

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

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Intermediate Sanctions for LTC Providers

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

There are no projected savings associated with this rule.

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

There is no projected impact on revenue collections resulting from this rule.

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

There are no costs or benefits to recipients associated with this rule. However, providers will no longer face termination of provider agreements when found to be out of compliance with standards which do not pose immediate jeopardy to the health and safety of patients.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition and employment.

Marjorie T. Stewart
Assistant Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, proposes to adopt the following rule in the Medical Assistance Program.

Currently, program policy provides no requirement for conducting a dispensing fee survey to determine if pharmacy provider rates remain reasonable as required under federal regulations. This rule will require the agency to conduct a dispensing fee survey every three years with certain limitations.

Proposed Rulemaking

The Medical Assistance Program shall conduct a dispensing fee survey for pharmacy providers every three years provided

funding has been appropriated by the legislature and not eliminated as the result of required budget reductions. Should funding not be appropriated by the legislature or eliminated by required budget reductions, the agency shall include in its next annual budget request sufficient funds for a dispensing fee survey.

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

A public hearing on this proposed rule will be held on February 4, 1987 in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge LA, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

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

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

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Pharmacy Program Dispensing Fee Survey

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

There are no projected savings or costs associated with this rule.

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

There is no projected impact on revenue collections resulting from this rule.

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

There is no effect on providers or recipients.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition and employment.

Marjorie T. Stewart
Assistant Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, proposes to adopt the following rule in the Medical Assistance Program.

Currently, program policy authorizes reimbursement to physicians, osteopaths and registered nurse-midwives for the provision of prenatal care to pregnant recipients. In an effort to reduce state expenditures for delivery of prenatal care, the agency proposes to reimburse public prenatal health care clinics administered under the auspices of the Office of Preventive and Public Health Services (OPPHS). Under this rule, OPPHS shall provide prenatal care in a similar manner and for those services,

currently covered by Title XIX when provided by physicians, osteopaths, and registered nurse-midwives. Provision of such services by OPPHS shall be limited to the extent each public prenatal care clinic is qualified to provide such services and meets the federal requirements of 42 CFR 440.90. The coverage of public prenatal care clinic services under Title XIX reimbursement will allow the department to receive federal funding for services currently funded entirely by the state through OPPHS.

Title XIX funding of prenatal care to pregnant recipients shall become effective March 20, 1987.

Proposed Rulemaking

Prenatal health care services, provided by public prenatal health care clinics under the auspices of the Office of Preventive and Public Health Services shall be reimbursed under Title XIX as a covered service. Public Health Care Service Clinics enrolled in the Title XIX Medicaid Program shall have reimbursement limited to services:

1. each clinic is qualified to provide;
2. which are licensed by the Division of Licensing and Certification; and
3. authorized under 42 CFR 440.90.

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

A public hearing on this proposed rule will be held on February 4, 1987 in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge LA, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

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

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

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Public Prenatal Health Clinic Reimbursement

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

The proposed Title XIX funding of prenatal health care services offered by the Office of Public Health Services will result in an estimated net savings to the state of \$78,045 in 1986-87 and \$412,758 in subsequent years. This will be achieved by shifting the source of funding from 100 percent state funds to Title XIX funding. Medicaid program expenditures will increase by \$118,663 (\$40,618 state and \$78,045 federal) in 1986-87 and \$610,318 (\$197,560 state and \$412,758 federal) in subsequent years.

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

State revenue from federal financial participation in Title XIX coverage of public prenatal care clinic services will increase by: \$78,045 in FY 86-87; and \$412,758 in subsequent fiscal years.

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

Implementation of this proposed rule will have no effect on recipients or providers.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition and employment.

Majorie T. Stewart
Assistant Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

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

The Department of Health and Human Resources, Office of Family Security, proposes to adopt the following rule in the Medical Assistance Program.

SUMMARY

Currently, program policy provides title XIX services to children, under Title IV-E adoption assistance and children receiving Title IV-E foster care maintenance assistance payments through the Office of Human Development, who reside out of state.

The Consolidated Omnibus Budget Reconciliation Act (COBRA) P.L. 99-272 mandates that Title IV-E children be granted medicaid by the State of Residence. This rule implements the mandated residence requirements of COBRA.

Proposed Rule

Medicaid shall be automatically granted to eligible Title IV-E children residing in Louisiana and receiving maintenance assistance from another state. Medicaid benefits provided for Louisiana eligible Title IV-E children residing out of state shall be terminated. Medicaid benefits for out of state cases which are terminated under this rule shall be granted by the State of Residence as mandated by P.L. 99-272.

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

A public hearing on this proposed rule will be held on February 4, 1987 in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge La, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

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

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

**Fiscal and Economic Impact Statement
For Administrative Rules**

**Rule Title: MAP - Residence Requirements
for IV-E Coverage**

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

There are no projected savings or costs associated with this rule. It is anticipated that the number of out of state cases will decrease by the number of cases transferred to

Louisiana under this rule.

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

There is no projected impact on revenue collections resulting from this rule.

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

Affected recipients will receive Medicaid benefits from the state of residence rather than the state providing IV-E adoption assistance or foster care maintenance payments.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition and employment.

Marjorie T. Stewart
Assistant Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

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

The Department of Health and Human Resources, Office of Family Security, proposes to adopt the following rule in the Medical Assistance Program.

Summary

Currently, the standards for payment for Title XIX Skilled Nursing Facilities (SNF) and Intermediate Care Facilities (ICF) allow the placement of a recipient requiring the SNF level of care in ICF facilities when the required level of services are not available and certain conditions are met. These recipients are certified by agency staff as requiring SNF waived services.

In July, 1984, the Health Care Financing Administration (HCFA) issued Regional Medical services Letter Number 84-27 which mandated that SNF Waived Services could only be approved by the agency under specific conditions. Because of pending policy clarifications, HCFA postponed implementation of this federal mandate. The Medical Assistance Program has been advised by HCFA that the provisions of Regional Medical Services Letter Number 84-27 will be implemented immediately. Non-compliance with this federal mandate will subject the agency to disallowances of the federal share of payments for skilled waived services.

This rule is necessary to implement changes in skilled waived services as mandated by the federal government.

Proposed Rulemaking

WAIVERED SERVICES

A recipient who is medically certified for Skilled Nursing Facility care may be placed in an Intermediate Care Facility, subject to agency review and approval, only if one or more of the following conditions exist:

1. The only skilled nursing facility or vacancy in a skilled nursing facility is located in excess of one hour travel time distance from the recipient's domicile (or that of his/her family).

2. There are no SNF beds available in skilled nursing facilities as verified in the OFS Regional Office records.

3. The transfer may be, in the opinion of the recipient's treating physician, harmful to the physical and/or mental health of the recipient.

4. The OFS state office staff have determined that special conditions exist which warrant the certification of the recipient as a SNF waiver.

All requests for waived services shall be accompanied

by a written statement, signed by the facility administrator and nursing director, which acknowledges the client's level of care and states that the facility can provide appropriate services to the recipient.

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

A public hearing on this proposed rule will be held on February 4, 1987 in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge LA, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

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

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

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Waived Services for Nursing Home Care

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Implementation of this proposed rule will have no effect on state expenditures. The agency does not anticipate any significant increase or decrease in requests for Waived SNF Services as a result of this rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no effect on revenues.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
The agency does not anticipate any adverse effects on recipients or providers as a result of adopting this change in policy.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no known effect on competition and employment.

Marjorie T. Stewart
Assistant Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Department of Health and Human Resources Office of Hospitals

The Department of Health and Human Resources, Office of Hospitals, proposes to adopt the following rule, to incorporate the policies of the office in Title 48 of the Louisiana Administrative Code. This rule supercedes all rules previously promulgated in the *Louisiana Register* by the office or its predecessor agency. In addition, this rule incorporates and promulgates all other policies not solely affecting the internal management of the office or its predecessor agency, whether or not said policies were previously officially promulgated as rules in the *Louisiana Register* by

said office or its predecessor agency.

Interested persons may submit written comments to the following address: John King, Assistant Secretary, 200 Lafayette St., Seventh Floor, Baton Rouge, LA 70801. He is the person responsible for responding to inquiries regarding this proposed rule.

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

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Codification of rule for adoption into the La. Administrative Code

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no estimated implementation costs to DHHR for implementing this proposed rule. Printing costs are covered by the Division of Administration.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no estimated effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
There are no estimated costs or economic benefits to nongovernmental groups. There will be a benefit to the public in that they will be able to locate all rules of the department in one set of volumes when the code is completed.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no estimated effect on competition and employment.

Sandra L. Robinson
Secretary and State Health Officer

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Office of Management and Finance

The Department of Health and Human Resources, Office of Management and Finance, Division of Policy, Planning and Evaluation, Bureau of Health Planning, proposes to adopt the following rule to incorporate the policies of the division, relating to health planning, into Title 48 of the Louisiana Administrative Code. This rule supercedes all rules relating to health planning previously promulgated in the *Louisiana Register* by the office, or its predecessor agency. In addition, this rule incorporates and promulgates all other policies not solely affecting the internal management of the office or its predecessor agency, whether or not said policies were previously officially promulgated as rules in the *Louisiana Register* by said office or its predecessor agency.

Interested persons may submit written comments to the following address: Robert M. Casse, PH.D., Acting Director, Division of Policy, Planning, and Evaluation, 200 Lafayette St., Suite 406, Baton Rouge, LA 70804. He is the person responsible for responding to inquiries regarding this proposed rule.

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

**Fiscal and Economic Impact Statement
For Administrative Rules**

**Rule Title: Codification of rule for adoption into the
La. Administrative Code**

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

There are no estimated implementation costs to DHHR for implementing this proposed rule. Printing costs are covered by the Division of Administration.

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. It maintains the status quo.

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 nongovernmental groups. There will be a benefit to the public in that they will be able to locate all rules of the department in one set of volumes when the code is completed.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment.

Sandra L. Robinson David W. Hood
Secretary and State Health Officer Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Health and Human Resources
Office of Mental Health**

The Department of Health and Human Resources, Office of Mental Health, proposes to adopt the following rule, to incorporate the policies of the office into Title 48 of the Louisiana Administrative Code. This rule supercedes all rules previously promulgated in the *Louisiana Register* by the office or its predecessor agency. In addition, this rule incorporates and promulgates all the policies not solely affecting the internal management of the office or its predecessor agency, whether or not said policies were previously officially promulgated as rules in the *Louisiana Register* by said office or its predecessor agency.

Interested persons may submit written comments to the following address: James W. Loe, M.D., Assistant Secretary, Box 4049, Baton Rouge, LA 70821. He is the person responsible for responding to inquiries regarding this proposed rule.

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

**Fiscal and Economic Impact Statement
For Administrative Rules**

**Rule Title: Codification of rule for adoption into the
La. Administrative Code**

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

There are no estimated implementation costs to DHHR for implementing this proposed rule. Printing costs are covered by the Division of Administration.

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. It maintains the status quo.
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 nongovernmental groups. There will be a benefit to the public in that they will be able to locate all rules of the department in one set of volumes when the code is completed.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment.

Sandra L. Robinson Mark C. Drennen
Secretary and State Health Officer Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Health and Human Resources
Office of Mental Retardation/Developmental
Disabilities**

The Department of Health and Human Resources, Office of Mental Retardation and Developmental Disabilities, proposes to adopt a rule to incorporate the policies of the office into Title 48 of the Louisiana Administrative Code. This rule supercedes all rules previously promulgated in the *Louisiana Register* by the office, or its predecessor agency. In addition, this rule incorporates and promulgates all other policies not solely affecting the internal management of the office or its predecessor agency, whether or not said policies were previously officially promulgated as rules in the *Louisiana Register* by said office or its predecessor agency.

Interested persons may submit written comments to the following address: Cecil Colwell, Assistant Secretary, 721 Government St., Baton Rouge, LA 70802. He is the person responsible for responding to inquiries regarding this proposed rule.

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

**Fiscal and Economic Impact Statement
For Administrative Rules**

**Rule Title: Codification of rules for adoption into the
La. Administrative Code**

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

There are no estimated implementation costs to DHHR for implementing this proposed rule. Printing costs are covered by the Division of Administration.

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. It maintains the status quo.

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 nongovernmental groups. There will be a benefit to the public in that they will be able to locate all rules of the department in one set of volumes when the code is completed.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment.

Sandra L. Robinson David W. Hood
Secretary and State Health Officer Legislative Fiscal Analyst

NOTICE OF INTENT

Department of Health and Human Resources Office of Mental Retardation/Developmental Disabilities

Effective March 20, 1987, the Department of Health and Human Resources, Office of Mental Retardation/Developmental Disabilities, proposes to adopt a Diagnosis and Evaluation Policy. This policy will specify minimum requirements for the provision of diagnosis and evaluations services to persons applying for Mental Retardation/Developmental Disabilities Services. This policy is being promulgated in accordance with the Mental Retardation and Developmental Disabilities Law (Act 659 of 1983).

Copies of this policy may be obtained from Cecil N. Colwell, Assistant Secretary, Office of Mental Retardation/Developmental Disabilities, 721 Government Street, Baton Rouge, LA 70802. Interested persons may submit written comments on the proposed policy within 15 days of the date of publication to Cecil Colwell at the above address.

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

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Diagnosis and Evaluation Policy

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

There will be 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 will be no estimated effect on revenue collections of state or local governmental units.

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

There will be no impact to affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no impact on competition and employment.

Cecil Colwell David W. Hood
Assistant Secretary Legislative Fiscal Analyst

NOTICE OF INTENT

Department of Health and Human Resources Office of Mental Retardation/Developmental Disabilities

By authority of R.S. 28:380 et seq. and in accordance with the Administrative Procedure Act, the Department of Health and Human Resources, Office of Mental Retardation/Developmental Disabilities proposes to amend the Treatment of Resident

Income in State Intermediate Care Facilities for the Mentally Retarded promulgated June 20, 1977, Volume 3, Number 6. Notice is given that Section C.2. regarding retention of \$45 personal care needs is hereby repealed and amended to read "Retention of personal care needs will be in accordance with Title XIX policy as promulgated by the Department of Health and Human Resources, Office of Family Security."

Interested persons may submit written comments on the proposal to Cecil N. Colwell, Assistant Secretary, Office of Mental Retardation/Developmental Disabilities, 721 Government Street, Baton Rouge, LA 70802.

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

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Amendment of Resident Income in State ICF/MR

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

There will be no estimated costs or savings to state or local governmental units.

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

With implementation of this proposed rule, self-generated revenues from state operated ICF/MR facilities would increase by \$136,908 in 1986-87, \$273,817 in 1987-88 and \$273,817 in 1988-89.

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

There will be no effect to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no impact on competition and employment.

Cecil N. Colwell
Assistant Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Department of Health and Human Resources Office of Prevention and Recovery from Alcohol and Substance Abuse

The Department of Health and Human Resources, Office of Prevention and Recovery from Alcohol and Drug Abuse, proposes to adopt a rule to incorporate the policies of the office into Title 48 of the Louisiana Administrative Code. This rule supercedes all rules previously promulgated in the *Louisiana Register* by the office or its predecessor agency. In addition, this rule incorporates and promulgates all other policies not solely affecting the internal management of the office or its predecessor agency, whether or not said policies were previously officially promulgated as rules in the *Louisiana Register* by said office or its predecessor agency.

Interested persons may submit written comments to the following address: Vern C. Ridgeway, Assistant Secretary, Box 53129, Baton Rouge, Louisiana 70892. He is the person responsible for responding to inquiries regarding this proposed rule.

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

**Fiscal and Economic Impact Statement
For Administrative Rules**

**Rule Title: Codification of rule for adoption into the
La. Administrative Code**

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

There are no estimated implementation costs to DHHR for implementing this proposed rule. Printing costs are covered by the Division of Administration.

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. It maintains the status quo.

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 nongovernmental groups. There will be a benefit to the public in that they will be able to locate all rules of the department in one set of volumes when the code is completed.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment.

Sandra L. Robinson
Secretary and State Health Officer

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Health and Human Resources
Office of Prevention and Recovery from
Alcohol and Drug Abuse**

The Department of Health and Human Resources, Office of Prevention and Recovery from Alcohol and Drug Abuse proposes to assess every patient in a driving while intoxicated program, to whom the Office provides treatment services, a standard co-payment fee of \$10 per session. A patient whose treatment is provided by the Office of Prevention and Recovery from Alcohol and Drug Abuse through a private contractor shall not be assessed a co-payment fee as provided above. Private providers can assess fees otherwise allowable under applicable federal and state laws.

This action is taken in accordance with House Bill No. 133, of the First Extraordinary Session, 1986.

Interested persons may submit written comments on the proposal within 15 days of the date of publication to the following address: Vern C. Ridgeway, Assistant Secretary, Office of Prevention and Recovery from Alcohol and Drug Abuse, Box 53129, Baton Rouge, LA 70892.

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

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Ten Dollar Co-payment Fee

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

There will be no additional cost to implement the proposed rule.

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

State revenue collections will increase by a net of approximately \$305,513, for the last quarter of FY 86/87, \$1,283,153 for 87/88 and \$1,347,310 for FY 88/89 if this rule is adopted.

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

Clients participating in DWI programs will each bear the cost of \$10 per visit at a minimum of 15 visits.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Vern C. Ridgeway
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Department of Health and Human Resources, Office of Preventive and Public Health Services, proposes to adopt the following rule, to incorporate the policies of the office, except for those rules in the Sanitary Code and the Food and Drug Red Book, into Title 48 of the Louisiana Administrative Code. This rule supercedes all rules, other than the exceptions noted above, previously promulgated in the *Louisiana Register* by the office or its predecessor agency. In addition, this rule incorporates and promulgates all other policies not solely affecting the internal management of the office or its predecessor agency, whether or not said policies were previously officially promulgated as rules in the *Louisiana Register* by said office or its predecessor agency.

Interested persons may submit written comments to the following address: Daneta Daniel Bardsley, Ed.D., Assistant Secretary, Box 60630, New Orleans, LA 70160. She is the person responsible for responding to inquiries regarding this proposed rule.

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

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Codification of rule for adoption into the
La. Administrative Code**

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

There are no estimated implementation costs to DHHR for implementing this proposed rule. Printing costs are covered by the Division of Administration.

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. It maintains the status quo.

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 nongovernmental groups. There will be a benefit to the public in that they will be able to locate all rules of the department in one set of volumes when the code is completed.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment.

Sandra L. Robinson
Secretary and State Health Officer

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

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

The Department of Health and Human Resources, Office of Preventive and Public Health Services, Immunization Program, proposes to adopt general rules and regulations creating an influenza immunization program to provide influenza vaccine to those individuals who are considered to be at high risk for influenza and its sequelae. Patients receiving this service will pay a fee of \$10 per dose to help defray the cost of administering this program. However, no high risk person will be denied this service because of inability to pay.

Definitions:

1. The term "influenza" represents an acute viral infection involving the respiratory tract. It is marked by an elevated temperature, inflammation of the nasal mucosa, the pharynx, and conjunctiva, and by headache and severe often generalized muscular pain.

2. The term "high risk" consists of individuals who are:

(a) 65 years of age and older

(b) those individuals less than 65 years of age who are at increased risk of adverse consequences from infections of the lower respiratory tract. Conditions predisposing to such risk include (1) acquired or congenital heart disease with actually or potentially altered circulatory dynamics, such as mitral stenosis, congestive heart failure or pulmonary vascular overload; (2) any chronic disorder with compromised pulmonary function such as chronic obstructive pulmonary disease, bronchiectasis; tuberculosis, severe asthma, cystic fibrosis, neuro-muscular and orthopedic disorders with impaired ventilation, and residual pulmonary dysplasia following the neonatal respiratory distress syndrome; (3) chronic renal disease with azotemia or the nephrotic syndrome; (4) diabetes mellitus and other metabolic diseases with increased susceptibility to infection; (5) chronic, severe anemia, such as sickle cell diseases; and (6) conditions which compromise the immune mechanism, including certain malignancies and immunosuppressive therapy.

Interested persons may submit comments on the proposed rule at the following address: Daneta Bardsley, Ed.D., Assistant Secretary, Office of Preventive and Public Health Services, Department of Health and Human Resources, Box 60630, New Orleans, LA, 70160.

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

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Immunization High Risk Program- Administrative Fee

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

There will be no implementation cost as existing staff will be utilized to implement fee collection.

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

This rule will generate estimated revenue of \$250,000. This estimate was obtained by determining the total doses of influenza vaccine administered per year in Louisiana minus 30,000 Title XIX recipients (medicaid) × \$10 per dose at an estimated collection rate of 50 percent. Please see worksheet for full explanation.

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

The advocated cost to the affected groups does not exceed charges, and in most instances is less than those charged in the private sector. No high risk individual will be denied services because of inability to pay. The fee requested would allow continuation of services which will otherwise become obsolete.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No effect is anticipated on competition and employment as the same service has been offered in previous years.

Daneta Daniel Bardsley
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Department of Health and Human Resources, Office of Preventive and Public Health Services proposes to establish criteria for fee schedule charges for the Safe Drinking Water Program. Fees are proposed for the public water supplies within the State of Louisiana. These management fees are necessary to maintain and expand the Drinking Water Program to provide the public protection from a wide range of health threatening contaminants. The occurrence of disease caused by contaminated water supplies could increase to catastrophic levels in the absence of regulation of public water supplies at the state level. Such regulation assures the proper design, construction, operation, and water quality in public water supplies, and provides assistance to persons with individual private water systems.

Management of the Safe Drinking Water Program is mandated by delegating primary enforcement responsibility (primacy) for the Safe Drinking Water Act (P.L.93-523) to the Louisiana Department of Health and Human Resources.

The entire state population is affected by program operations, although direct services primarily entail contact with water system personnel. There are approximately 2692 public water supplies (1442 community and 1250 non-community).

The following section of the Sanitary Code reads as follows:

12:001 DEFINITIONS:

Community Water Supply is a public water system which serves at least fifteen service connections used by year-round residents.

Non-Community Water Supply is a public water system that is not a community water supply.

Public Water Supply is one which is available for drinking, cooking, or washing use by the public or transients, or by persons other than the immediate family of the owner of the supply.

The following section of the Sanitary Code shall be amended to read as follows:

12:001 DEFINITIONS:

Management Fee is a charge assessed to the public water supplies by the State Health Officer to generate funding for management of the Safe Drinking Water Program.

Service Connection is the water line which runs from the water main to the edge of the customer's property. The service connection may or may not be metered.

The following section shall be added to the State Sanitary Code:

12:002-7 The state health officer shall assess an annual management fee to the public water supplies (community and non-community) according to the following schedule:

Community Water Supplies

Each community water supply will be charged an annual fee based on the number of service connections in the system.

NUMBER OF SERVICE CONNECTIONS CATEGORY	NUMBER OF COMMUNITIES IN EACH CATEGORY	ANNUAL FEE
6-25*	478*	\$400*
26-125	475	\$500
126-250	168	\$600
251-625	157	\$700
626-825	26	\$800
826-1,250	42	\$900
1,251-2,500	38	\$1000
2,501-12,500	44	\$1500
12,501-18,750	7	\$2000
18,751-25,000	1	\$2500
25,000-Up	6	\$3000

*Explanation for interpreting schedule: There are 478 communities which have between 6-25 service connections and each community will be charged an annual fee of \$400.

Non-Community Water Supplies

Each Non-Community Water Supply will be charged a flat fee of \$100 per year.

NUMBER OF NON-COMMUNITIES	ANNUAL FEE
1250	\$100

Interested persons may submit comments at the following address: Daneta Daniel Bardsley, Ed.D., Assistant Secretary, Office of Preventive and Public Health Services, Department of Health and Human Resources, Box 60630, New Orleans, LA 70160.

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

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Safe Drinking Water Program
Management Fees**

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

Implementation costs are estimated to be \$16,000 for the following: one Account Clerk II responsible for processing 3000 fee bills, postage and the cost of setting up a billing and accounting system on the computer.

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

State revenue collections will increase by \$945,500 with the adoption of this rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-

GOVERNMENTAL GROUPS (Summary)

The economic benefits to the public would result from OPPHS' ability to continue protecting the safety of the public water supplies. This is accomplished by providing the bacteriological, chemical, and engineering surveillance over the public water supplies in order to minimize acute (immediate) and chronic (lifetime) health risks to the consumers of the water. Public water supplies would be charged an annual management fee which would probably be passed on to their water customers.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition and employment should not be affected with the implementation of this management fee on the public water supplies. The annual fee ranges from \$400 - \$3,000 which is based on the number of service connections in each community system. Each non-community system will pay an annual flat fee of \$100.

Daneta Daniel Bardsley
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Department of Health and Human Resources, Office of Preventive and Public Health Services proposes to amend Chapter XIII (Sewage and Refuse Disposal) of the Sanitary Code, state of Louisiana. This proposed rule change amends the language of Chapter XIII, establishes a permit fee for sewage haulers, establishes licensing requirements and a licensing fee for installers of individual sewerage systems.

Amending the language of Chapter XIII is necessary in order to clarify the terminology used and in order that alternate codal specifications be provided in consideration of prevailing public health and related current circumstances. Language in the following sections of Chapter XIII shall be amended as follows:

**Part I - Sewage Disposal
Subpart A - Definitions**

13:001 *Individual Mechanical Plant* means an individual sewage system, providing primary and secondary treatment of sewage, which employs aerobic bacterial action which is maintained by mechanical action.

13:001 *Permit* means a written document issued by the State Health Officer which authorizes the installation and/or construction and/or operation of a new sewerage system, or a modification of an existing sewerage system which affects the performance of such sewerage system.

13:001 *Sewerage System* means any or all of the various components, including piping and plumbing and treatment facilities, comprising a system designed for the collection and/or treatment and/or disposal of sewage. A sewerage system may fall into one of two categories; community-type, or individual.

Subpart B - General Requirements

13:004-1 No person shall discharge, or allow to be discharged, the contents or effluent from any water closet, sink, lavatory, bath tub, shower drain, kitchen fixture, laundry fixture, vault, privy, leaching pit, portable toilet, or septic tank, directly or indirectly, into any street, gutter, ditch, water course, body of water, or onto the surface of the ground.

13.004-2 No component part of a sewerage system shall

be installed where contamination of a ground water supply may occur. In no case shall component parts of a sewerage system be located within 50 feet of any potable water well, spring, or other potable water supply source. Locations of sewerage facilities shall also conform with the requirements in Sections 12:008-3, 12:008-4 and 12:008-5 of Chapter XIII of this Code.

Subpart C - Community Type Sewerage Systems

13:011-1 *Connections to Community-Type Sewerage Systems*: Where an established community-type sewerage system (either public or private) is available, and there is ample water supply, all toilet, bath, laundry, kitchen and other plumbing fixtures within and which functionally serve any structure shall be connected to such community-type sewerage system. Determination by the state health officer of the availability of a community-type system shall take into consideration, among other aspects, the separation (both horizontal and vertical) of the structure in question with respect to the sewer main or lateral, political or geographic or legally-created boundaries, and the available capacity of the sewer system.

Subpart D - Individual Sewerage Systems

13:012-1 *Permits*: No person shall install, cause to be installed, materially alter subsequent to installation, or operate an individual sewerage system of any kind without first having obtained the necessary permits from the state health officer. No person shall install, cause to be installed, or materially alter subsequent to installation an individual sewerage system of any kind except in accordance with the plans and specifications for the installation which have been approved as part of a permit for such specific activity (or purpose) issued by the state health officer. Such permits shall be issued in a "two-stage" process in accordance with Sections 13:012-2 and 13:012-3. Procurement of such permit(s) shall be required, as appropriate, for each herein detailed activity as may be proposed.

13:012-2 Upon receipt of a request for such permit, and upon approval of plans and specifications for the proposed individual sewerage system (which shall accompany any such request for permit), a "temporary" permit, authorizing the installation of said individual sewerage system, may be issued. Any such "temporary" permit shall be in writing and shall not be issued until, with respect to the property and its surroundings, the state health officer has determined that connection to community-type sewerage systems is not feasible, and that the condition of the soil, the natural drainage, the lot size/dimensions, and other related factors are such that the construction and use of properly designed individual sewerage facilities are not likely to create a nuisance or public health hazard.

13:012-3 A "final" permit, which shall also be in writing may be issued only upon written assurance by the installer of an individual sewerage system that such system has been properly installed and that such system is exactly as was delineated in the plans and specifications which were approved in conjunction with the "temporary" permit issuance for the individual sewerage system, as may apply. In the case of individual mechanical plants, such assurance of proper installation shall be in the form of a completed "Certificate of Installation" form submitted to the state health officer by the licensed installer who performed or supervised the actual installation. In the case of all other types of individual sewerage systems, the assurance of proper installation shall be determined by means of on-site inspection conducted by a representative of the state health officer. In any case, a final permit shall be issued only to the owner of the premises to be served by the individual sewerage system.

13:012-2 will be renumbered to 13:012-4

13:013 *Plans*. The review and approval of plans and

specifications for the proposed individual sewerage system shall be made in accordance with the "Regulations Controlling the Design and Construction of Individual Sewerage Systems" (See Appendix A).

13:014-1 Any person who wishes to engage in the business of installing individual sewerage systems shall obtain, in accordance with procedures set forth in Section 13:023 of this Chapter, a license for such activity prior to making any such installations. Such license shall not be required, however, for an individual wishing to install an individual sewerage system, other than an individual mechanical plant, for his own private, personal use. Individual mechanical plants shall be installed by licensed individual sewerage system installers only.

13:014 will be renumbered to 13:014-2

13:016 *Septic Tank Systems*: Where a community-type sewerage system is not available, a septic tank system may be used provided that the requirements are in compliance with Sections 13:012, 13:013, 13:014 and 13:019.

13:017-1 *Individual Mechanical Plants*: An individual mechanical plant may be used where a community-type system is not available, and where the state health officer determines that a conventional septic tank system (septic tank absorption field) would not be expected to function properly, and where the requirements are in compliance with Sections 13:012, 13:013, 13:014 and 13:019.

13:017-2 Permits, per the requirements of Section 13:012, for the installation of individual mechanical plants, shall not be issued except and unless a "general" permit, issued in accordance with the requirements of Appendix A, Section VI, has been granted and is in force (in effect) for the individual mechanical plant as may be selected for and at the time of proposed installation of said individual mechanical plant.

Permitting and regulation of sewage haulers is necessary in order to insure that haulers dispose of sewage in accordance with the requirements of the Sanitary Code. Sections of Chapter XIII pertaining to sewage hauling (13:020-1, 13:020-2, 13:020-3, 13:020-4, 13:020-5, 13:020-6) are being amended to reflect a \$50 annual permit fee charge and the accompanying requirements and procedures associated with that charge. The \$50 permit fee is necessary to defray the administrative cost associated with permitting and regulating sewage haulers. The sections of Chapter XIII previously cited with respect to sewage hauling shall be amended as follows:

Sewage Hauling

13:020-1 No person shall engage in the business or practice of hauling the contents of septic tanks, cesspools, vaults, or similar facilities without first obtaining a permit from the state health officer. Applications for a permit to haul sewage may be obtained from the nearest parish health unit. Applications, along with a permit fee of \$50 per person, must be sent to the Chief Sanitarian, Sanitarian Services Section, Box 60630, New Orleans, LA 70160. All permits shall be issued by this office, and shall be valid throughout the entire state.

13:020-2 All permits expire on June 30 of each new year. Applications for renewal, along with the appropriate fee, must be received at the office of the chief sanitarian no later than May 1 of each year in order to insure timely renewal. Applications for renewal received after expiration of a permit shall be assessed a penalty of an additional \$25. Initial applications received between July 1 and March 30 will receive a permit for that fiscal year (July 1 through June 30); those initial applications received after March 30 will receive a permit for the remainder of that fiscal year in addition to next fiscal year.

13:020-3 Should be renumbered to read 13:020-5.

13:020-4 Should be renumbered to read 13:020-6.

13:020-3 Upon determination by the state health officer of substantial non-compliance with the requirements of this Code with respect to hauling and/or disposing of the contents of septic tanks, cesspools, vaults, or similar facilities, written notice, in compliance with LRS 49:961, shall be given to the permittee having made said violations that he shall, within 15 working days, present to the notifying office any and all evidence to show compliance with the requirements for retention of the permit. In the absence of such evidence, the permittee shall be further notified that his permit has been temporarily "suspended" pending a hearing in the matter to consider whether sufficient grounds for revocation of the permit exist. The permittee shall be notified, in writing, of the date of the hearing within seven working days from the date of the "Notice of Suspension." The date for such hearing shall be set within 45 working days of the date of the "Notice of Suspension."

13:020-4 Upon revocation of a permit, a hauler shall not be eligible to reapply for the same permit for a period of two years from the date of revocation.

In accordance with Chapter XIII of the Sanitary Code of Louisiana, installation or operation of an individual sewerage system has been prohibited without first obtaining a permit from the state health officer (see 13:012-1). The plans for proposed individual sewerage system must be made in accordance with "Regulations Controlling the Design and Construction of Individual Sewerage Systems" (see Chapter XIII, Appendix A).

In order to protect the public from installations by installers who fail to abide by the specifications cited in Chapter XIII, Appendix A, the state health officer is now requiring that installers of individual sewerage systems be licensed. A license fee of \$50 will be assessed on an annual basis. This fee is necessary to defray the administrative cost of licensing and regulating installers of individual sewerage systems.

Determinations by the state health officer of substantial non-compliance with the requirements of the Sanitary Code with respect to installation of individual sewerage systems may result in the suspension or revocation of the license.

The following sections captioned "Licensing Procedures for Installers of Individual Sewerage Systems" have been added to Chapter XIII of the Sanitary Code:

13:023 LICENSING PROCEDURES FOR INSTALLERS OF INDIVIDUAL SEWERAGE SYSTEMS

13:023-1 LICENSE TYPES: Two "types" of licenses are offered: 1) a "basic" license only for installation of individual sewerage systems other than individual mechanical plants, and 2) a mechanical "endorsement" to the basic license to allow installation of individual mechanical plants as well as other individual sewerage systems. A mechanical plant "endorsement" shall be obtained only in conjunction with a basic license, and is considered to be part of the license.

13:023-1 APPLICATION: Applications for an "Individual Sewerage System Installer" license may be obtained from the nearest parish health unit. Properly completed applications, along with the appropriate license fee, must be submitted to the Office of the Chief Sanitarian, Sanitarian Services Section, Box 60630, New Orleans, LA 70160. All licenses shall be issued by this office, subject to approval of an appropriate application, and shall be valid throughout the entire state. Initial applications received between February 1 and October 31 will, if approved, receive a license for the related calendar year; those initial applications received after October 31 will, if approved, receive a

license for the remainder of that calendar year in addition to the next calendar year.

13:023-2 RENEWAL: All licenses expire on January 31 of each new year. Applications for renewal, along with the appropriate license fee, should be received at the office of the chief sanitarian, no later than December 1 of each preceding year in order to insure timely renewal.

13:023-3 Fees: The annual license fee for an "Individual Sewerage System Installer" is \$50 per year. Applications for renewal received after the expiration of a license shall be assessed a penalty of an additional \$25. There is no additional fee for obtaining a mechanical plant "endorsement" to a basic license. Applications for "basic" license, however, will not be processed unless accompanied by the appropriate license fee.

13:023-4 Qualifications: For a "basic" license, the applicant shall submit, along with the license application, an affidavit certifying that he has obtained, read, and understands the provisions of Chapter XIII of the Sanitary Code, including Appendix A thereto, and will make installations in compliance therewith. Copies of a standard affidavit form may be obtained from any parish health unit. For an individual mechanical plant "endorsement" the applicant shall submit, along with the license application, a written, verifiable certification from the manufacturer of the brand of plant he wishes to install—such certification specifying that this specifically named installer (person) is certified by said manufacturer as being competent and capable of installing said plants properly, and in compliance with the requirements of the manufacturer and this Code. New applications will not be processed unless accompanied by the required qualifications information.

13:023-5 Suspension or Revocation of License: Upon determination by the state health officer of substantial non-compliance with the requirements of this Code with respect to any installation made subsequent to the effective date of these regulations, written notice, in compliance with LRS 49:961, shall be given to the licensee having made said non-compliant installation that he shall, within 15 working days, present to the notifying office any and all evidence to show compliance with the requirements for retention of the license. In the absence of such evidence, the licensee shall be further notified that his license has been temporarily "suspended" pending a hearing in the matter to consider whether sufficient grounds for revocation of the license exist. The licensee shall be notified in writing of the date of the hearing within seven working days from the date of the "Notice of Suspension." The date for such hearing shall be set within 45 working days of the date of the "Notice of Suspension."

13:023-6 Reinstatement of License: Upon revocation of license, an installer shall not be eligible to reapply for the same type of license for a period of two years from the date of revocation.

Interested persons may submit comments at the following address: Daneta Daniel Bardsley, Ed.D., Assistant Secretary, Office of Preventive and Public Health Services, Department of Health and Human Resources, Box 60630, New Orleans, LA 70160.

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

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Permit Fee for Sewerage Haulers

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO

STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Implementation of this rule can be accomplished with present staff. There are no implementation costs.

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

State revenue collections will increase by a net of \$15,000 with the adoption of this rule.

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

Permitting and/or licensing of sewage haulers and installers of individual sewerage systems protects the consumer from violations of the Sanitary Code of Louisiana. Sewerage haulers and installers will be required to pay an annual permit fee of \$50.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment.

Daneta Daniel Bardsley
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Department of Health and Human Resources, Office of Preventive and Public Health Service's Vaccine Preventable Disease Program for immunization of infants and children proposes to establish an administrative fee of \$5 to be paid at the public health units for each dose of vaccine administered. The program provides vaccinations against the following diseases: polio, diphtheria, tetanus, pertussis, measles, mumps and rubella. The charge of \$5 is proposed to cover the cost of administering each dose of vaccine. Polio, diphtheria, tetanus, pertussis, measles, mumps, rubella are potentially crippling and/or lethal diseases. The program's purpose is to maintain and provide vaccines and supplies to continue at least a 90 percent immunization level among Louisiana children. The target population for immunization services is approximately 1.4 million children up to age 18 years or 31 percent of Louisiana's population. Sixty-five percent of these children are immunized at public health units.

In 1964, the immunization program measured levels between 60 percent to 75 percent immunized. Measles and rubella cases were commonplace and sporadic polio and diphtheria occurred yearly. Immunization levels throughout the state have increased to over 90 percent, resulting in a dramatic reduction of vaccine preventable diseases. This reduction of vaccine preventable diseases is a direct result of the services provided by the Immunization Program statewide. Historically, the Vaccine Preventable Disease Program has provided free immunization to protect Louisiana children from the spread of preventable contagious and harmful disease.

Due to the severe economic crisis faced by Louisiana, it has become necessary to seek \$5 per immunization to offset the cost of administering the vaccine to those persons capable of contributing to said cost. No person shall be denied immunization service because of inability to pay in order to guarantee that the public health of Louisiana's citizenry is not jeopardized. Comments regarding the proposed rule should be addressed to: Daneta Daniel Bardsley, Ed.D., Assistant Secretary, Office of Preventive and Public Health Services, Department of Health

and Human Resources, Box 60630, New Orleans, LA 70160.

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

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Vaccine Preventable Disease - Administrative Fee

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

There will be no estimated implementation cost as existing staff will be utilized to implement fee collection.

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

This rule will generate estimated revenue of \$412,030. This estimate was obtained by determining the total doses of vaccine administered per year in Louisiana minus Early Periodic Screen Diagnostic Test eligibles (EPSDT) multiplied by \$5 per dose.

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

Accessibility to, and free vaccines for vaccine preventable diseases in Louisiana has resulted in a 90 percent immunization level among its citizenry. The long term public health impact of charging fees for administering vaccines has the potential to reduce immunity levels in Louisiana, causing outbreaks of preventable diseases. However, no person shall be denied immunization service because of inability to pay.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is unlikely that there will be an effect on competition and employment.

Daneta Daniel Bardsley
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Office of the Secretary

The Department of Health and Human Resources, Office of the Secretary, proposes to adopt a rule to incorporate those policies of the office in the DHHR departmental policy manual, not solely affecting internal management of the department, into Title 48 of the Louisiana Administrative Code. This rule supercedes all rules previously promulgated in the *Louisiana Register* by the office or its predecessor agency. In addition, this rule incorporates and promulgates all other policies in the DHHR manual not solely affecting the internal management of the department or its predecessor agency, whether or not said policies were previously officially promulgated as rules in the *Louisiana Register* by said office or its predecessor agency.

Interested persons may submit written comments to the following address: Ms. Patricia Angelico, DHHR Liaison Officer, 200 Lafayette Street, Suite 406, Baton Rouge, Louisiana 70801. She is the person responsible for responding to inquiries regarding this proposed rule.

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

**Fiscal and Economic Impact Statement
For Administrative Rules**

**Rule Title: Codification of rule for adoption into the
La. Administrative Code**

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

There are no estimated implementation costs to DHHR for implementing this proposed rule. Printing costs are covered by the Division of Administration.

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. It maintains the status quo.

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 nongovernmental groups. There will be a benefit to the public in that they will be able to locate all rules of the department in one set of volumes when the code is completed.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment.

Sandra L. Robinson
Secretary and State Health Officer

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

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

The Department of Health and Human Resources, Office of Secretary, Division of Licensing and Certification, proposes to adopt the following proposed rule to incorporate the policies of the division into Title 48 of the Louisiana Administrative Code. This rule supercedes all rules previously promulgated in the *Louisiana Register* by the Division of Licensing and Certification, or its predecessor agency. In addition, this rule incorporates and promulgates all other policies not solely affecting the internal management of the division, or its predecessor agency, whether or not said policies were previously officially promulgated as rules in the *Louisiana Register* by said office or its predecessor agency.

Interested persons may submit written comments to the following address: Steve Phillips, Division Director, Box 3767, Baton Rouge, LA 70821. He is the person responsible for responding to inquiries regarding this proposed rule.

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

**Fiscal and Economic Impact Statement
For Administrative Rules**

**Rule Title: Codification of rule for adoption into the
La. Administrative Code**

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

There are no estimated implementation costs to DHHR for implementing this proposed rule. Printing costs are covered by the Division of Administration.

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. It maintains the status quo.

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 nongovernmental groups. There will be a benefit to the public in that they will be able to locate all rules of the department in one set of volumes when the code is completed.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment.

Sandra L. Robinson
Secretary and State Health Officer

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Public Safety and Corrections
Office of State Police**

The Louisiana Department of Public Safety and Corrections announces its intent to adopt rules and regulations pursuant to authority granted by Act 435 of the 1985 Louisiana Legislature. A copy of these regulations will be made available for viewing and study at the Louisiana State Police Hazardous Materials Unit, 7901 Independence Boulevard, Baton Rouge, LA.

These rules and regulations establish the format and procedure mandated by Act 435 for the "Hazardous Materials Survey Form." These rules will further provide for emergency notification procedures and a list of hazardous materials to be regulated by Act 435. They may be read in their entirety in the Emergency Rules Section of this issue of the *Louisiana Register*.

Interested persons may comment on the proposed rules in writing until 4:30 p.m. February 15, 1987, at the following address: Louisiana State Police, Hazardous Materials Unit, Box 66614, Baton Rouge, LA 70896.

Kendall J. Fellon
Lieutenant

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Right to Know

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)

There will be no costs and/or economic benefits to directly affected persons or non-governmental units.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

James L. Thibodeaux
Finance Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Revenue and Taxation Tax Commission

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:953), notice is hereby given that the Louisiana Tax Commission intends to hold a public hearing on Wednesday, March 11, 1987, at 10 a.m., in the Louisiana Tax Commission Hearing Room, 923 Executive Park Avenue, Baton Rouge, LA.

The purpose of this hearing is to adopt proposed amendments to the Louisiana Tax Commission Real/Personal Property Rules and Regulations Manual for 1987.

Pursuant to R.S. 49:953 (2)(A), the Louisiana Tax Commission will hold a public hearing on Wednesday, February 4, 1986, at 10 a.m., in the Mineral Board Hearing Room, Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA. This hearing is to afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing, to the proposals.

An outline of the proposals to the Guidelines/Rules and Regulations of the Louisiana Tax Commission is available in the office of the Louisiana Tax Commission, 923 Executive Park Avenue, Baton Rouge, LA, between the hours of 8 a.m. and 4 p.m.. Ed Leffel is the person responsible for responding to inquiries concerning the intended action.

Those desiring to be heard will be given reasonable opportunity to make their presentations. The commission will also conduct any further business that comes before it.

Jamar W. Adcock
Chairman

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Rules and Regulations

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

Implementation costs to the agency are the costs of reproduction and distribution of updated regulations. These costs are estimated at \$1,456.00 for the 1986-87 fiscal year.

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

The revision of the rules and regulations set for tentative adoption on 2/4/87 is basically clarifying the policy as presently followed by this Louisiana Tax Commission.

There will be no great changes in the tables and formulas; therefore, no measurable fiscal impact from the rules, as they presently are for 1987, as adopted in November, 1986. Therefore, their clarification will be essentially revenue neutral.

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

Since revisions are to be revenue neutral, benefits are in the form of improved ability of local tax assessors to perform their function of valuing all property at its fair market value

and enhance assessment uniformity and fairness to all taxpayers.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Effects on competition and employment have not been identified or estimated.

Mark H. Bonner, Jr.
Member

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

Notice is hereby given that the Louisiana Department of the Treasury, Board of Trustees of the State Employees Group Benefits Program intends to amend its rules as follows:

1. The annual deductible will be increased to \$300 per person.

2. The stop-loss will be increased from \$1,000 to \$2,000. In other words, instead of paying 80 percent of the first \$5,000 of eligible medical expenses, the program will pay 80 percent of the first \$10,000 of eligible benefits. Thereafter, the program will pay benefits at 100 percent.

3. In-patient confinement for alcoholism or drug abuse treatment is limited to once in a lifetime.

Comments or objections will be accepted, in writing, by the executive director of the State Employees Group Benefits Program until 4:30 p.m. on March 12, 1987, 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: Benefit Modifications

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

State or local governmental units will not incur any costs as a result of these rule changes. These units could also benefit, to the extent, that future premium rate increase will be reduced due to the shifting of claims expense from this program to the plan members and their dependents.

The State Employees Group Benefits Program will experience an annual reduction in health claims expense of approximately \$15,650,000.

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

Revenue collections of state or local governmental units will not be affected by these rule changes.

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

The directly affected persons, plan members and their dependents, will be impacted in the form of increased expenses in that those currently eligible benefits identified above will no longer be payable.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition and/or employment will not be effected by these rule changes.

James D. McElveen
Executive Director

Mark C. Drennan
Legislative Fiscal Officer

NOTICE OF INTENT

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

Notice is hereby given that the Louisiana Department of the Treasury, Board of Trustees of the State Employees Group Benefits Program intends to amend its rules to implement the following rate increase, effective July 1, 1987:

	Current Rates Eff. 4/1/84	Revised Rates Eff. 7/1/87	Employer Cost Increase	Employee Cost Increase	Total Increase
Employee Only	\$ 79.04	\$103.72	\$12.34	\$12.34	\$24.68
Emp. w/Medicare	41.24	54.08	6.42	6.42	12.84
Employee & 1 Dependent	\$137.12	\$179.76	\$21.32	\$21.32	\$42.64
One/Medicare	97.92	128.48	15.28	15.28	30.56
Two/Medicare	90.40	118.16	13.88	13.88	27.76
Employee & Family	\$181.92	\$238.16	\$28.12	\$28.12	\$56.24
One/Medicare	136.96	179.72	21.38	21.38	42.76
Two/Medicare	126.76	166.08	19.66	19.66	39.32

Rates for surviving spouses are the same as those listed above. However, the surviving spouse must pay the entire premium amount as there is no state contribution.

Sponsored dependent rates will be \$87.72 per person without Medicare, and \$48.92 per person with Medicare. There is no state contribution for sponsored dependent parents.

Comments or objections will be accepted, in writing, by the Executive Director of the State Employees Group Benefits Program until 4:30 p.m. on March 12, 1987, at the following address:

Dr. James D. McElveen, Executive Director, State Employees Group Benefits Program, P.O. Box 44036, Baton Rouge, LA 70804.

James D. McElveen
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Rate Increase**

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

The implementation costs associated with the new rate structure should be negligible and easily absorbed in the respective operating budgets; this is exclusive of the additional premiums required.

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

The revenue collections of state or local governmental units, which are members of the State Employees Group Benefits Program, will not be impacted by this proposed rate increase. The revenue collections of the State Employees Group Benefits Program will increase approximately \$42,767,400 annually as a result of this rate increase.

Additionally, those school boards outside the State program will receive increased state support for premiums up to 50 percent of the new rates established under this rule. The estimated increase is approximately 7 to 9 million dollars all

of which is State General Fund.

The portion of the additional \$22,806,000 that is State General Fund is approximately \$18,200,000. Therefore, the total impact on state funds is estimated to be \$27,200,000.

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

The directly affected persons, plan members of this program, will be impacted by this rate increase in the approximate amount of 31 percent in the form of increased group insurance premiums.

Also, parish school board employees who are members of health programs outside the state program and/or parish school boards may be required to pay increased premiums of up to 31 percent above current levels.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rate increase will not impact competition and/or employment.

James D. McElveen
Executive Director

Mark C. Drennan
Legislative Fiscal Officer

NOTICE OF INTENT

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

Notice is hereby given that the Louisiana Department of the Treasury, Board of Trustees of the State Employees Group Benefits Program intends to amend its rules as follows:

Add a new Paragraph B under Section IV of the Program's Election Rules to read as follows:

"B. A vacancy shall occur in the event of death, resignation, removal by any means, failure to take office for any reason or withdrawal from participation in the program; however, a member of the board of Trustees of the State Employees Group Benefits Program, who, during his term, fails to meet the conditions required for his election or appointment to the board shall be allowed to remain on the board for the remainder of that term."

Comments or objections will be accepted, in writing, by the executive director of the State Employees Group Benefits Program until 4:30 p.m. on March 12, 1987, 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: Vacancies on Board**

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

Implementation of this proposed rule change will not impact the costs or savings to state or local governmental units.

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

The revenue collections of state or local governmental units will not be effected by this rule change.

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

There will be no costs or economic benefits to directly affected persons or non-governmental groups as a result of this rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition and employment will not be effected by this rule change.

James D. McElveen
Executive Director

Mark C. Drennan
Legislative Fiscal Officer

Committee Reports

COMMITTEE REPORT

Disapproval of Oversight Committee Action

December 22, 1986

Dear Representative Bajoie:

On December 20, 1986, the House of Representatives Subcommittee on the Oversight of the Department of Culture, Recreation and Tourism considered proposed rule changes by the Office of State Museums. The subcommittee at that time found the proposed rules unacceptable.

In accordance with the provisions of R.S. 49:968, I am disapproving the action taken by the subcommittee. These rule changes proposed increases in admission fees for the Louisiana State Museums' New Orleans buildings, and, an increase in donations for use of the Museums' New Orleans Facilities. These increases would produce much needed revenue and enable the Office of State Museums to continue to serve the people of New Orleans and the entire state.

In compliance with R.S. 49:968, I am notifying the House of Representatives Oversight Subcommittee, the State Register, and the Office of State Museums of my action.

Edwin Edwards
Governor

Administrative Code Update

ADMINISTRATIVE CODE UPDATE

October 1986 through December 1986

Vol.	Title: Part.Section	Effect	Location
1	LAC 35:1.101	Amended	December 20, 1986 LR 12:827
2	LAC 7:XIII.Chapter 87	Adopted	December 20, 1986 LR 12:825
	LAC 7:XXXI.16110	Adopted	LR 12:825
	LAC 7:V.1705	Amended	LR 12:826
	LAC 7:V.Chapter 181	Adopted	LR 12:826
	LAC 7:V.3103	Amended	LR 12:826
	LAC 7:V.3109	Amended	LR 12:827
	LAC 7:V.3115	Amended	LR 12:827

Vol.	Title: Part.Section	Effect	Location
3	LAC 46:XXXVII.2303	Amended	October 20, 1986 LR 12:677
	LAC 46:XLVII.905	Amended	LR 12:678
	LAC 46:XLVII.3515	Amended	LR 12:678
	LAC 46:XLVII.3703	Amended	LR 12:677
	LAC 46:LXI.1515	Adopted	LR 12:692
	LAC 46:LXI.1701	Adopted	LR 12:692
			November 20, 1986
	LAC 46:I.317.C	Amended	LR 12:760
	LAC 46:I.501.B	Amended	LR 12:760
	LAC 46:XXIX.101	Amended	LR 12:761
	LAC 46:XXIX.303	Amended	LR 12:761
	LAC 46:XXIX.505	Amended	LR 12:760
	LAC 46:XXIX.1107	Amended	LR 12:761
	LAC 46:XXIX.1301	Amended	LR 12:761
			December 20, 1986
	LAC 46:LXIII.Chapter 15	Adopted	LR 12:833
	LAC 46:LXVII.2711	Amended	LR 12:827
	LAC 46:LXVII.2801	Adopted	LR 12:827
	LAC 46:LXVII.2803	Adopted	LR 12:827
	LAC 46:LXVII.6529	Adopted	LR 12:828
4	LAC 34:VII.703	Amended	October 20, 1986 LR 12:677
			November 20, 1986
	LAC 4:III.Chapter 1	Adopted	LR 12:763
			December 20, 1986
	LAC 34:I.3301	Adopted	LR 12:833
5	LAC 76:III.306	Adopted	December 20, 1986 LR 12:843
	LAC 76:VII.103	Amended	LR 12:843
	LAC 76:VII.121	Adopted	LR 12:844
	LAC 76:VII.501	Amended	LR 12:844
	LAC 76:VII.701	Amended	LR 12:847
	LAC 76:VII.703	Adopted	LR 12:846

Potpourri

POTPOURRI

**Department of Natural Resources
Fishermen's Gear Compensation Fund**

In accordance with the provisions of the Fishermen's Gear Compensation Fund, R.S. 56:700.1 through 56:700.5, and regulations adopted for the fund as published in the *Louisiana Register* on August 20, 1980, notice is given that 42 claims amounting to \$49,603.13 were received during the month of December, 1986. During the same month 104 claims, amounting to \$111,528.29 were paid.

The following claims are the subjects of public hearings to be held at the locations indicated:

Friday, January 23 1987, at 2 p.m., in the St. Bernard Police Jury Office, 8201 West Judge Perez Drive, Chalmette, LA:
CLAIM NO. 86-3486

Albert J. Avenel, Jr., of 1301B Bayou Rd., St. Bernard, LA, 70085, while trawling on the vessel, "PRINCESS MELISSA," in Cat Pass, between Drum Bay and Fishing Smack, St. Bernard Parish, encountered an unidentified submerged obstruction on June 20, 1986. Causing damage and/or loss. Amount of Claim: \$1,388
CLAIM NO. 86-3491

Martin J. Nunez, of Rt. 1, Box 713 St. Bernard, LA, 70085, while trawling on the vessel, "MARTY BOY," in Lake Borgne, south side of St. Joe Channel, St. Tammany Parish,

encountered a submerged channel marker on July 10, 1986. Causing damage and/or loss. Amount of Claim: \$750
CLAIM NO. 86-3495

David P. Johnson, of 1820 Linda Lou, St. Bernard, LA, 70085, while trawling on the vessel, "LA 766 GT," in Bayou Batola Bay and Lake Robin, about a mile from part of Hopedale, St. Bernard Parish, encountered an unidentified submerged obstruction on July 1, 1986. Causing damage and/or loss. Amount of Claim: \$1,053.47
CLAIM NO. 86-3553

Gary Kelly, of 6200 Gnell Dr., St. Bernard, LA, 70085, while trawling on the vessel, "LIL PEANUT," in St. Helena off Breton Sound Area, St. Bernard Parish, encountered an unidentified submerged obstruction on July 7, 1986. Causing damage and/or loss. Amount of Claim: \$1,100
CLAIM NO. 86-3560

Andrew Mandina, of 117 Cedar Dr., Belle Chasse, LA, 70037, while trawling on the vessel, "AUNT BEANIE," in American Bay, outside of Cox Bay, Plaquemines Parish, encountered a submerged beacon on July 5, 1986. Causing damage and/or loss. Amount of Claim: \$600
CLAIM NO. 86-3576

August E. Despaux, of Box 466-B, Barataria, LA 70036, while trawling on the vessel, "THERESA ANNE," in Barataria Bay, Jefferson Parish, encountered an unidentified submerged obstruction on July 3, 1986. Causing damage and/or loss. Amount of Claim: \$372.36
CLAIM NO. 86-3587

Norman J. Couture, of 3416 Campagna Dr., Chalmette, LA 70043, while trawling on the vessel, "CHERYL LYNN," outside of Violet Canal Locks off Ship Channel, St. Bernard Parish, encountered an unidentified submerged obstruction on July 21, 1986. Causing damage and/or loss. Amount of Claim: \$919.33
CLAIM NO. 86-3591

Robert W. Kenney, of 3012 S. Palm Dr., Slidell, LA 70458, while trawling on the vessel, "PAPPY," in Lake Pontchartrain, at approximate LORAN-C readings of 28,801.4 and 47,053.5, Orleans Parish, encountered an unidentified submerged obstruction on July 23, 1986. Causing damage and/or loss. Amount of Claim: \$860
CLAIM NO. 86-3601

Anthony Kipp Marquize, of P. O. Box 365 Boothville, LA 70038, while trawling on the vessel, "DAWN MARIE," in Bay Coquille, 300 yards southeast of Taylors Point, Plaquemines Parish, encountered an unidentified submerged obstruction on July 20, 1986. Causing damage and/or loss. Amount of Claim: \$600
CLAIM NO. 86-3603

John S. Domingo, of 2024 Kingbird Blvd., St. Bernard, LA 70085, while trawling on the vessel, "CAPT. JOHN," in East Lake Pontchartrain, at approximate LORAN-C readings of 28,894.5 and 47,056.0, Orleans Parish, encountered an unidentified submerged obstruction on July 19, 1986. Causing damage and/or loss. Amount of Claim: 730.74
CLAIM NO. 86-3605

Roger D. Cornwall, of Rt. 1, Box 757, St. Bernard, LA 70085, while trawling on the vessel, "FAMILY AFFAIR," in Grassy Lake, Plaquemines Parish, encountered an unidentified submerged obstruction on July 22, 1986. Causing damage and/or loss. Amount of Claim: \$719.55
CLAIM NO. 86-3624

Lloyd P. Serigne, of 2026 Todd St., St. Bernard, LA 70085, while trawling on the vessel, "E. L. ULTIMO," at the east

end of Long Bay, Plaquemines Parish, encountered an unidentified submerged obstruction on July 17, 1986. Causing damage and/or loss. Amount of Claim: \$664.58
CLAIM NO. 86-3661

Malcolm D. Olds, Jr., of P. O. Box 547, Buras, LA 70041, while trawling on the vessel, "LA 5600 BN," in the Buras Levee Canal, Plaquemines Parish, encountered an unidentified submerged obstruction on August 16, 1986. Causing damage and/or loss. Amount of Claim: \$1,264.51
CLAIM NO. 86-3667

Monroe A. Meyers, of 1900 Illinois Avenue, Kenner, LA 70062, while trawling on the vessel, "T-NAG," in Bay Skip Jack, Jefferson Parish, encountered an unidentified submerged obstruction on August 18, 1986. Causing damage and/or loss. Amount of Claim: \$496
CLAIM NO. 86-3673

Dennis Baldo, of 2708 Lena Dr. Chalmette, LA 70043, while trawling on the vessel, "CAJUN LADY," in Lake Pontchartrain, north side around South Point Area, Orleans Parish, encountered an unidentified submerged obstruction on August 18, 1986. Causing damage and/or loss. Amount of Claim: \$1,010.55
CLAIM NO. 86-3684

Louisiana Bunkers, Inc., of P. O. Box 1202, Mandeville, LA 70448, while trawling on the vessel, "SEA CHIEF," in the Gulf of Mexico, West of Tiger Pass approximately one mile offshore, Plaquemines Parish, encountered an unidentified submerged obstruction on August 29, 1986. Causing damage and/or loss. Amount of Claim: \$1,296
CLAIM NO. 86-3695

Kenneth A. Muse, of Rt. 1, Box 94, Melville, LA 71353, while trawling on the vessel, "LA 899 RM," in Little Lake, 300 yards west of the main compressor station, St. Bernard Parish, encountered a submerged metal pipe on August 18, 1986. Causing damage and/or loss. Amount of Claim: \$543.24
CLAIM NO. 86-3712

Johnny M. Gallardo, of 1717 Schnell Dr., Arabi, LA 70032, while trawling on the vessel, "LADY JULIETTE," in Lake Barre, Terrebonne Parish, encountered an unidentified submerged obstruction on September 6, 1986. Causing damage and/or loss. Amount of Claim: \$1,388.56
CLAIM NO. 86-3722

Brian G. Thibodeaux, of 8920 Dinkins St., New Orleans, LA 70127, while trawling on the vessel, "MASTER BRIAN," in Lake Borgne, 3/4 mile south of Pass, St. Bernard Parish, encountered an unidentified submerged obstruction on September 9, 1986. Causing damage and/or loss. Amount of Claim: \$634.48
CLAIM NO. 86-3726

Nelson E. Campo, Sr., of Rt. 2, Box 568, Hopedale, LA 70085, while trawling on the vessel, "PIONEER 1," 2 1/2 miles E-NE of Comfort Island, St. Bernard Parish, encountered an unidentified submerged obstruction on August 29, 1986. Causing damage and/or loss. Amount of Claim: \$5,000
CLAIM NO. 86-3736

Warren J. Thibodeaux, of 8922 Dinkins St., New Orleans, LA 70127, while trawling on the vessel, "HONEY SUCKER," in the Gulf of Mexico, Lonesome Bayou North Pass, Plaquemines Parish, encountered an unidentified submerged obstruction on September 13, 1986. Causing damage and/or loss. Amount of Claim: \$837.20
CLAIM NO. 86-3747

Cornell C. Alfonso, of Rt. 2, Box 629, St. Bernard, LA

70085, while trawling on the vessel, "LA 704 TP," in Black Bay, about 1/2 mile from Point Fortune, Plaquemines Parish, encountered a submerged large pipe on September 8, 1986. Causing damage and/or loss. Amount of Claim: \$2,385
CLAIM NO. 86-3756

Walter J. Breaux, of 430 Tudor Ave. River Ridge, LA 70123, while trawling on the vessel, "LA 6516 AY," in Bayou St. Dennis Channel, Jefferson Parish, encountered an unidentified submerged obstruction on September 14, 1986. Causing damage and/or loss. Amount of Claim: \$1,000.35
CLAIM NO. 86-3757

George C. Reno, of P. O. Box 23, Venice, LA 70091, while trawling on the vessel, "TIDEWATER RED," in East Bay, at approximate LORAN- C readings of 28,929.6 and 46,782.2, Plaquemines Parish, encountered a submerged piling on September 17, 1986. Causing damage and/or loss. Amount of Claim: \$218.64
CLAIM NO. 86-3806

Jerry F. Hunt, of 2917 Dauterive Dr., Chalmette, LA 70043, while trawling on the vessel, "LA 499 VW," in Lake Pontchartrain, southwest corner, Jefferson Parish, encountered an unidentified submerged obstruction on October 5, 1986. Causing damage and/or loss. Amount of Claim: \$700
CLAIM NO. 86-3809

Kenneth R. Marrero, of P. O. Box 1006, St. Bernard, LA 70085, while trawling on the vessel, "TIFFANY-MIKE," in California Bay, Plaquemines Parish, encountered an unidentified submerged obstruction on September 17, 1986. Causing damage and/or loss. Amount of Claim: \$336.31
CLAIM NO. 86-3811

Tilman J. Creppel, Sr., of P. O. Box 816 Boothville, LA 70038, after refueling vessel, the "EASTERN STAR," on contact of starting the engine the boat exploded in the Venice Boat Harbor, Plaquemines Parish. Causing damage and/or loss. Amount of Claim: \$5,000
CLAIM NO. 86-3825

Domongo Rano, of Rt. 2, Box 516, St. Bernard, LA 70085, while trawling on the vessel, "CAPT. MINGO," in Lake Borgne, St. Bernard Parish, encountered a submerged large steel object on October 6, 1986. Causing damage and/or loss. Amount of Claim: \$4,142.49
CLAIM NO. 86-3817

Daniel Morales, Sr., of Rt. 1, Box 813, St. Bernard, LA 70085, while trawling on the vessel, "BLUE WINGED TEAL," in California Bay, about 100 feet off of California Point, Plaquemines Parish, encountered an unidentified submerged obstruction on October 5, 1986. Causing damage and/or loss. Amount of Claim: \$496.50
CLAIM NO. 86-3826

Kenneth J. LeFebvre, of Rt. 2, Box 532-A, St. Bernard, LA 70085 while trawling on the vessel, "BAYOU BLUES," in Lake Borgne, St. Bernard Parish, encountered an unidentified submerged obstruction on October 10, 1986. Causing damage and/or loss. Amount of Claim: \$1,512.96
CLAIM NO. 86-3834

Daniel Morales, Jr., of Rt. 1, Box 812, St. Bernard, LA 70085 while trawling on the vessel, "DANIELLE MARIE," in False Bayou, Plaquemines Parish, encountered an unidentified submerged obstruction on October 10, 1986. Causing damage and/or loss. Amount of Claim: \$803.56
CLAIM NO. 86-3840

Joseph F. Latapie, Sr., of Rt 2, Box 508C, St. Bernard, LA 70085, while trawling on the vessel, "CAPT. BUB," in Black

Bay, encountered an unidentified submerged obstruction on September 29, 1986. Causing damage and/or loss. Amount of Claim: \$1,928.72
CLAIM NO. 85-2514

Bertrand R. Hutchinson, of P. O. Box 594, Empire, LA 70050, while trawling on the vessel, "CAPT. BERTRAND," in Breton Sound, at approximate LORAN-C readings of 28,967.9 and 46,901.3, Plaquemines Parish, encountered an unidentified submerged obstruction on June 14, 1985. Causing damage and/or loss. Amount of Claim: \$1,150
CLAIM NO. 85-2515

Bertrand R. Hutchinson, of P. O. Box 594, Empire, LA 70050, while trawling on the vessel, "CAPT. BERTRAND," in Alligator Point, Plaquemines Parish, encountered an unidentified submerged obstruction on July 2, 1985. Causing damage and/or loss. Amount of Claim: \$1,150
CLAIM NO. 86-3389

Kenneth R. Adams, Jr., of 8801 Gervais St., New Orleans, LA 70127, while trawling on the vessel, "SHANNA BABY," in Breton Sound, 1/2 Southwest of Racoon Point, Plaquemines Parish, encountered an unidentified submerged obstruction on May 29, 1986. Causing damage and/or loss. Amount of Claim: \$950
CLAIM NO. 86-3522

Kenneth R. Adams, Jr., of 8801 Gervais St., New Orleans, LA 70127 while trawling on the vessel, "SHANNA BABY," in Lake Pontchartrain, two miles east of Lakefront Runway, Orleans Parish, encountered an unidentified submerged obstruction on June 30, 1986. Causing damage and/or loss. Amount of Claim: \$741
CLAIM NO. 86-3532

Mark A. Barbe, of Rt. 6, Box 259 New Orleans, LA 70129, while trawling on the vessel, "LA 71 XY," in Lake Pontchartrain, between South Point and Little Woods, Orleans Parish, encountered an unidentified submerged obstruction on July 7, 1986. Causing damage and/or loss. Amount of Claim: \$650
CLAIM NO. 86-3732

Mark A. Barbe, of Rt. 6, Box 259 New Orleans, LA 70129, while trawling on the vessel, "MISS PAT," in Breton Sound, Plaquemines Parish, encountered an unidentified submerged obstruction on September 13, 1986. Causing damage and/or loss. Amount of Claim: \$1,373.40
CLAIM NO. 86-3786

Charles Ballas, of 2104 Belmont Place, Metairie, LA 70001, while trawling on the vessel, "CHARLIE B," in Lake Pontchartrain, east side of Causeway, Orleans Parish, encountered an unidentified submerged obstruction on September 4, 1986. Causing damage and/or loss. Amount of Claim: \$535.25
CLAIM NO. 86-3787

Charles Ballas, of 2104 Belmont Place, Metairie, LA 70001, while trawling on the vessel, "CHARLIE B," in the Rigolets, 50 feet north of Beacon #3, Orleans Parish, encountered an unidentified submerged obstruction on September 23, 1986. Causing damage and/or loss. Amount of Claim: \$986.67
CLAIM NO. 86-3432

Herman Alfonso, of 1054 Kelly Road, St. Bernard, LA 70085, while trawling on the vessel, "PANCHO VILLA," in Miss-Sound, one mile out from Point Chico, St. Bernard Parish, encountered an unidentified submerged obstruction on June 14, 1986. Causing damage and/or loss. Amount of Claim: \$3,100
CLAIM NO. 86-3616

Herman Alfonso, of 1054 Kelly Road, St Bernard, LA 70085, while trawling on the vessel, "PANCHO VILLA," in

Miss-Sound, 1/2 mile outside of Point Comfort, St. Bernard Parish, encountered a submerged large pipe on July 12, 1986. Causing damage and/or loss. Amount of Claim: \$3,266.70

Friday, February 6, 1987, at 3:00 p.m., in the Lafitte Town Hall, Lafitte, LA.:
CLAIM NO. 86-3426

Garrison J. Toups, Sr., of 763 Avenue B, Westwego, LA 70094, while trawling on the vessel, "LADY PAMELA," in Breton Sound, Plaquemines Parish, encountered an unidentified submerged obstruction on June 7, 1986. Causing damage and/or loss. Amount of Claim: \$1,000
CLAIM NO. 86-3612

Lewin Pizani, of P. O. Box 234, Barataria, LA 70036, while trawling on the vessel, "LA 1807," in Bayou Perot, Lafourche Parish, encountered an unidentified submerged obstruction on June 16, 1986. Causing damage and/or loss. Amount of Claim: \$450
CLAIM NO. 86-3623

Herbert Schultz, Jr., of Rt. 1, Box 512H, Lafitte, LA 70067, while trawling on the vessel, "LADY SARAH," in the Gulf of Mexico, Main Pass, Plaquemines Parish, encountered an unidentified submerged obstruction on July 25, 1986. Causing damage and/or loss. Amount of Claim: \$100
CLAIM NO. 86-3648

Keith E. Trosclair, of 5561 Trinity Dr., Marrero, LA 70072, while trawling on the vessel, "LADY NELLIE," in the Gulf of Mexico, at approximate LORAN-C readings of 28,564.4 and 46,861.7, Jefferson Parish, encountered an unidentified submerged obstruction on August 1, 1986. Causing damage and/or loss. Amount of Claim: \$300
CLAIM NO. 86-3660

John E. Otero, of P. O. Box 133, Lafitte, LA 70067, while trawling on the vessel, "MISS FUFFIE," in the Gulf of Mexico, at approximate LORAN-C readings of 28,610.8 and 46,867.6, Jefferson Parish, encountered an unidentified submerged obstruction on May 26, 1986. Causing damage and/or loss. Amount of Claim: \$3,373.48
CLAIM NO. 86-3671

Jules J. Alexie, Jr., of Rt. 1, Box 614, Perrin St., Lafitte, LA 70067, while trawling on the vessel, "LA 6527 AZ," in Bay Ronquille, Plaquemines Parish, encountered a submerged piling on August 18, 1986. Causing damage and/or loss. Amount of Claim: \$2,458.28
CLAIM NO. 86-3698

Wilton A. Coulon, of Box 482, Barataria, LA 70036, while trawling on the vessel, "MISS SHANNON," in Black Shell Bay, Jefferson Parish, encountered an unidentified submerged obstruction on August 19, 1986. Causing damage and/or loss. Amount of Claim: \$495.99
CLAIM NO. 86-3711

Elmore O. Helmer, of Box 423, Barataria, LA 70036, while trawling on the vessel, "LA 2273 AA," in Lake Salvador, St. Charles Parish, encountered a submerged part of an airplane on September 8, 1986. Causing damage and/or loss. Amount of Claim: \$659.91
CLAIM NO. 86-3721

Leroy L. Lepine, of Box 430, Barataria, LA 70036, while trawling on the vessel, "LEROY BROWN," in Bay Willow, Jefferson Parish, encountered an unidentified submerged obstruction on September 4, 1986. Causing damage and/or loss. Amount of Claim: \$495
CLAIM NO. 86-3731

Larry Mooty, of Box 522E, Lafitte, LA 70067, while trawling on the vessel, "WEST CHAD," in the Rigolets, Jefferson Parish, encountered a submerged piling on September 14, 1986. Causing damage and/or loss. Amount of Claim: \$464
CLAIM NO. 86-3733

Ernest J. Wiseman, of P. O. Box 306, Lafitte, LA 70067, while trawling on the vessel, "HAL," in Barataria Bay, Jefferson Parish, encountered an unidentified submerged obstruction on September 9, 1986. Causing damage and/or loss. Amount of Claim: \$276.25
CLAIM NO. 86-3734

William Persohn, of 244 Louisiana St., Westwego, LA 70094, while trawling on the vessel, "BARNACLE BILL," in the Gulf of Mexico, 3/4 west of Grand Isle, Jefferson Parish, encountered an unidentified submerged obstruction on September 1, 1986. Causing damage and/or loss. Amount of Claim: \$458.85
CLAIM NO. 86-3743

Gary A. Perrin, of P. O. Box 307 Lafitte, LA 70067, while trawling on the vessel, "MR. BREEZE," in Little Lake, Lafourche Parish, encountered a submerged tree stump on September 15, 1986. Causing damage and/or loss. Amount of Claim: \$515
CLAIM NO. 86-3748

Marcelo Reynon, of P. O. Box 580-B, Lafitte, LA, while trawling on the vessel, "MISS KELLY," in Bayou Perow, Jefferson Parish, encountered an unidentified submerged obstruction on September 23, 1986. Causing damage and/or loss. Amount of Claim: \$500.50
CLAIM NO. 86-3765

Carl W. Childress, Jr., of Box 599, Perrin St., Lafitte, LA 70067, while trawling on the vessel, "AMERICAN DREAM," in Barataria Waterway, Jefferson Parish, encountered an unidentified submerged obstruction on September 19, 1986. Causing damage and/or loss. Amount of Claim: \$490.16
CLAIM NO. 86-3766

Ernest Shultz, of Box 615, Perrin St., Lafitte, LA 70067, while trawling on the vessel, "STINKY," in Lake Washington, back of Port Sulphur mine, Plaquemines Parish, encountered a submerged long drill pipe about four inches round on September 17, 1986. Causing damage and/or loss. Amount of Claim: \$511.91
CLAIM NO. 86-3776

Malcolm J. LeBlanc, Sr., of Rt. 1, Box 0496 Lafitte, LA 70067, while trawling on the vessel, "BAYOU CHAMP" in the Gulf of Mexico, at approximate LORAN-C readings of 26,670.6 and 46,973.9, Cameron Parish, encountered an unidentified submerged obstruction on September 3, 1986. Causing damage and/or loss. Amount of Claim: \$1,532.55
CLAIM NO. 86-3796

Bob R. Bruce, of Box 617 Perrin St., Lafitte, LA, 70067, while trawling on the vessel, "LA 3612 BH," in Bay Long, Plaquemines Parish, encountered an unidentified submerged obstruction on October 1, 1986. Causing damage and/or loss. Amount of Claim: \$391
CLAIM NO. 86-3801

Myron J. Berthelot, of Box 0494-C Touchard, Lafitte, LA 70067, while trawling on the vessel, "ANGIE MARIE," in Lake Salvador, 1/2 mile north of Bayou Willow, Jefferson Parish, encountered an unidentified submerged obstruction on September 27, 1986. Causing damage and/or loss. Amount of Claim: \$485
CLAIM NO. 86-3688

August E. Despoux, Jr., of Box 466-B, Barataria, LA

70036, while trawling on the vessel, "THERESA ANNE," in Little Lake, Lafourche Parish, encountered a submerged drill pipe on August 27, 1986. Causing damage and/or loss. Amount of Claim: \$441.25
CLAIM NO. 86-3689

August E. Despoux, Jr., of Box 466-B, Barataria, LA 70036, while trawling on the vessel, "THERESA ANNE," in Barataria Bay, Jefferson Parish, encountered an unidentified submerged obstruction on September 3, 1986. Causing damage and/or loss. Amount of Claim: \$650
CLAIM NO. 86-3692

Curtis Silver, of P. O. Box 74, Lafitte, LA 70067, while trawling on the vessel, "SHINING STAR," in the Gulf of Mexico, off of Grand Calliou Bayou, encountered an unidentified submerged obstruction on August 22, 1986. Causing damage and/or loss. Amount of Claim: \$475
CLAIM NO. 86-3693

Curtis Silver, of P. O. Box 74, Lafitte, LA 70067, while trawling on the vessel, "SHINING STAR," in the Gulf of Mexico, off of Grand Calliou Bayou, encountered an unidentified submerged obstruction on August 2, 1986. Causing damage and/or loss. Amount of Claim: \$475
CLAIM NO. 86-3717

George D. Eckerle, of P. O. Box 319, Lafitte, LA 70067, while trawling on the vessel, "LADY JANET," in the northern part of Lake Baptiste, Plaquemines Parish, encountered an unidentified submerged obstruction on September 2, 1986. Causing damage and/or loss. Amount of Claim: \$425
CLAIM NO. 86-3751

George D. Eckerle, of P. O. Box 319, Lafitte, LA 70067, while trawling on the vessel, "LADY JANET," in Bayou St. Denis, encountered an unidentified submerged obstruction on September 18, 1986. Causing damage and/or loss. Amount of Claim: \$497.82

CLAIM NO. 86-3752

Manuel Creppel, of Rt. 1 Box 335-C Marrero, LA 70072, while trawling on the vessel, "SEVEN C'S," in West Cote Blanche Bay, Vermilion Parish, encountered an unidentified submerged obstruction on August 20, 1986. Causing damage and/or loss. Amount of Claim: \$280
CLAIM NO. 86-3754

Manuel Creppel, of Rt. 1, Box 335-C, Marrero, LA 70072, while trawling on the vessel, "SEVEN C'S," in Barataria Bay, Jefferson Parish, encountered a submerged pipe on September 20, 1986. Causing damage and/or loss. Amount of Claim: \$350.

B. Jim Porter
Secretary

POTPOURRI

Department of Urban and Community Affairs

The Department of Urban and Community Affairs (DUCA) will hold a public hearing on Friday, January 30, 1987 at 1 p.m. in Baton Rouge, Louisiana at the Capitol Annex, 900 Riverside Mall, Third Floor Committee Room. The purpose of the public hearing is to receive comments on the proposed State Weatherization Plan for low income elderly and handicapped persons in the state of Louisiana. Copies of the plan can be obtained prior to the hearing by contacting the Department of Urban and Community Affairs.

V. Elaine Boyle
Secretary

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