

# CONTENTS

## I. EXECUTIVE ORDER

DCT 82-19—Recreate Task Force on Rape .....	463 †
---	-------

## II. EMERGENCY RULES

Agriculture Department:	
Seed Commission—Certification procedure .....	463
Commerce Department:	
Racing Commission—Exclusion and ejection from racegrounds .....	464
Education Department:	
Board of Elementary and Secondary Education—Revise supervisor certification .....	464
Health and Human Resources Department:	
Office of Family Security—Exclude burial funds as income .....	464 †
Increase nursing home rates .....	465 †
MAP in-hospital care payments .....	465 †
Reimbursement for therapy .....	465 †
Reimbursement limit on certain services .....	465 †
Wildlife and Fisheries Department:	
Wildlife and Fisheries Commission—Migratory bird season .....	466
Waterfowl season .....	467

## III. RULES

Commerce Department:	
Cemetery Board—Cemetery care funds .....	467
Office of Financial Institutions—Amend adjustable rate mortgage rule .....	468
Change adjustable rate mortgage rules .....	470
Conversion from mutual to stock .....	470
Service corporation rule .....	471
Racing Commission—Conflict of interest .....	471
Exclusion and ejection from racegrounds .....	471
Education Department:	
Board of Elementary and Secondary Education—Foreign language substitute .....	472
Educational Employees Professional Improvement Program—Guidelines .....	472
Governor's Office:	
Department of Facility Planning and Control—Procedure manual .....	473
Health and Human Resources Department:	
Office of Family Security—Drugs similar to ineffective drugs .....	479 †
Enforcement of support orders .....	481 †
Low Income Energy Assistance .....	481 †
Withholding of unemployment benefits .....	481 †
Insurance Department:	
Life and Health Division—Medicare supplemental insurance regulation .....	481
Natural Resources Department:	
Office of Environmental Affairs—Rules of procedure .....	485
Public Safety Department:	
Office of the State Fire Marshal—Inspection of prisons .....	485
Insulation standards .....	485
Treasury Department:	
Board of Trustees, State Employees Group Benefits Program—Fifty percent participation .....	486

This public document was published at a cost of \$1.79 per copy, by Baton Rouge Printing Co., Inc., P. O. Box 97, Baton Rouge, La. as a service to the state agencies in keeping them cognizant of the new rules and regulations under the authority of R.S. 49:951-968. This material was printed in accordance with the standards for printing by state agencies established pursuant to R.S. 43:31. Printing of this material was purchased in accordance with the provisions of Title 43 of the Louisiana Revised Statutes.

#### IV. NOTICES OF INTENT

Agriculture Department:	
Structural Pest Control Commission—Regulations	486
Civil Service Department:	
Board of Ethics for Elected Officials—Campaign Finance Disclosure forms and instructions	487
Commission on Ethics for Public Employees—Participation in hearing	488
Culture, Recreation and Tourism Department:	
Office of Cultural Development—Arts Grant Program guidelines	488
Education Department:	
Board of Elementary and Secondary Education—Supervisor certification, tuition exemption	488
Health and Human Resources Department:	
Board of Veterinary Medicine—Licensing and livestock management	490
Office of Family Security—Federal tax refund offset	490
MAC for drugs	491
MAP, exclude deeming of income	491
MAP, exclusion of Heptovox-B	492
Office of Health Services and Environmental Quality—Fee criteria for Family Planning Program	492
Office of Licensing and Regulation—State Health Plan	493
Office of Mental Retardation—Standards for Adult Day Services	494
Office of the Secretary—Community Residential Development Plan	496
Public Safety Department:	
Office of the State Fire Marshal—Educational occupancies	498
Observation of construction	499
Treasury Department:	
Bond Commission—Rules for notice of public hearings	499

#### V. COMMITTEE REPORTS

Commerce Department:	
Office of Financial Institutions—Several rules	500
Racing Commission—Exclusion, conflict of interest	501
Insurance Department:	
Life and Health Division—Medicare supplements	501
Natural Resources Department:	
Environmental Control Commission—Rules of procedure	501
Public Safety Department:	
Office of Alcoholic Beverage Control—Regulation X	502

#### VI. POTPOURRI

Education Department:	
Bureau of Evaluation—Training workshop scheduled	502
NTE Validation Task Force—National Teacher's Exams scheduled	502
Health and Human Resources Department:	
Board of Veterinary Medicine—National Veterinary Exam scheduled	502
Natural Resources Department:	
Fishermen's Gear Compensation Fund—Claims	503
Office of Conservation—Hearing on Claiborne Parish disposal well	504
Hearing on Terrebonne Parish disposal well	504
Revenue and Taxation Department:	
Tax Commission—Hearing on Real/Personal Property rules	504
State Department:	
Board of Election Supervisors—Hearing on election laws	504

#### VII. ERRATA

Commerce Department:	
Cemetery Board—Heading corrected	505

# Executive Orders

## EXECUTIVE ORDER DCT 82-19

WHEREAS, rape is an act of violence which has become a problem of tragic national importance; and

WHEREAS, I have, by virtue of Executive Order No. 82-15, created a Task Force on Rape to study the facts surrounding the problem and make recommendations for legislation to combat the problem; and

WHEREAS, it is vital to the mission of the task force that it have sufficient time to study relevant information regarding the tragedy of rape and prepare responsible and workable legislation;

NOW, THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana, by virtue of the authority vested in me, pursuant to the Constitution and applicable statutes of the State of Louisiana, do hereby recreate the Governor's Task Force on Rape.

Said task force shall be composed of those members appointed by the Governor prior to September 30, 1982.

Said task force shall make recommendations to the Governor prior to November 30, 1982, and shall disband at that time unless specifically recreated by executive order.

Members of said task force shall receive no compensation for attending meetings of the task force but shall be reimbursed for those necessary expenses incurred in attending meetings of the task force. Such reimbursements shall be made in compliance with state travel regulations.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 30th day of August, A.D., 1982.

David C. Treen  
Governor of Louisiana.

# Emergency Rules

## DECLARATION OF EMERGENCY

### Department of Agriculture Seed Commission

The Department of Agriculture, Seed Commission, has determined that the absence of procedures for the certification of bulk seed has created a severe economic burden among farmers of Louisiana, particularly among wheat farmers who cannot now purchase certified wheat seed in bulk. In order to implement procedures whereby wheat farmers can purchase certified wheat in bulk for crops which must be planted within the next few weeks, the Department of Agriculture, Seed Commission, has adopted the following Bulk Seed Certification regulations on an emergency

basis:

1. Bulk seed certification shall be restricted as follows:

a) Only certification of small grain, soybean, and rice seed in bulk shall be permitted.

b) Bulk seed certification shall be limited to the certified class.

c) Seed certified in bulk quantities and marketed in bulk shall not be eligible for recertification.

d) Sales of certified seed in the bulk can only be made by the grower-applicant directly to the consumer who will be planting the seed.

e) Upon request of grower, a certificate for each approved lot will be issued from the Louisiana Department of Agriculture, Office of Agronomics and Quarantine Programs, to the grower-applicant covering the entire quantity of seed certified in the bulk. A charge of six cents per bushel will be made at the time the certificate is issued. After a bulk certificate is issued on a lot, a bulk retail certificate must be used for each sale of the lot certified in the bulk.

f) No certification tags will be issued for seed sold in bulk.

g) Seed from a lot certified as a bulk quantity, for which a certificate has been issued, may be tagged by the grower-applicant, if an official sample is drawn from bagged seed and meets certified seed standards. Tags will be issued for such situations at normal cost.

2. Official samples

a) Official samples to determine eligibility for certification must be drawn from the cleaned seed after conditioning and/or treating.

b) Maximum size of bulk lots will be limited to the quantity approved for drawing official samples, i.e., depth sampling equipment will operate, working room to operate equipment, and access to all parts of the storage by official inspectors.

c) Complete identity of all bulk lots through the use of lot numbers and bin designations must be maintained until the entire lot is disposed of.

d) Once official samples are drawn, no additional seed quantities may be added to the lot.

3. Approved Storage for Bulk Certified Seed

a) In order to store bulk seed, detailed arrangements must be made with and approved by the Louisiana Department of Agriculture, Office of Agronomic and Quarantine Programs, before conditioning.

b) Genetic identity and purity must be maintained throughout storage such that no mixtures will occur.

c) Storage bins must be constructed so that bin openings can be kept closed to prevent contamination.

4. Violations or abuses of intent regarding bulk merchandising of certified seed in any form will result in the automatic suspension of this privilege for one subsequent crop year.

Notice of the intention of the Seed Commission to adopt the above Bulk Seed Certification Program regulations on a permanent basis was published in the August 20, 1982, issue of the *Louisiana Register*. The public hearing for consideration of these regulations and other proposed amendments to the Rules and Regulations of the Seed Commission will be conducted on October 13, 1982, at 1 p.m. at the State Capitol, 21st Floor, Baton Rouge.

Copies of other proposed amendments to be considered at the public hearing on October 13, 1982, may be secured by writing Barby Carroll, Office of Agriculture and Environmental Sciences, Department of Agriculture, Box 44153, Baton Rouge 70804, or in person at his office in the Harry D. Wilson Building on the LSU Campus, Baton Rouge.

Bob Odom  
Commissioner

## DECLARATION OF EMERGENCY

### Department of Commerce Racing Commission

The Commission, pursuant to the authority contained in R.S. 49:953 B, adopted the Emergency Rule, LAC 11-6:57 et seq. The Commission at its meeting on August 26, 1982 by unanimous resolution made a finding that the public welfare required the adoption of a Rule of racing to provide for the exclusion and ejection of certain categories of persons from the grounds of a racing association. Further that Act 779 of 1981 mandates that this Commission adopt such a Rule. Pursuant to R.S. 4:141 et seq, and particularly, R.S. 4:142 stating the Legislative purpose of the racing statute, it is incumbent on the Louisiana State Racing Commission to adopt a Rule of racing so as to place under its control and jurisdiction the exclusion and ejection from the grounds of a racing association certain categories of people.

A complete text of LAC 11-6:57 may be found in this issue under Rules.

Ray Vanderhider  
Chairman

## DECLARATION OF EMERGENCY

### Board of Elementary and Secondary Education

The State Board of Elementary and Secondary Education, as its meeting of August 26, 1982, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act R.S. 49:953B and adopted the following as emergency Rules:

1. The Civil Service approval date for reclassified personnel shall be the effective date of salary adjustment for the new position.

This emergency adoption will enable classified personnel receiving a reclassification to receive the increase in salary immediately rather than having to wait the customary 60 days.

2. Revise the wording in the certification requirements for Parish or City School Supervisors of Special Education, Bulletin 746, Page 74, Paragraphs (2) and (3) to read as follows:  
Page 74

Parish or City School Supervisor/Director of Special Education\*

2. Have graduate training in special education including at least one course in administration/supervision of special education, and hold generic certification in special education and/or fulfill certification requirements in two areas of exceptionality as specified in Bulletin 746. In lieu of the second area of exceptionality, a person must be certified or hold a license or credential requirements in a related service area as noted in the Regulations of Act 754.

3. Have had five years of successful professional experience, at least three of which must have been in special education. For the purpose of this part, special education shall be defined as experience in any of the identified positions recognized by the State Board of Elementary and Secondary Education in Appendix I of Act 754 Regulations. The classroom experience shall have been as itinerant, resource or self-contained special class teacher as verified on the annual school report.

\* This title will apply to all persons, regardless of title, who serve in this capacity.

3. Revise the wording in the certification requirements for Special School Principal, Bulletin 746, Page 75, Paragraph (3) to

read as follows:

Page 75  
Special School Principal

3. Have had five years of successful professional experience, at least three of which must have been in special education.

This emergency adoption of changes on pages 74 and 75 of Bulletin 746 will enable school systems to better staff the Special Education Program with certified personnel for the 1982-83 school session. The changes requested recognize a broader educational background as appropriate experience for certification.

James V. Soileau  
Executive Director

## 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 amend its definition of resources under the Medical Assistance (Title XIX) Program effective August 17, 1982, to specify that burial plots or prepaid burial contracts are not resources for the purposes of determining eligibility for Medical Assistance. This policy applies only to a burial plot or prepaid burial contract intended for the use of an applicant for, or recipient of, Medical Assistance; or to such plots or contracts for the use of persons whose resources, if any, are deemed to the Medical Assistance applicant/recipient.

The definition of income is being amended in regard to burial plots or prepaid burial contracts as follows:

1) The receipt of a burial plot or prepaid burial contract as a gift or inheritance shall not be counted as income;

2) Installment payments on burial plots or contracts made by a third party directly to the provider of funeral services and burial items on behalf of the Medical Assistance applicant/recipient shall not be counted as income. However, if money is given directly to the applicant/recipient, it is counted as income;

3) Any increase in the value of a burial plot or contract or any interest derived from funds paid toward the cost of a burial contract shall not be counted as income. However, if interest is paid directly to the Medical Assistance applicant/recipient, rather than made a part of the contract, it shall be considered under the policies applicable to interest income;

4) The proceeds from the sale of a burial plot or contract shall be counted as income in the month received and if retained, shall be considered a resource in the following month.

The above changes in policy are necessary so that applicants and recipients of Medical Assistance who purchase burial plots do not risk losing their eligibility for Title XIX benefits. These Rule changes bring the Medical Assistance Program into compliance with Interim Final regulations published in the August 17, 1982 issue of the *Federal Register* (Volume 47, No. 159, 35948-35949) and in teletype message from the Social Security Administration in Baltimore, Maryland received August 23, 1982.

Roger P. Guissinger  
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 Procedures Act, R.S. 49:953B, to increase nursing home rates, effective with the August, 1982, payment for July, 1982, services, to the following amounts:

Level of Care	Daily Rate	Monthly Rate
Skilled Nursing Facilities	\$34.80	\$1,058.50
Intermediate Care Facilities I	29.76	905.20
Intermediate Care Facilities II	23.87	726.05

This action will allow the Medical Assistance Program to increase payments to nursing homes on a timely basis.

Federal Regulation 42 CFR 447.273 and the Title XIX State Plan specify that the Medicaid agency must pay for long term care facility services on a reasonable cost-related basis. The rate is set based on the sixtieth percentile by level of care.

Roger P. Guissinger  
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 amend the Medical Assistance Program's policy for payment for in-hospital care effective July 1, 1982, to add the following exception:

Vendor payment for inpatient hospital care in a short-term general hospital is limited to 15 days in a calendar year with the following exception:

Hospitals serving a disproportionate number of low-income patients will not be limited by the 15 day restriction and will have all allowable costs for approved services reimbursed. A hospital serving a disproportionate number of low-income patients is defined as any short-term general hospital in which the combination of Medicaid inpatient days and indigent inpatient days represents 30 percent or more of the total inpatient days for that hospital's most recent fiscal year. An indigent inpatient day is defined as a day of care consumed by a single individual whose monthly income is \$200 or less, an individual from a two-member family with a monthly income of \$225 or less, a three-member family with a monthly income of \$250 or less, a four-member family with an income of \$275 or less, and so forth, with \$25 added to the monthly limit for each additional member of the family.

This Rule change is necessary to allow payment to those hospitals meeting the above qualifications, for the provision of in-patient hospital care to eligible Title XIX recipients. Such action will prevent imminent peril to the health, safety and welfare of those individuals whose need for inpatient hospital care exceeds 15 days per calendar year.

Roger P. Guissinger  
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 provide for reimbursement to providers for hyperalimentation therapy (parenteral) effective July 1, 1982. This Rule change will enable the Medical Assistance Program to prevent imminent peril to the health and welfare of those individuals with severe pathology of the alimentary tract, which precludes normal oral feeding. Parenteral hyperalimentation therapy is necessary to adequately meet the nutritional requirements of such individuals.

This Rule change is in concurrence with federal regulation 42CFR 440.120.

Roger P. Guissinger  
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 impose a maximum limit on the reimbursement rate for certain Home and Community Based Services provided through the Medical Assistance Program effective July 20, 1982. Payment to providers by the Department of Health and Human Resources on behalf of eligible recipients shall be determined individually on the basis of cost associated with providing the services. However, in no instance will the reimbursement to providers for the provision of Adult Day Health, Homemaker and Habilitation services exceed 80 percent of the total monthly Medicaid rate that normally would be paid to a Long Term Care Facility for a comparable level of care for such a person in a Long Term Care Facility.

This Rule change is necessary for the Louisiana Medical Assistance Program to comply with Act 715 (House Bill No. 1072) of the 1982 Regular Legislative Session. As policy now stands, it will be both costly and administratively burdensome for the Department of Health and Human Resources, Office of Family Security, participating providers, and eligible recipients, to utilize one set of reimbursement guidelines, policies and procedures for approximately 53 days and then be required because of Act 715, to utilize a different set of reimbursement guidelines, policies and procedures thereafter. As such a situation would be of imminent peril to the public health, safety, and welfare by impairing the development and delivery of Home and Community Based Services which provide an alternative to institutional care, the Department of Health and Human Resources, Office of Family Security, implements the above described Rule change.

Roger P. Guissinger  
Secretary

**DECLARATION OF EMERGENCY**  
**Department of Wildlife and Fisheries**  
**Wildlife and Fisheries Commission**

RESOLUTION

WHEREAS, after a meeting with U. S. Fish and Wildlife personnel in Washington D.C. pertaining to migratory bird seasons other than waterfowl, and

WHEREAS, tentative dates for the migratory bird seasons other than waterfowl were discussed with the Commission at the June 29, 1982 meeting, and

WHEREAS, we received the final notice from the U. S. Fish and Wildlife Service in July, the tentative dates of the June discussion were used in complying with Federal Seasons, and

WHEREAS, these dates were as follows:

		1982-83		
Doves:	Dates	Days	Bag Limit	Possession Limit
	NORTH ZONE			
	Sept. 4 - Sept. 19	16 days	12	24
	Oct. 16 - Nov. 7	23 days	12	24
	Dec. 11 - Jan. 10	31 days	12	24
	Total .....	70 days		
	SOUTH ZONE			
	Oct. 16 - Nov. 28	44 days	12	24
	Dec. 11 - Jan. 5	26 days	12	24
	Total .....	70 days		
Woodcock:	Dec. 11 - Feb. 13	65 days	5	10
Rails:	Sept. 18 - Sept. 26	9 days	15*	30
	Nov. 6 - Jan. 5	61 days	15*	30
	Total .....	70 days		
Gallinules:	Sept. 18 - Sept. 26	9 days	15	30
	Nov. 6 - Jan. 5	61 days	15	30
	Total .....	70 days		
Snipe:	Nov. 6 - Feb. 20	107 days	8	16
Teal:	Sept. 18 - Sept. 26	9 days	4	8

Shooting Hours: From ½ hour before sunrise to sunset daily, except that teal season shooting hours are sunrise to sunset.

\*Clapper and king rails: 25 daily bag and possession limits singly or in the aggregate for sora and Virginia rails.

NOW THEREFORE BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission on this date of August 24, 1982, ratify the 1982-83 migratory bird seasons other than waterfowl as discussed and presented by the Game Division staff.

Jesse J. Guidry  
Secretary

**DECLARATION OF EMERGENCY**

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

**RESOLUTION**

1982-83 Waterfowl Season

WHEREAS, the United States Fish and Wildlife Service has established frameworks for the 1982-83 waterfowl hunting season, and

WHEREAS, the Louisiana Wildlife and Fisheries Commission must abide by these frameworks in setting waterfowl hunting seasons, NOW

THEREFORE BE IT RESOLVED that the following waterfowl hunting season dates are established by the Louisiana Wildlife and Fisheries Commission for the 1982-83 hunting season.

**Ducks and Coots**

West Zone	Nov. 6 - Dec. 5	30 days
	Dec. 18 - Jan. 11	25 days
East Zone	Nov. 20 - Dec. 5	16 days
	Dec. 18 - Jan. 20	34 days

**Geese**

West Zone	Nov. 6 - Dec. 5	30 days
	Dec. 18 - Jan. 26	40 days
East Zone	Nov. 20 - Dec. 5	16 days
	Dec. 18 - Feb. 9	54 days

**Special Scaup Season**

Jan. 21 - Jan. 31

Only in certain designated coastal waters to be identified in the Departmental waterfowl brochure.

BE IT FURTHER RESOLVED that all provisions of the frameworks established for waterfowl hunting by the United States Fish and Wildlife Service which are applicable to Louisiana are hereby adopted and made a part of the Louisiana waterfowl hunting regulations for the 1982-83 hunting season.

Jesse J. Guidry  
Secretary

# Rules

**RULE**

**Department of Commerce  
Cemetery Board**

**(La. R.S. 8:1 through 914, both inclusive)**

The following amendments to the Rules and Regulations of the Louisiana Cemetery Board which presently appear in Vol. I, No. 12, December 20, 1975, pages 519 through 525, both inclusive, having been previously submitted and approved as required by R.S. 49:954 and 968, are hereby promulgated.

1. Renumber present part 6 to read "Part 8 - Construction: Divisibility."
2. Add "Part 6 - Cemetery Care Fund; Merchandise Trust Fund."

**Section 1. Perpetual Care Trust  
Fund, payments to.**

After establishment of the permanent care trust fund when and as required by Chapter 7 of La. R.S. 9, Section 451-467, both inclusive, the amount to be deposited in the trust fund, which is a minimum of 10 percent of the gross receipts, less sales tax and interest or finance charges, if any, for the sale or conveyance of any interment space, but in no event less than 10 percent of the fair market value of each interment space conveyed, such fair market value to be determined on the basis of the current fair market value of comparable interment space in the same cemetery, shall be delivered to the trustee not later than 90 days after the end of each quarter of the cemetery authority's tax reporting year.

In the event the purchase price of any such interment space not be fully paid and thereafter be re-sold, the cemetery authority shall be entitled to credit for the amount which in the interim had been deposited in the trust fund with respect to such space.

No deposit to the permanent care trust fund shall be required in those instances in which a cemetery authority uses or conveys an interment space for an indigent interment, provided the space so used or conveyed is contained within a special area or section of the cemetery set aside and used solely for indigent interments.

**Section 2. Remittance by the Trustee  
to the Cemetery Authority**

All income received by Trustees of Cemetery Care Funds, which is not remitted to the Cemetery Authority within 120 days after the end of the latest tax reporting year of the Cemetery Authority, owning or operating a cemetery for which the trust fund is maintained, shall become for all purposes part of, and added to, the corpus of the principal of the trust.

Section 4. The Board shall have the right to make on-site inspections and examinations of the endowment care funds and the merchandise trust funds of a cemetery authority, or other legal entity, its books and records pertaining thereto and its cemetery or mausoleum, and its contracts for sales of personal property and/or services for future delivery, at any time during normal working hours, and by any employee or other person designated by the Board so to do.

By way of illustration as to the extent of such on-site inspections, the cemetery authority shall:

As to Endowment Care Funds:

1. Produce copies of all contracts and deeds, for inspection, relative to the last reporting form and since the last examination, as they pertain to the gross selling interment prices of spaces deeded during such period or on the gross receipts from contracts of sales during period.
2. Provide documentation from the trustee as to receipt of the deposit to the Perpetual Care Trust Fund of the required 10 percent deposit of gross receipts from all sales made with a provision for perpetual care during the period covered by the examination.
3. Provide access to its interment records to ascertain that proper information is being documented, including but not limited to the name of each deceased person, date of cremation or interment, and name of funeral director.
4. Provide copies of its contracts and deeds for review so it may be ascertained if perpetual care and the required 10 percent deposit is specific in each document presented to the consumer.

As to Merchandise Trust Funds:

1. Produce for inspection and review copies of all contracts for sales of personal property and/or services for future delivery, relative to the last reporting form or since the last examination, as they pertain to the sales of personal property and/or services during period.
2. Provide documentation from the trustee as to receipt of

the required deposit to the Merchandise Trust Fund of 50 percent of the gross receipts, less sales taxes, on all such contracts for future delivery when delivery is to be made at an uncertain date or more than 120 days after receipt of final payment under any such contract.

3. Provide a copy of each of its contracts for sale of personal property and/or services for review so it may be ascertained if any of said documents specifies that delivery will be made within 120 days after receipt of final payment on contract and if not, that the cemetery authority or other legal entity has established a merchandise trust fund into which 50 percent of the gross receipts, less sales taxes, is being deposited.

During any such on-site inspection the representative of the Board shall:

1. Ascertain that the interment records are adequately protected from destruction by fire in that they are kept in a place of safekeeping.

2. Inspect the grounds and other facilities of the cemetery to determine if perpetual care maintenance is, in fact, being reasonably performed.

Add "Part 7 - Qualifications of Applicants for Certificates of Authority."

Section 1. R.S. 8:71 required the Board to determine whether applicants "are financially responsible, trustworthy, and have good personal and business reputations, in order that only cemeteries of permanent benefit to the community in which they are located will be established in this state." While no rigid specifications, particularly as to character, can be fashioned, some objective evidence of a lack of such qualifications should exist before an application is denied. Clearly, if the applicant is an individual who has, or is a firm, association or corporation any of whose officers, owners, directors or managerial personnel has or have:

1. Been convicted of a felony, or has
  2. Employed misrepresentation or deception in obtaining, renewing or reinstating a license or privilege from a public entity, or in seeking a certificate or license from this Board; or
  3. Used false or misleading advertising or solicitation in any business venture,
- the application should be denied unless the applicant produces evidence indicating complete rehabilitation.

Ms. Frances C. Mayeaux  
Administrative Director

## **RULE**

### **Department of Commerce Office of Financial Institutions**

Under authority granted by R.S. 6:237-B, the Commissioner of Financial Institutions issues the following amendment to the Adjustable Rate Mortgage Rule for the purpose of providing a means by which state charter banks may have authority consistent with that granted national banks by the Comptroller of the Currency Rules and Regulations 12 CFR, Part 29, which was published on Page 23948, Volume 47, No. 106 of the *Federal Register* dated June 2, 1982.

#### **AMENDMENT**

Notwithstanding any limitations imposed by R.S. 6:237 and 322, state chartered banks are hereby authorized to make, purchase, and participate in adjustable rate mortgage instruments authorized for national banks by the Comptroller of the Currency

Regulation 12 CFR, Part 29. For the information and guidance of state chartered banks, the Comptroller of the Currency Regulation is outlined below. The words "national" and "Comptroller of the Currency" have been changed to "state" and "Commissioner of Financial Institutions". Accordingly, the Office of Financial Institutions amends the Adjustable Rate Mortgage Rule to read as follows.

#### **ADJUSTABLE-RATE MORTGAGE INSTRUMENTS**

##### **1. Purpose**

This regulations is issued by the Office of Financial Institutions to establish Rules for state banks making or purchasing adjustable-rate loans secured by liens on one to four-family dwellings.

##### **2. Definition**

An adjustable-rate mortgage loan is any loan made to finance or refinance the purchase of and secured by a lien on a one to four-family dwelling, including a condominium unit, cooperative housing unit, or a mobile home, where such loan is made pursuant to an agreement intended to enable the lender to adjust the rate of interest from time to time. Adjustable-rate mortgage loans include loan agreements where the note and/or other loan documents expressly provide for adjusting the rate at periodic intervals. They also include fixed-rate loan agreements that implicitly permit rate adjustment by having the note mature on demand or at the end of an interval shorter than the term of the amortization schedule unless the bank has clearly made no promise to refinance the loan (when demand is made or at maturity) and has made the disclosure specified in 8 (d).

##### **3. General Rule**

Banks may make or purchase adjustable-rate mortgage loans only if they conform to the conditions and limitations contained in this Part. Banks may make or purchase adjustable-rate mortgage loans pursuant to this Part.

##### **4. Index**

Changes in the interest rate charged on an adjustable-rate mortgage loan must be linked to changes in the index specified in the loan documents, i.e., a one basis point (one basis point = .01 percentage point) change in the index must be translated into a one basis point change of the same direction in the contract interest rate except as otherwise provided in 5 (b). A bank may use as an interest rate index any measure of market rates of interest that is readily available to and verifiable by the borrower and is beyond the control of the bank. The index for an adjustable-rate mortgage loan shall be either single values of the chosen measure or a moving average of the chosen measure calculated over a specified period. The initial index value shall be the most recently available index value on the date that the lender commits to the initial interest rate on the loan. Subsequent interest rate changes shall be based on the most recently available index value at the date for notifying borrowers of impending changes in the interest rate.

##### **5. Rate Changes**

(a) Frequency of Changes. Interest rate changes on an adjustable-rate mortgage loan shall occur at intervals specified in the loan documents.

(b) Required and Permitted Rate Changes. Interest rate changes on adjustable-rate mortgage loans shall be subject to the following provisions:

(1) Interest rate increases permitted in accordance with this Part shall be at the option of the bank.

(2) Interest rate decreases warranted by decreases in the index shall be mandatory except to the extent they would exceed limitations established pursuant to 5(b) (3); to the extent that rate increases fully reflecting increases in the index have not been implemented by the bank, either at its option or because of limitations on interest rate adjustments as permitted in 5(b) (3); or to the



extent that the bank has previously voluntarily reduced the interest rate on an adjustable-rate mortgage loan.

(3) Banks offering adjustable-rate mortgage loans may establish in the loan documents limitations on maximum or minimum interest rate increases or decreases, minimum increments of interest rate increases or decreases, and procedures for rounding the interest rate on the loan to the nearest percentage point or some fraction thereof.

(4) Voluntary interest rate reductions not related to index changes and changes in the index that do not result in equal changes in the interest rate (including differences between changes in the index rate and changes in the interest rate due to rounding) shall, to the extent not offset by subsequent movements of the index, be carried over and be available at succeeding rate change dates.

(5) A bank may decrease the contract rate on an adjustable-rate mortgage at any time and by any amount beyond the decreases required by the Rules contained in this Part.

(c) Method of Rate Changes. Interest rate changes to an adjustable-rate mortgage loan may be implemented through changes in the amount of the installment payment or the rate of amortization or any combination of these two methods, according to a schedule agreed upon by the borrower and the bank in the loan documents or as agreed upon by the parties at the time of an interest rate change. Notwithstanding the foregoing, installment payments shall be required for an adjustable-rate mortgage loan that are sufficient to reduce the outstanding principal balance of the loan beginning no later than during the twenty-first year and are sufficient to amortize the entire principal of the loan without a substantial balloon payment by the end of the thirtieth year. These methods are permissible regardless of any state-law prohibitions on the charging of interest on interest. Such prohibitions are expressly preempted, provided the interest rate charged by the bank does not exceed the applicable usury limit, if any.

#### 6. Prepayment Fees

Banks offering or purchasing adjustable-rate mortgage loans may impose penalties for prepayments.

#### 7. Assumption

Banks offering or purchasing adjustable-rate mortgage loans that include due-on-sale clauses are not required to allow those loans to be assumed by new purchasers of the mortgaged property or to allow new purchasers to take title to such property subject to the lien of an adjustable-rate mortgage loan made pursuant to this Part, regardless of any limitations on the validity or enforceability of due-on-sale clauses found in state law, which limitations are expressly preempted. If a bank does allow such a loan to be assumed or a purchaser to take title to property subject to the lien of an adjustable-rate mortgage loan made pursuant to this Part, the interest rate and any other loan terms may be reset as of the date of assumption. In order for an adjustable-rate mortgage loan to qualify for the benefits of this Section, the loan note must contain a clause stating that the loan is due on sale or must contain some other provision indicating that the loan may be assumed or the property purchased subject to the bank's mortgage lien only at the bank's discretion.

#### 8. Disclosure

(a) A bank offering adjustable-rate mortgage loans shall disclose in writing on the earlier of the date on which the bank first provides written information concerning adjustable-rate mortgage loans available from the bank or provides a loan application form to the prospective borrower, the following items:

(1) The fact that the interest rate may change and a brief description of the general nature of an adjustable-rate mortgage loan;

(2) The index used, including the name of at least one readily available source in which it is published. If the index is

based on a cost of funds rate for any group of financial institutions subject to limitations on the interest they may pay certain classes of depositors, a bank must describe that fact and point out that the removal of interest rate ceilings will likely result in an upward bias on future movements of the index, regardless of movements in market interest rates;

(3) A 10-year series updated at least annually showing the values of the index on at least a semiannual basis, presented in a table. The table should show either single values of the measure of interest rates or an average of single values, consistent with the bank's adjustable-rate mortgage loan program;

(4) The frequency with which the interest rate and payment levels will be adjusted;

(5) The method used to calculate the initial monthly payment, if that payment differs from the fully amortizing payment;

(6) Any Rules relating to changes in the interest rate, installment payment amount, and/or increases in the outstanding loan balance;

(7) A description of the method by which interest rate changes will be implemented, including an explanation of negative amortization and balloon payments, if they may occur in connection with the loan;

(8) A statement, if appropriate, of the Rules or conditions relating to refinancing of short-term and demand mortgage loans, prepayment, and assumption;

(9) A statement, if appropriate, of fees that will be charged by the bank and/or any other persons in connection with the adjustable-rate mortgage loan, including fees due at loan closing, prepayment fees and fees that will be charged for interest rate or payment adjustments and a statement of when and how such fees will be charged;

(10) A schedule of the dollar amounts of the installment payments (principal and interest), and the outstanding loan balance at each payment adjustment date on a \$10,000 adjustable-rate mortgage that might occur under the bank's adjustable-rate mortgage loan program. The initial interest rate should be a commitment rate offered by the bank within the preceding 12-month period.

(b) At least 30 days and no more than 45 days before any interest rate change may take effect, the bank must notify the borrower in writing of the following items:

(1) The current and proposed new interest rate;

(2) The base index value and the index values upon which the current interest rate and the new interest rate are based;

(3) The extent to which the bank has forgone any increase in the mortgage interest rate;

(4) The monthly payment due after implementation of the interest rate adjustment and/or other contractual effects of the rate change;

(5) The amount of the monthly payment, if different from that given in response to item 4, that would be required to fully amortize the loan at the new interest rate over the remainder of the loan term;

(6) The amount of the prepayment penalty, if any, that will be charged if the borrower chooses to prepay the loan rather than accept an interest rate increase.

(c) If under the bank's adjustable-rate mortgage program, a payment change may occur at a different date than an interest rate change, at least 30 days and no more than 45 days before any such payment change may take effect, the bank must notify the borrower in writing of the following items:

(1) An explanation of the circumstances that have led to such a payment change;

(2) The monthly payment due after implementation of the payment adjustment;

(3) The amount of the monthly payment, if different from

that given in response to item 2, that would be required to fully amortize the loan at the new interest rate over the remainder of the loan term;

(4) The amount of any prepayment penalty that will be charged if the borrower chooses to prepay the loan.

(d) A bank making any loan to finance or refinance the purchase of and secured by a lien on a one to four-family dwelling which is either payable on demand or at the end of a term which, including any terms for which the bank has promised to refinance the loan, is shorter than the term of the amortization schedule, must include the following notice displayed prominently and in capital letters in or affixed to the loan application form and in or affixed to the loan note:

THIS LOAN IS PAYABLE IN FULL (AT THE END OF \_\_\_ YEARS **or** ON DEMAND).(AT MATURITY **or** IF THE BANK DEMANDS PAYMENT) YOU MUST REPAY THE ENTIRE PRINCIPAL BALANCE OF THE LOAN AND UNPAID INTEREST THEN DUE. THE BANK IS UNDER NO OBLIGATION TO REFINANCE THE LOAN AT THAT TIME. YOU WILL THEREFORE BE REQUIRED TO MAKE PAYMENT OUT OF OTHER ASSETS YOU MAY OWN, OR YOU WILL HAVE TO FIND A LENDER WILLING TO LEND YOU THE MONEY AT PREVAILING MARKET RATES, WHICH MAY BE CONSIDERABLY HIGHER THAN THE INTEREST RATE ON THIS LOAN. IF YOU REFINANCE THIS LOAN AT MATURITY, YOU MAY HAVE TO PAY SOME OR ALL CLOSING COSTS NORMALLY ASSOCIATED WITH A NEW LOAN, EVEN IF YOU OBTAIN REFINANCING FROM THE SAME BANK.

Fixed-rate short-term or demand loans for which this notice has been properly given will not be characterized as adjustable-rate mortgage loans.

(e) At the date on which the initial interest rate on an adjustable-rate mortgage loan is determined, the bank must inform the borrower of the initial index value against which interest rate changes will be measured. This initial index value must be included in the note which the borrower signs. The borrower must be given a copy of that note no later than at loan closing.

Hunter O. Wagner, Jr.  
Commissioner

## **RULE**

### **Department of Commerce Office of Financial Institutions**

#### **Adjustable-Rate Mortgage Instruments**

Under the authority granted by R.S. 6:237-B, the Commissioner of Financial Institutions issues the following additions to the Rule previously published in Volume 7, Number 6 of the *Louisiana Register*, dated June 20, 1981. The purpose of this addition to the Rule is to provide a means by which state-chartered banks may have authority consistent with that granted national banks by the Comptroller of the Currency Rules and Regulations 12 CFR, Part 29, which was originally published on Page 18932, Volume 46, Number 59 of the *Federal Register*, dated March 27, 1981, and amended with this addition on Page 13775, Volume 47, Number 63 of the *Federal Register*, dated April 1, 1982.

#### **SUMMARY**

This document makes two technical amendments to the regulation establishing a framework within which state-chartered

banks may make or purchase adjustable-rate mortgage loans.

#### **ADDITION TO RULE**

The Commissioner of Financial Institutions hereby amends the Adjustable-rate Mortgage Rule to permit state-chartered banks to use two additional indexes to adjust interest rates on adjustable-rate mortgage loans. The following indexes are added:

1. The weekly or monthly average yield on United States Treasury securities adjusted to a constant maturity of three years. The weekly average yields are published in the "Federal Reserve Bulletin" and made available weekly by the Federal Reserve Board in Statistical Release H.15 (519). The monthly average yields are published in the "Federal Reserve Bulletin" and made available by the Federal Reserve Board in Statistical Release G.13 (415) during the first week of each month.

2. The weekly average or the monthly average of weekly average auction rates on United States Treasury bills with a maturity of six months. The weekly average rates are published in the "Federal Reserve Bulletin" and made available weekly by the Federal Reserve Board in Statistical Release H.15 (519). The monthly average yields are published in the "Federal Reserve Bulletin" and made available by the Federal Reserve Board in Statistical Release G.13 (415) during the first week of each month.

Hunter O. Wagner, Jr.  
Commissioner

## **RULE**

### **Department of Commerce Office of Financial Institutions**

The Commissioner of Financial Institutions, in exercise of his powers specifically enumerated in R.S. 902B and R.S. 950.1D, hereby amends the Rule published in Volume 6, Number 12, *Louisiana Register* dated December 20, 1980, pertaining to the conversion of state chartered savings and loan associations from mutual to stock form of charter.

#### **AMENDMENT TO RULE**

So much of Section V of the Rule governing the conversion of state chartered savings and loan associations from mutual to stock form as reads:

V. Content of Applicant's Plan of Conversion. The Applicant's plan of conversion shall comply with the requirements of the FSLIC, including the determination of the eligibility record date and supplemental record date (if applicable) with respect to subscription rights to purchase the Applicant's conversion stock, except, however, *that officers, directors and employees of the Applicant in their individual capacities as officers, directors and employees, will be permitted to purchase in the specific subscription offering category established for that purpose an amount no greater than twenty percent of the total shares being offered in the plan of conversion.*

is amended to read:

V. Content of Applicant's Plan of Conversion. The Applicant's plan of conversion shall comply with the requirements of the FSLIC, including the determination of the eligibility record date and supplemental record date (if applicable) with respect to subscription rights to purchase the Applicant's conversion stock, *and provides that the total number of shares which officers and directors of the converting insured institution and their associates may purchase in the conversion shall not exceed thirty-five percent of the total offering of shares in the case of a converting insured institution with total assets of less than \$50 million, or twenty-five*

percent of the total offering of shares in the case of a converting insured institution with total assets of \$500 million or more; in the case of converting insured institutions with total assets in excess of \$50 million but less than \$500 million, the percentage shall be no more than a correspondingly appropriate number of shares based on total asset size (for example, 30 percent in the case of a converting insured institution with total assets of \$275 million.)

The change in FSLIC Regulations was published in Volume 47, Number 89, *Federal Register*, dated May 7, 1982.

Hunter O. Wagner, Jr.  
Commissioner

## RULE

### Department of Commerce Office of Financial Institutions

Under authority granted by R.S. 6:902B, the Commissioner of Financial Institutions intends to adopt the following amendment to Rule of Volume 6, Number 9 of *Louisiana Register* dated September 20, 1980 for purpose of providing a means by which state chartered associations may have authority consistent with that proposed for federal associations by the Federal Home Loan Bank Board in Section 9855 of the *Federal Register* Volume 47, No. 45, March 8, 1982.

#### AMENDMENT

to the  
Office of Financial Institutions  
Rule of Volume 6, Number 9  
of

*Louisiana Register* dated September 20, 1980

Delete Section III. as it appears and substitute the following:

#### III. Pre-Authorized Subsidiary Investments

Pre-authorized activities of a subsidiary corporation, performed directly or through one or more wholly owned subsidiaries or joint ventures shall consist of one or more of the following:

A. Loan origination, purchasing, selling and servicing.

B. Acquisition of unimproved real estate lots and other unimproved real estate for the purpose of prompt development and subdividing.

C. Development and subdivision of and construction of improvements, including improvements to be used for commercial or community purposes when incidental to a housing project, for sale or for rental on, real estate referred to in subdivision B of this subparagraph.

D. Acquisition of improved residential real estate and mobile home lots to be held for sale or rental.

E. Acquisition of improved residential real estate for remodeling, rehabilitation, modernization, renovation, or demolition and rebuilding for sale or for rental.

F. Engage in real estate brokerage services if real estate laws, Rules and Regulations are complied with.

G. Serving as an insurance broker, agent, or underwriter if insurance law, Rules and Regulations are complied with.

H. Serving as a title insurance company if insurance laws, Rules and Regulations are complied with.

I. Preparation of state and federal tax returns.

J. Acquisition of real estate to be used for association offices and related facilities.

K. Partial or complete ownership of computer center that provides services for the parent association and others.

L. Make consumer loans as outlined in LRS 9:3510, et seq.

M. Perform debt collection services.

N. Issue letters of credit as part of their commercial lending.

O. Operate coin and currency services by contracting with Federal Reserve banks or commercial banks to make coin and currency available. This includes delivery and security arrangements.

P. Engage in the leasing of consumer and business goods.

Q. A subsidiary may act as agent for the parent association except that it shall not receive payments on new or established savings accounts, nor shall it perform any duties for the association other than those specifically authorized herein.

R. Other activities which may be approved by the Commissioner.

Delete Section V. as it appears and substitute the following:

#### V. Investment and Debt Limitation

A. Investments in subsidiary corporations shall include investment in its capital stock, obligations, both secured and unsecured, or other securities of the service corporation, and shall not, in the aggregate, exceed ten percent of the association's total assets. The limitation does not apply to subsidiaries organized solely as a holding corporation for business property as outlined in R.S. 6:822F.

B. The subsidiary corporation engaged solely in the activities specified in Paragraph III.A. above; may incur debt in a ratio of 10:1 of the subsidiary's consolidated net worth.

C. Subsidiary corporations engaged in activities other than that authorized in Paragraph III.A. above shall not incur debt in the aggregate in excess of the parent association's net worth less the aggregate investment in all subsidiary capital stock, obligations, both secured and unsecured, and other securities of the subsidiary corporation.

Hunter O. Wagner, Jr.  
Commissioner

## RULE

### Department of Commerce Racing Commission

LAC 11-6:25.35

No owner or trainer shall enter, or cause to be entered, a horse to race at a track of an association in which he has a direct or indirect financial interest.

Ray Vanderhider  
Chairman

## RULE

### Department of Commerce Racing Commission

LAC 11-6:57

#### RULE 57: EXCLUSION AND EJECTION

57.1 No person who is known or reputed to be a bookmaker or a vagrant within the meaning of the statutes of the State of Louisiana or a fugitive from justice, or whose conduct at a

racetrack in Louisiana or elsewhere, is or has been improper, obnoxious, unbecoming or detrimental to the best interest of racing, shall enter or remain upon the premises of any licensed association conducting a race meeting under the jurisdiction of the Commission; and all such persons shall upon discovery or recognition be forthwith ejected.

57.2 If a majority of the stewards shall find that any person has violated any of the Rules of racing, or has been involved in any action detrimental to the best interests of racing generally, they may exclude such person from the grounds, or any portion of such grounds, of the association conducting the meeting for a period not exceeding the duration of the race meet plus ten days; or they may suspend the license of such person from participating in racing in this state, for a period not exceeding the duration of the meet plus ten days, or both such exclusion and suspension; and if the stewards consider necessary any further action, they shall promptly refer the matter to the Commission.

57.3 The following categories of persons may be excluded or ejected:

a) Persons who because of age, in accordance with other sections of these Rules, are not allowed to be licensed or attend the races. (See Rules 2.8; 14.3; 20.3; 23.2; 30.1).

b) Anyone convicted of a felony under the laws of the United States, this state or any other state or country, or any crime or offense involving moral turpitude, within the preceding five years, if the presence of said person would be against the public interest and the best interest of horseracing.

c) Persons of notorious or unsavory reputation, whose presence would be contrary to the public interest and the best interest of horseracing.

d) Any person whose presence on the grounds of a racetrack would be inimical to the State of Louisiana and its citizens, or to the track, meeting, race, or association, to such an extent that his presence would be contrary to the public interest and the best interest of horseracing.

e) Persons who have had a license or permit refused, suspended or withdrawn, and whose presence would be contrary to the public interest and the best interest of horseracing.

f) Any person who is knowingly consorting or associating with bookmakers or persons of similar pursuits, or has himself engaged in similar pursuits, or has been found guilty of any fraud or misrepresentation in connection with racing or breeding, or otherwise has violated any law, Rule or Regulation with respect to racing in this or any other jurisdiction, or any Rule, regulation, or order of the Commission, or has been found guilty of or engaged in similarly related like practices.

57.4 It shall be the duty of the owner or officer of each association to notify the Secretary of the Commission of all ejections and exclusions, in writing, within three calendar days after the day on which the exclusion or ejection occurred, exclusive of Saturdays, Sundays or legal holidays. The notice shall include the name of the person excluded or ejected, the date, approximate time, place where the exclusion or ejection occurred, the reason therefor, and other pertinent information.

57.5 The person excluded or ejected may demand a public administrative hearing before the Racing Commission, by giving the Commission written notice of the exclusion or ejection within ten calendar days after its occurrence, exclusive of Saturdays, Sundays, or legal holidays.

57.6 Upon receipt of the notice of the aggrieved person, the Commission shall call and hold a hearing at the next regular meeting of the Commission which is held not sooner than fifteen days after receipt of such notice.

57.7 If the aggrieved person requests an expedited hearing, the hearing shall be set not less than ten days or more than twenty days after the receipt of the request for the expedited

hearing, and if the Commission does not hold the hearing within said time period, the aggrieved person may proceed with his other legal remedies. If the Commission and the person demanding a hearing mutually agree, the hearing may be held at any time.

57.8 The Commission, upon evidence received at the hearing and the merits of the testimony, shall determine whether the person was lawfully excluded or ejected in accordance with its Rules and Regulations, and it is the responsibility of the owner or officer of the association to show that the person was excluded or ejected in accordance with the Rules and Regulations.

57.9 If the Commission determines that the exclusion or ejection was lawful, it shall order the person excluded or ejected for a specific time from all racetracks, race meetings, races, or licensed establishments that are under the commission's regulatory powers.

57.10 If the Commission determines that the exclusion or ejection was unlawful, it shall order the owner or officer of the association to allow such person to enter the premises and participate in any race that he is otherwise qualified for.

57.11 Any owner, official, supervisor, or employee of an association shall keep from the premises where they conduct their business or perform their employment any person whom he knows is ordered by the Commission to be excluded or ejected. The Commission may revoke, limit, condition, or suspend the license of or impose a fine on, any individual or licensee in accordance with the laws of the state and Rules and Regulations of the Commission, if the licensee or person knowingly and willfully fails to act to exclude or eject any person who should be excluded or ejected according to the Rules of racing, or any person whom he knows is ordered by the Commission to be excluded or ejected.

57.12 Any person who is excluded or ejected from any racetrack, race meeting, or race, shall exhaust all administrative remedies before the Commission prior to instituting any legal action seeking judicial relief.

Ray Vanderhider  
Chairman

## **RULES**

### **Board of Elementary and Secondary Education**

Rule 3.01.51.n

The Board adopted an amendment to Bulletin 741, page 14 to allow a foreign language or a course taught in a foreign language as a substitute for the fourth English requirement.

Rule 3.01.70.u(4)(a)

The Board adopted an amendment to Bulletin 746 to allow speech therapists who are certified to teach in Louisiana the certification endorsement of English as a Second Language upon completion of the four required courses as described in the Bulletin.

James V. Soileau  
Executive Director

## **RULE**

### **Department of Education Louisiana Educational Employees Professional Improvement Program**

The State Committee for the Louisiana Educational Employees Professional Improvement Program R.S. 17:3601-R.S.

17:3661 at its August 31, 1982 meeting exercised those powers conferred by the Administrative Procedure Act, R.S. 49:953B, and adopted the following as a Rule:

**BULLETIN 1619, REVISED 1982**

This publication in its entirety may be examined during regular business hours at the *Louisiana Register*, 1500 Riverside N., Baton Rouge, La.

This adoption is necessary because the Committee must distribute these guidelines in order to allow participating educators to continue in the Professional Improvement Program for 1982-83 as provided by the Louisiana Legislature.

Robert C. Rice, Chairman  
State Committee for the Louisiana  
Educational Employees Professional  
Improvement Program

**RULE**

**Office of the Governor  
Department of Facility Planning and Control**

LOUISIANA  
CAPITAL IMPROVEMENT PROJECTS  
PROCEDURE MANUAL  
FOR DESIGN AND CONSTRUCTION

ARTICLE 1  
CONDITION OF THE CONTRACT

1.1 The Louisiana Capital Improvement Projects Procedure Manual for Design and Construction, 1982 Edition, herein referred to as the "Procedure Manual" and any amendments thereto, as published by Facility Planning and Control Department, shall be a part and condition of the Contract Between Owner and Designer, herein referred to as the "Contract".

ARTICLE 2  
DEFINITIONS

2.1 *The Owner* is the State of Louisiana, Office of the Governor, Division of Administration, the responsibilities of which shall be exercised by the Commissioner of Administration or his designated representative, Facility Planning and Control Department.

2.2 *The User Agency* is the agency, department, division, board or institution which will be the principal user of and for which the facility is being designed and constructed, as named in the Contract. Where reference is made hereinafter to the *User Agency*, it will refer to both the "Umbrella" and "Local" entities of the department, board, agency, division, etc. (Examples: The LSU Board of Supervisors and the Department of Health and Human Resources are "Umbrella" Using Agencies and "Local" Using Agencies such as LSU-Alexandria and Pinecrest State School are under their respective jurisdiction and administration).

2.3 *The Designer* is a person or organization professionally qualified and licensed to practice Architecture, Engineering or Landscape Architecture in accordance with the laws of the State of Louisiana, who is to perform Basic Services for the Project, as named in the Contract.

2.4 *Consultants* are individuals or organizations engaged by the Owner or the Designer to provide professional consultant services complementing or supplementing the Designer's Services. As applicable, Consultants shall be licensed to practice in accordance with laws of the State of Louisiana. The Owner shall engage or have the Designer furnish as part of the Designer's Services the services of Consultants which are deemed necessary for the project. Normal Consultants are architects, landscape

architects, civil, structural, mechanical and electrical engineers, etc., compensation for which is included in Designer's basic fixed fee. Special Consultants are those, other than the above, which the Owner may approve as required for the Project to perform special services and for which compensation will be in accordance with Article 5.3.1

2.5 *The Project* is a Capital Outlay Project for which funds have been appropriated or other public government project for which funds are available, as specifically defined in the Program attached to and stated in the Contract between Owner and Designer.

2.6 *The Total Construction Budget (TCB)* is the sum of the funds Available for Construction (AFC) plus the Designer's Fee. The AFC is the actual amount of funds available for awarding the construction contract(s).

ARTICLE 3

OWNER-USER AGENCY RESPONSIBILITIES

3.1 The Owner's designated representative shall be the Facility Planning and Control Department. The User Agency shall designate a representative authorized to act in its behalf with respect to the Project.

3.2 After selection of the Designer and prior to signing of the Contract, the Owner shall furnish to the Designer the Preliminary Program, as described below, and a statement of the funds Available For Construction (AFC).

3.3 After the Contract is signed by the Owner, the Owner shall schedule and hold a Pre-Design Conference at the Office of Facility Planning and Control or at a location designated by the Owner. This conference shall be attended by the Designer and representatives of the Owner and User Agency.

3.3.1 The purpose of this conference shall be to initiate a general review and discussion of the Project, including but not limited to, adopting or confirming the following:

1) The Preliminary Program defining (a) the type, number and sizes of spaces required, (b) adjacency considerations, (c) the type and number of people using the facility and (d) the activities to be held in the facility;

2) The site location of the facility;

3) The Total Construction Budget (TCB) stating the amount Available for Construction (AFC) and the Designer's Fee;

4) The Time Schedule outlining completion dates of designated phases as described in Article 7 hereinafter and the anticipated period of construction. The Time Schedule for planning phases shall commence with the date of the Pre-Design Conference and shall continue until completion of all construction documents and their delivery to the Owner and shall take into account review periods agreed to between Designer and Owner.

5) At the Pre-Design Conference, the Owner will give the Designer a package containing "Instructions to Designers" and Bidding and Construction Contract Forms as described hereinafter in 7.1.4(C).

3.3.2 The Owner shall have prepared, at the Owner's cost, by a registered land surveyor, a topographical survey of the site including structures, roads, walks and utilities, when necessary. The Owner will contract for and pay for geotechnical services as described in Article 7.1.1-4 hereinafter.

3.4 The Owner and the User Agency shall examine all documents submitted by the Designer and shall render decisions pertaining thereto, to avoid unreasonable delay in the progress of the Designer's Services.

3.5 The Owner will select a testing laboratory to perform all required tests during construction, and will contract for and pay for all such testing services.

3.6 The Owner shall provide record construction documents of existing buildings for renovation or addition projects, when those are available.

ARTICLE 4  
TOTAL CONSTRUCTION BUDGET

4.1 The Total Construction Budget is the amount of funds Available For Construction (AFC) and the Designer's Fee for the Project as fixed by the Owner and stated in the Contract Between Owner and Designer.

4.2 The Total Construction Budget, unless otherwise provided in the Contract, shall not include land cost, movable equipment, furnishings, advertising, recordation, builders risk insurance, surveys, soil borings, testing and full-time project representation during construction.

4.3 The Designer shall be responsible for designing the project so that the sum of the base bid and all authorized additive alternates does not exceed the funds Available For Construction. The use of any additive alternate bids must be approved by the Owner.

4.4 At the completion of the Program Completion Phase, as stated hereinafter in Article 7, the Designer shall determine whether the funds Available For Construction are realistic for the project when compared with the Completed Program. At this point, or at any other submissions of Probable Construction Cost by the Designer, if such Probable Construction Cost is in excess of funds available, the Owner shall have the option to:

1) Instruct the user agency to collaborate with the designer to revise the program to be within the funds available for construction; such program revision to be done without additional compensation to the Designer, except as provided in Article 7.3.4, hereinafter.

2) Provide additional funds to increase the Total Construction Budget;

3) Approve or disapprove the Designer's use of additive alternates so that the sum of the base bid and the alternates will be within the funds Available For Construction; or

4) Abandon or suspend the project.

4.5 When the lowest bona fide Base Bid exceeds the amount Available for Construction, the Owner shall have the option to (1) have the Designer, without additional compensation, modify the Construction Documents as required in order to rebid the project to be within the amount Available for Construction, (2) provide additional funds to award the Construction Contract, without additional compensation to the Designer, or (3) abandon the project. Should the Owner elect to award the Contract on the Base Bid and one or more alternates in an amount in excess of the AFC, the Designer shall not receive additional compensation because of the overrun.

ARTICLE 5  
COMPENSATION

Compensation to be paid the Designer for services and reimbursable expenses shall be as follows:

5.1 Fixed fee for Basic Services, as described in Article 7 hereinafter, shall be calculated as the project of the fee percentage and the funds Available for Construction (AFC). The fee percentage shall be computed by the formula:

$$\text{FEE PERCENTAGE} = \frac{42.75}{\log \text{AFC}}$$

For projects with an AFC over \$20,000,000, the fee shall be negotiated.

5.1.1 Compensation to be paid the Designer on the Fixed Fee basis shall remain constant for the duration of the project without regard to the actual construction cost, except if the Owner changes the Total Construction Budget prior to the receipt of bids, the Designer's contract will be amended to reflect the new Total Construction Budget and resultant Fixed Fee.

5.1.2 Compensation to be paid the Designer on the Fixed Fee basis shall be appropriately modified for certain projects as follows:

(1) *Renovation Factor* of up to 1.25 shall be multiplied by the fee percentage to arrive at the Fixed Fee for renovation projects as determined by the Owner. This Fixed Fee shall include making measured drawings of the Project when necessary.

(2) *Duplicated Work Factor* shall be subject to negotiation between the Owner and Designer on an individual project basis,

(3) *Prefabricated Buildings*: The fee shall be negotiated, but shall not exceed that stated in 5.1 above,

(4) *Multiple Contracts*: If the Owner determines that the best interest of the Project is served by constructing the Project under two or more separate contracts, the fee shall be established for each portion by application of the formula in 5.1 above.

5.2 Payment to the Designer for Additional Services, as defined in Article 7.3, shall be made on the basis of Designer's Direct Personnel Expense for performing such services multiplied by a factor of 3.0.

5.2.1 Direct Personnel Expense is defined as the normal, straight-time direct salaries of all the Designer's personnel, except principals, engaged in the Project (technical but not clerical).

5.2.1.1 On signing the Contract the Designer shall submit for the Owner's approval, a schedule of principals with an hourly rate for each and such hourly rate shall reflect the total compensation for principals' time when required for additional services, without application of the multiple.

5.2.2 Routine change orders which involve a small amount of effort will not involve extra compensation. Before the Designer prepares a change order for which he feels he is entitled to extra compensation due to the extra effort involved, he shall so notify the Owner and secure Owner's approval to proceed with the change order. When final payment is made to the Designer, all such change orders will be reviewed by the Owner and the Designer's contract will be amended to reflect extra compensation for the change orders which the Owner has determined merit additional fee.

5.2.3 Designer shall prepare change orders caused by errors or omissions of the Designer without additional compensation and Designer may be required to pay for the Construction Cost of such change orders if the change results in damage to the Owner.

5.2.4 Preparation of documents required for change orders for any cause shall not be started without Owner's prior written approval.

5.3 *Reimbursable Expenses* are in addition to the compensation for Basic and Additional Services and include actual expenditures made by the Designer, his employees or his professional consultants in the interest of the project as directed and authorized by the Owner in writing prior to their incurrence.

5.3.1 Reimbursable expenses may include, but not be limited to the following:

(1) Expense of transportation and living when traveling in connection with the Project outside the State of Louisiana, and in accordance with State rates and regulations.

(2) Fees paid for securing approval of authorities having jurisdiction over the project.

(3) Expense of renderings or models for the Owner's use.

(4) Fees of Special Consultants authorized by the Owner.

ARTICLE 6  
PAYMENTS TO THE DESIGNER

6.1 Payments on account of Designer's Services shall be made as follows:

6.1.1 Basic Services

1) Upon satisfactory completion of all Basic Services for

each phase as described in Article 7, submission of all documents to the Owner and upon the Owner's approval of same, which approval shall not be arbitrarily withheld, payment for the following phases of the Designer's services will be made in one lump sum (with the exception of the Construction Documents Phase as described below in 6.1.2); such payments shall be up to the following percentages of the Designer's fixed fee, which percentages are cumulative:

Program Completion Phase	5%
Schematic Design Phase	15%
Design Development Phase	30%
Construction Documents Phase	70%
Bidding and Contract Phase	75%

2) Monthly in proportion to the Contractor's Certificate for Payment for the following phase:

Construction Phase	95%
--------------------	-----

3) Upon satisfactory completion and furnishing required documents to the Owner for the following phase:

Construction Close-Out Phase	100%
------------------------------	------

6.1.2 A partial payment for the Construction Documents Phase shall be made when the Designer has completed 100 percent of the Construction Documents and has submitted these to the Owner, the User Agency, and the other required statutory agencies and the Owner determines by inventory check and conformity with Article 7 that all required documents have been submitted, then the Designer shall be entitled to a payment of 50 percent of the fee for the Construction Documents Phase. Should the Owner's approval of the Construction Documents not be issued within 45 days of submittal due to no fault of the Designer, then the Designer shall be paid an additional payment of 40 percent of the fee for Construction Documents. The balance of the fee for this phase will be due when all requirements above have been met.

6.2 Payments on account of Designer's Additional Services and for Reimbursable Expenses shall be made on submission of Designer's invoices with supporting data, and their written approval by Owner and User Agency and issuance of an amendment to the Contract covering such services.

6.3 Payments to the Designer on Termination, Abandonment or Suspension shall be made in accordance with Articles 9 and 10, hereinafter.

## ARTICLE 7 DESIGNER'S SERVICES

### 7.1 Basic Services

The Designer's Basic Services consist of the phases described below and include the normal Services of the Designer and normal complementing or supplementary Services of his Consultants, and any other services included in the Contract. Review Documents of each phase shall be submitted to the Owner and to the User Agency for their approval. In addition, for the Construction Documents Phase, Review Documents shall be submitted to other regulatory agencies designated by the Owner for their approvals. Designer shall not proceed to subsequent phases until the requisite written approvals are received and until authorized by the Owner in writing to so proceed. All statements of probable Construction Cost shall be escalated to the anticipated bid date of the project.

#### 7.1.1 Program Completion Phase

1) After the initial pre-design conference the Designer shall meet and work with the User Agency to determine more detailed program requirements for the project and shall refine and complete the program in a form acceptable to the Owner.

2) The Designer shall determine whether the funds Available for Construction are realistic for the project when compared with the completed program, as described in Article 4.4.

3) The Completed Program shall be submitted to the

Owner and the User Agency for their written approval and thereafter only the Owner shall have authority to alter the Program. Any authorization by the Owner to alter the Completed Program shall be in writing.

4) The Designer shall obtain one or more proposals from qualified geotechnical engineers required for the Project and recommend to the Owner for his approval. The Owner will contract directly for such services.

5) The Designer shall finalize the Time Schedule as described in Article 3.3.1-4, for the Owner's approval.

#### 7.1.2 Schematic Design Phase

1) Based on the mutually agreed Completed Program, funds Available For Constuction, Site Location and Time Schedule, the Designer shall prepare Schematic Design Documents in such format and detail as required by the Owner, consisting of drawings, outline specifications and other documents illustrating the scale and relationship of the Project components for the written approval of the Owner and the User Agency.

2) The Designer shall submit to the Owner and User Agency a Statement of Probable Construction Cost based on current area, volume or other unit costs method.

3) A preliminary Energy Conservation Analysis for the Project shall be prepared by the Designer and submitted to the Owner for review and approval. The requirements of this analysis will be detailed in the "Instructions to Designers", to be given to the Designer at the Pre-Design Conference.

4) An analysis of requirements of the Louisiana Code for State Owned Buildings as they relate to this project shall be prepared by the Designer and submitted for review and approval.

#### 7.1.3 Design Development Phase

1) Based on the approved Schematic Design Documents and any adjustments authorized by the Owner in the Program or the funds Available for Construction, the Designer shall prepare, for approval by the Owner, Design Development Documents consisting of drawings, expanded outline specifications based on the 16 Divisions of the Uniform Construction Index, and other documents to fix and describe the size and character of the entire project as to architectural, structural, mechanical and electrical systems, materials and such other elements as may be required.

2) The Designer shall submit to the Owner and User Agency a Statement of Probable Construction Cost based on the 16 Divisions of the Uniform Construction Index. This shall have back-up material and data in such format and detail as required by Owner to support each of the 16 Divisions.

3) The Designer shall prepare the Energy Conservation Analysis for the Project, for submittal to the Owner for review and approval.

4) The Designer shall submit a more detailed analysis of the codes required by the Louisiana Code for State Owned Buildings, consisting of, but not necessarily limited to, statements of (1) Classification of occupancy, (2) Classification of construction, (3) Code allowable area for occupancy and construction type, and calculations of (a) actual building area and (b) code allowable area increase for exceptions.

#### 7.1.4 Construction Documents Phase

1) Based on the approved Design Development Documents and any further adjustments in the scope or quality of the Project or in the funds Available For Construction, authorized by the Owner, the Designer shall prepare for written approval by the Owner, the User Agency, and other State regulatory agencies as required by law, the following documents bearing the Designer's seal and those of his consultants, all sufficiently complete and clear to define the quantity and quality of the work to bid and build the Project:

(a) Working Drawings - dimensioned plans, elevations, sections, details and schedules of all architectural, landscaping,

civil, structural, mechanical and electrical work in the Project in general conformity with Chapter 12, latest Edition, of the A.I.A. Handbook of Professional Practice or as the Owner may require.

(b) Technical Specifications - performance or proprietary specifications on the materials, processes or systems to be incorporated in the work, using the 16 Divisions format of the Uniform Construction Index. State law prohibits the Designer from closing specifications on any item in the specification except as provided for in R.S. 38:2290-2296 and in R.S. 38:2290 (A) as amended by Act 596 of 1982. Any reason for closing specifications as provided for by law shall be brought to the attention of the Owner in writing for review. Additional requirements for specifications are contained in the "Instructions to Designers" documents which will be furnished to the Designer at the Pre-Design Conference.

(c) Bidding and Construction Contract Forms - the Owner will furnish to the Designer policy requirements that the Designer must include in his Documents on the following: Advertisement for Bids, Instructions to Bidders, Bid Form, General Conditions, Supplementary General Conditions, Contract Between Owner and Contractor, Performance and Payment Bond, and Non-Collusion Affidavit. If the probable construction cost of the Project is \$25,000.00 or more, the Designer shall obtain a Prevailing Wage Determination from the Secretary of Labor for inclusion in the Documents.

2) The Designer shall submit to the Owner and User Agency an updated Statement of Probable Construction Cost based on the 16 Divisions of the Uniform Construction Index, with back-up material as described in 7.1.3 above.

3) The Designer shall update and verify the Energy Conservation Analysis prepared in the Design Development Phase.

4) The Designer shall submit one bound copy of all design calculations on the Project for the Owner's files.

#### 7.1.5 Bidding and Contract Phase

1) Upon receipt of written approval from the User Agency and other State regulatory agencies, receipt of corrected and completed Construction Documents, and approval of the latest Statement of Probable Construction Cost, the Owner may advertise the Project for bids and shall be assisted by the Designer in obtaining bids.

2) The Designer shall be responsible for the furnishing and distribution of copies of Construction Documents to (1) all Contractors licensed in accordance with State law who desire to bid the Project, subject to deposit requirements as provided for in the Advertisement for Bids, (2) to recognized construction trade organizations as directed by the Owner at no cost, (3) to the User Agency, and other State agencies and regulatory authorities as required or directed by the Owner, at no cost.

3) The Designer shall be responsible for evaluating prior approval requests for substitution of materials, products and equipment required by the applicable statutes and Owner Procedures.

4) The Designer shall prepare and issue all addenda, in accordance with the Contract Documents, as required to modify or clarify the Construction Documents.

5) The Designer shall arrange and conduct a pre-bid conference in accordance with the Contract Documents.

6) Unless waived by the Owner, the Designer shall be present for the opening of bids by the Owner and shall provide a form for assisting the Owner in tabulating the bids.

7) After receipt of bids, the Designer shall analyze the bids, consult with the Owner and User Agency and make written recommendation to the Owner to (1) award the Construction Contract to the lowest responsible bidder if within the funds Available For Construction, in order that the Owner may prepare and award the Construction Contract, or (2) modify the construction documents as described in Article 4.5, or (3) to reject all bids.

8) After award of the construction Contract, the Designer shall complete and submit to the Owner a Cost Data Form, in a format provided by the Owner.

#### 7.1.6 Construction Phase

1) The Designer shall provide administration of the Construction Contract as set forth herein and in the Construction Documents.

2) The Designer shall make written recommendations for the Owner's approval, for the type and number of tests required for the Project, as soon as the Construction Contract has been awarded. The Owner will select, contract for and pay for such testing services.

3) The Designer, as the representative of the Owner during the Construction Phase, shall advise and consult with the Owner and all of the Owner's instructions to the Contractor shall be issued through the Designer. The Designer shall have authority to act on behalf of the Owner to the extent provided herein or as provided for in the Contract Documents unless otherwise modified in writing.

4) After the execution of the Construction Contract the Owner will issue a Notice to Proceed to the Contractor and will notify the Designer to arrange for and conduct a pre-construction conference. The Designer shall furnish to the Contractor, free-of-charge, up to 25 sets of the Construction Documents.

5) The Designer shall visit the project as often as necessary to become generally familiar with the progress and quality of the work and to determine in general if the work is proceeding in accordance with the contract documents. Such visits shall not be less than once per week when the work is in progress. On the basis of the Designer's on-site observations, he shall endeavor to guard the Owner against defects and deficiencies in the Work of the contractors. A written report of each visit by the Designer to the Project shall be mailed to the Owner and User Agency within five (5) calendar days after each visit.

6) The Designer agrees that his representatives on the construction project shall be qualified by training and experience to make decisions and interpretations of the Construction Documents and such interpretations shall be binding upon the Designer as if made by him. All such decisions shall be confirmed in writing immediately with copies to the Owner, conditioned that such decisions and interpretations shall not modify adversely the requirements of the contract documents. If in the opinion of the Owner such representatives are either negligent or unqualified to perform their duties, the Designer's representative shall be replaced promptly, without protest.

7) Based on observations at the site and on the Contractor's Applications for Payment, the Designer shall determine the amount owing to the Contractor and shall issue Certificates for Payment in such amounts. No Certificate of Payment shall be issued until a schedule of values has been received from the Contractor. The issuance of a Certificate for Payment shall constitute a representation by the Designer to the Owner, that the Work has progressed to the point indicated and that to the best of the Designer's knowledge, information and belief, the quality of the Work is in accordance with the Contract Documents and that the Contractor is entitled to payment in the amount certified. By issuing a Certificate for Payment, the Designer shall not be deemed to represent that he has made any examination to ascertain how and for what purpose the Contractor has used the monies paid on account of the Contract Sum. The Designer shall process certificates as promptly as possible and in any case, within seven (7) calendar days. If a certificate is held up for any reason, written notice stating the reasons for the delay must be given to the Contractor and Owner.

8) The Designer shall establish and conduct a regular schedule of monthly meetings, to be held on the job site each month



throughout the construction period, and shall require attendance at the meetings by representatives of his Consultants, the Contractor and his principal sub-contractors. The Owner and User Agency shall be notified of such meetings and may be represented. It shall be the principal purpose of these meetings, or conferences, to effect coordination, cooperation and assistance in every practical way to the end of maintaining progress of the project on schedule and completing the project within the contract time.

9) The Designer shall prepare and submit to the Owner and User Agency a monthly Status Report on the Project. The form of the Report shall be supplied to the Designer at the Pre-construction Conference. The Designer's Status Report shall be submitted to the Owner monthly along with the Contractor's Certificate for Payment and Designer's Statement for Professional Services.

10) The Designer shall be the interpreter of the requirements of the Contract Documents and the impartial judge of the performance thereunder by both the Owner and Contractor. The Designer shall make decisions on all claims of the Owner or Contractor relating to the execution and progress of the Work and on all other matters or questions related thereto.

11) The Designer shall have authority to reject Work which does not conform to the Contract Documents. If the Designer considers it necessary or advisable to insure the proper implementation of the intent of the Contract Documents, he shall request the Owner to authorize special inspection or testing of any Work in accordance with the provisions of the Contract Documents whether or not such Work be then fabricated, installed or completed.

12) The Designer shall promptly review and approve shop drawings, samples and other submissions of the Contractor only for conformance with the design concept of the Project and for compliance with the information given in the Contract Documents.

13) Only with the authorization of the Owner, shall the Designer prepare Change Orders. The Designer shall obtain from the Contractor his estimate of cost and time changes in accordance with the Contract Documents for the Change Order, review and approve same, and submit it to the Owner for approval before any changes are made in the Contract. No additional compensation shall be due the Designer for preparation of Change Orders without the written prior approval for such compensation by the Owner, as described in Article 5.

14) R.S. 38:2241.1 entitled "Acceptance of Governing Authority", defines the procedures to be followed in accepting a project and gives the Owner the discretion to make acceptance on either full completion or substantial completion. Upon completion of the work, or on substantial completion as requested by the Owner, the Designer shall conduct an inspection of the project with the Owner, the User Agency and the Contractor to determine if the Contractor's work is in accordance with Contract Documents. The Designer shall prepare a list of items ("punch-list") for correction or completion together with an assigned dollar value for each item.

If the Owner desires to accept on either full or substantial completion, the Designer shall recommend such acceptance in writing and shall issue a certificate for payment of funds due the Contractor, excepting retained percentage, liquidated damages and the value of the "punch-list" items. Upon the Contractor's furnishing of a clear lien certificate, the Designer shall make a final inspection and issue a final certificate for the retainage. A certificate of payment for "punch-list" items shall be issued upon their completion.

Upon recommendation of acceptance, the Designer shall receive, review and forward to the User Agency guarantees, operation, and maintenance manuals, keys and other closing documents as required by the Contract Documents. Designer shall obtain a written receipt for these and forward same to the Owner.

#### 7.1.7 Construction Close-Out Phase

1) After acceptance of the Project by the Owner, the Designer shall prepare and furnish to the Owner (1) a Final Report in the format and containing information as required by the Owner, and (2) two sets of Record Drawings (As Built) on reproducible film sepias for the Owner and User Agency files. The Record Drawings shall be reviewed with and approved by the Contractor prior to submission.

2) Compliance with all of the above will constitute completion of the Designer's Basic Services for compensation purposes, however, the Designer shall be required to follow up on items to be corrected during the warranty period and shall arrange for and conduct an inspection of the Project prior to expiration of the one year warranty period and shall be required to inform the Owner, User Agency and Contractor of any items to be corrected and shall inspect the Project as required until the work is completed, without additional compensation.

#### 7.2 Project Representation Beyond Basic Services

7.2.1 If the Owner and Designer agree that more extensive representation at the site is required than is described in Article 7.1.6, then the Designer shall provide one or more Project Representatives to carry out such responsibilities at the site.

7.2.2 Such Project Representatives shall be selected, subject to Owner's approval, employed and directed by the Designer, and the Owner shall compensate the Designer for such services in a manner mutually agreed to by the Owner and Designer in writing. The provisions of Article 7.1.6(6) will apply to such Project Representatives.

7.2.3 Through the services of such Project Representatives, the Designer shall endeavor to provide further protection for the Owner against defects and deficiencies in the work.

#### 7.3 Additional Services

Additional Services, as required by the Owner, shall be provided by the Designer only when authorized in writing by the Owner, prior to performance of the services, as an amendment to the contract and shall be paid for by the Owner as hereinbefore provided. Additional services may include, but are not limited to, the following:

7.3.1 Preparation of additional documents required on a split phase project within the original contract.

7.3.2 Providing design services relative to future facilities, systems and equipment which are not intended to be constructed as part of the Project.

7.3.3 Providing interior design and other services required for the selection of furniture and furnishings, and movable equipment.

7.3.4 Providing extensive Program revisions during the Program Completion Phase when the necessity of such as additional services is authorized in writing by the Owner.

7.3.5 Providing any other special services not otherwise included in the Contract or not customarily furnished in accordance with generally accepted Designer's practice.

7.3.6 Providing prolonged contract administration and inspection of construction should the contract time, as may be extended, be exceeded by more than 25 percent due to no fault of the Designer.

## ARTICLE 8

### DESIGNER'S ACCOUNTING RECORDS

8.1 Records of Direct Reimbursable Expenses, and expenses pertaining to Additional Services on the Project, and for services performed on the basis of multiplier times Direct Personnel Expense shall be kept on the basis of generally accepted accounting principles and shall be furnished and/or made available to the Owner or his authorized representative on request.

ARTICLE 9  
TERMINATION OF CONTRACT

9.1 The Contract between Owner and Designer may be terminated by either party upon seven days written notice to the other party, should said other party fail to perform in accordance with its terms, through no fault of the terminating party.

9.2 In the event of termination by the Owner due to failure of the Designer to perform satisfactorily, or if the Contract is terminated by mutual consent, the Designer shall receive no additional compensation beyond that already paid for the last satisfactorily completed phase. Any work done shall become the property of the Owner to be used at his discretion without additional compensation to the Designer. No compensation shall be paid to the Designer for any uncompleted phase.

ARTICLE 10  
ABANDONMENT OR SUSPENSION

10.1 If any work designed or specified by the Designer is abandoned or suspended in whole or in part by the Owner, the Designer is to be paid for the Services rendered up to receipt of written notice from the Owner, as follows:

(1) If the abandonment or suspension occurs at the completion of a Phase, the Designer shall be paid the full amount due on completion of such phase as described in Article 6.1.1.

(2) If the abandonment or suspension occurs during a phase, the Designer shall submit to the Owner all documents prepared by him up to receipt of written notice from the Owner, and the Owner shall compensate the Designer up to the percentage completion of that phase.

10.2 Should the Project be reactivated, the new base fixed fee will be computed on the basis of the revised funds Available For Construction. The Designer's fee for the phases of work required to complete the Project shall be the percentages for such phases stated in Article 6.1.1 applied to the new base fixed fee.

ARTICLE 11  
OWNERSHIP OF DOCUMENTS

11.1 Drawings and Specifications are, and shall remain, the property of the Owner whether the Project for which they are made is executed or not. Such documents may be used by the Owner to construct one or more like projects without the approval of, or additional compensation to, the Designer. The Designer shall not be liable for injury or damage resulting from re-use of drawings and specifications if the Designer is not involved in the re-use project. Prior to re-use of construction documents for a project in which the Designer is not also involved, the Owner will remove and obliterate from such documents all identification of the original Designer, including name, address and professional seal or stamp.

11.2 Upon completion of the Project, tracings shall remain in the files of the Designer, with record drawings (as built) being furnished to the Owner and the User Agency, as called for in Article 7.1.7. The Designer shall have the right to re-use the Construction Documents on other projects not constructed for the Owner.

11.3 The right of ownership provided for above shall not be transferable.

ARTICLE 12  
SUCCESSORS AND ASSIGNS

12.1 The Owner and the Designer each binds himself, his partners, successors, assigns and legal representatives to the other party to the Contract and to the partners, successors, assigns and legal representatives of such other party with respect to all covenants of the Contract. Neither the Owner nor the Designer shall assign, sublet or transfer his interest in the Contract without the written consent of the other.

ARTICLE 13  
EXTENT OF AGREEMENT

13.1 The Contract and this Manual represent the agreement between the Owner and the Designer. The Contract may be amended only by written instrument signed by the Owner and the Designer.

ARTICLE 14  
GOVERNING LAW

14.1 The Contract shall be governed by the laws of the State of Louisiana.

ARTICLE 15  
OTHER CONDITIONS

15.1 Insurance - Prior to the signing of the Contract between the Owner and the Designer, the Designer shall furnish to the Owner proof of the following insurance coverages:

15.1.1 Comprehensive General Liability insurance to include coverage for Contractual Liability, Completed Operation and Broadform property damage with minimum limits of \$500,000 per accident/occurrence.

15.1.2 Comprehensive Automobile Liability Insurance with minimum limits of \$500,000 per accident/occurrence.

15.1.3 Worker's Compensation to include all State endorsements and Employer Liability limits of at least \$100,000.

15.1.4 Professional Liability (E & O) as follows:

Minimum Limit of Liability	Construction Cost
\$ 100,000	Up to \$500,000
\$ 250,000	\$500,000 up to \$1,500,000
\$ 500,000	\$1,500,000 up to \$5,000,000
\$ 750,000	\$5,000,000 up to \$10,000,000
\$1,000,000	\$10,000,000 up to \$20,000,000
To be determined by Owner	Over \$20,000,000

No deductible shall be in excess of 5 percent of the limit of liability. In the event of a claim against this policy, the Designer shall arrange for the restoration of the limit of liability so that full coverage is maintained at all times. This policy shall be written with first dollar defense coverage endorsement.

15.1.5 The Prime Designer shall be fully responsible to the Owner for his Associates' and his professional Consultants' work. Professional Liability coverage for the total project design (including all Professional Consultants) rests solely with the Prime Designer. In the case of Joint Ventures, Joint Venture Professional Liability Coverage shall be required in accordance with the above limits. The Professional Liability Insurance shall remain in force for two years after completion and acceptance of the Project.

15.2 Affidavit - The Designer, on signing the Contract, shall submit to the Owner, on such form as the Owner shall designate, a Non-Collusion Affidavit.

15.3 When the Time Schedule has been established by the Owner and Designer as described in Article 3.3.1, a Completion Date shall be set up for delivery of 100 percent of Construction Documents to the Owner. This date shall take into account the anticipated review periods between phases. If such review periods are longer than those indicated in the Time Schedule or if the Designer is delayed for other reasons through no fault of his own, then the Completion Date shall be extended accordingly, provided the Designer makes such request in writing before starting the subsequent phase and the Owner approves such as justified.

15.4 Arbitration

All claims, disputes and other matters arising from the Contract shall, at the option of the Owner, be decided by arbitration. To the extent possible, such arbitration proceedings shall be conducted in accordance with the Construction Industry Association Rules of the American Arbitration Association. Any such

arbitration proceeding shall, at the option of the Owner, be consolidated with or joined to other arbitration proceedings between the Owner and other persons or entities under contract with the state for the construction, repair or alterations of the project in question.

## **APPENDIX A LOUISIANA BUILDING CODE FOR STATE OWNED BUILDINGS**

In accordance with Act 706, all building projects undertaken by the State of Louisiana shall be designed to conform to the specific code requirements of the Louisiana Building Code for State Owned Buildings. This code is described as follows, effective September 12, 1975.

“To amend Chapter 8 of Title 40 of the Louisiana Revised Statutes of 1950 by adding thereto a new Part to be designated as Part IV thereof, comprising Sections 1721 through 1724, relative to the standardization of a building code for the construction of state buildings or extensions thereto.”

Be it enacted by the Legislature of Louisiana:

Section 1. Part IV of Chapter 8 of Title 40 of the Louisiana Revised Statutes of 1950, comprising Sections 1721 through 1724, is hereby enacted to read as follows:

### **PART IV: LOUISIANA BUILDING CODE FOR STATE OWNED BUILDINGS**

#### 1721. Declaration of policy

In order to insure the public health and safety and to facilitate the efficient use of state funds in the new construction, alterations, additions or renovations of state buildings, there is hereby created a Louisiana Building Code for State Owned Buildings consisting of the various building codes and standards designated in this Part.

The provisions of this Part should not be construed to supercede any local building codes or standards except as they apply to state owned buildings.

#### 1722. Louisiana Building Code

A. The new construction, alternation, addition or renovation of all state owned buildings for which bids are let after the effective date of this Part must comply with the Rules and Regulations to be promulgated by the Facility Planning and Control Department of the Division of Administration in conformity with the Administrative Procedure Act, which Rules and Regulations shall establish as minimum standards the provisions of the Louisiana Building Code provided in Subsection B hereof.

B. The Louisiana Building Code shall consist of the following designated and described codes and standards:

(1) The Life Safety Code, Standard 101, 1973 Edition as published by the National Fire Protection Association.

(2) Chapter 10-A of the State Sanitary Code (Plumbing) - as promulgated by the Commissioner of the Louisiana Health and Human Resources Administration.

(3) The Standard Building Code - 1973 Edition with 1975 Revisions as published by the Southern Building Code Congress.

(4) The Standard Mechanical Code - 1971 Edition as published by the Southern Building Code Congress.

(5) The National Electric Code - 1975 Edition (NFPA No. 70-1975) as published by the National Fire Protection Association.

C. All of the above designated and described codes and standards shall include all later editions and revisions as now or hereinafter provided.

D. In all cases of conflict between the State Sanitary Code and the Standard Mechanical Code, the provisions of the State Sanitary Code shall be used. In all cases of conflict between the Life Safety Code and any of the above codes, the provisions of the Life Safety Code shall be used.

#### 1723. Administration; exceptions

The Louisiana Building Code shall be administered by the Facilities Planning and Control Department of the Division of Administration. Provided, however, that nothing contained herein shall affect the State Fire Marshal and his jurisdiction on matters of life safety and related areas as provided by Part III of Chapter 7 of this Title, and provided further that the Commissioner of the Louisiana Health and Human Resources Administration shall administer the provisions of Chapter 10-A of the State Sanitary Code relative to plumbing.

#### 1724. Building permits and Occupancy permits

The building permit, where required, will be issued to the building contractor by the parish or the municipality when the plans and specifications have been approved by the State Fire Marshal, Commissioner of the Louisiana Health and Human Resources Administration, Facility Planning and Control Department and the permit fee has been paid in full by the contractor to the parish or municipality.

The occupancy permit will be issued to the using agency when the building construction has been approved by the State Fire Marshal, Commissioner of the Louisiana Health and Human Resources Administration and the Facility Planning and Control Department.

Section 2. If any provision or item of this Act or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this Act which can be given effect without the invalid provisions, items or applications, and to this end the provisions of this Act are hereby declared severable.

Section 3. All laws or parts of laws in conflict herewith are hereby repealed.

NOTE: It shall be the responsibility of the Designer to verify (with Facility Planning and Control, the State Fire Marshal and the Division of Health) the latest edition of the described codes and standards in effect for use on a Project. As of the date of publication of this Manual, the following are the latest dates on the codes listed above in 1722(B):

(1) 1981 except for Health Care, which remains 1973.

(2) January, 1974.

(3) 1982, including Appendix J concerning Energy Conservation.

(4) 1979.

(5) 1981.

J. Roger Magendie  
Director

## **RULE**

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

The Department of Health and Human Resources, Office of Family Security, is deleting from the Title XIX Medical Assistance Program, effective October 1, 1982, the drugs listed in the Notice of Intent published in the August 20, 1982 *Louisiana Register*. These drugs are related and similar to those drugs previously listed in the Emergency Rule published in the *Louisiana Register* of November 20, 1981.

This action is necessary to allow the Medical Assistance Program to expand on the previously deleted drugs which were published in the *Federal Register* of October 21 and 30, 1981 (46 FR 51646 and 54305).

The products listed below are regarded by the FDA to be identical, related or similar to those published in the above referenced *Federal Register* announcements.

A. Certain Topical Anti-Infective Drug Products - Vioform-HC, a combination of iodochlorhydroxyquin and hydrocortisone, with or without other ingredients:

Identical, Similar and Related Products

1. Hydrocortisone w/iodochlorhydroxyquin Cream (Wollins)
2. Hydrocortisone w/iodochlorhydroxyquin Cream (Fougera)
3. Hydrocortisone w/iodochlorhydroxyquin Cream (CMC)
4. Bafil Cream (Scruggs)
5. Cortin Cream (C & M Pharm.)
6. Domeform-HC Cream (Dome)
7. Durel-Cort V Cream (Durel)
8. Hexaderm I.Q. Cream (Amfre-Grant)
9. Mity-Quin Cream (Reid-Provident)
10. Epiform-HC Cream (Delta Drug)
11. Idocort Cream (Ulmer)
12. Lanvisone Cream (Lannett)
13. Oxyquin Cream (Moore/Kirk)
14. Pedi-Cort-V Cream (Pedinol)
15. Vio-Hydrocort Cream (Columbia Medical)
16. Vioquin HC Cream (Scott-Alison)
17. Viotag Cream (Tutag)
18. Hysone Ointment (Mallard)
19. Dek-Quin Lotion (Truxton)
20. HC-Form Jelly (Recsei)
21. Viopramosone Cream (Ferndale)
22. Demarex Cream (Hyrex Pharm.)
23. F-E-P Cream (Boots)
24. G.M.D. Cream (Columbia Drug)
25. Iodosone Cream (Century Pharm.)
26. Quinson Cream (Sutliff & Case)
27. Stera-Form Cream (Mayrand)
28. Vio Hydrosone Cream (North American)
29. Lidaform-HC Cream (Dome)
30. Pentarcort Cream (Dalin)
31. Racet LCD Cream (Lemmon)
32. H.V.B. Cream (Bowman)

B. Combination Drug Containing Phenylbutazone, Aluminum Hydroxide, Magnesium Trisilicate: Butazolidin Alka.

C. Certain Rectal Suppositories Containing Hydrocortisone Acetate, Belladonna Extract, and Ephedrine Sulfate - Wyanooids HC Suppositories:

Similar and Related Products

Anusol HC Suppositories and Cream (Parke-Davis)

D. Peripheral Vasodilators - Vasodilan: Isoxuprine Hydrochloride.

Identical, Similar and Related Products

1. Vaso Tab. (Bolar)
2. Vasomast Tab. (Generix)
3. Varisan F. Tab. (Bolar)
4. Vasodigen Tab. (Generix)
5. Vasoprine Tab. (Spencer-Meade)
6. Isolait Tab. (Elder)
7. Isoxuprine HCl Tab. (Premo)

E. Pathibamate: Meprobamate with Tridihexethyl Chloride.

Identical, Similar and Related Products

1. Meprobamate and Tridihexethyl Chloride Tablet (Purepac)
2. Meprobamate and Tridihexethyl Chloride Tablet (United Research)
3. Meprobamate and Tridihexethyl Chloride Tablet (Columbia Medical)
4. Meprobamate and Tridihexethyl Chloride Tablet (Murray Drug)

5. Meprobamate and Tridihexethyl Chloride Tablet (Bioline)

6. Meprobamate and Tridihexethyl Chloride Tablet (Dixon-Shane)

7. Meprobamate and Tridihexethyl Chloride Tablet (Stayner Div.)

8. Meprobamate and Tridihexethyl Chloride Tablet (Premo)

9. Tri-Bamate-200 and 400 Tablets (Three P Products)

10. Trihexybamate Tablet (Schein)

11. Tribamate Tablet (Parmed)

12. Tri-Bamate Tablet (Veratex Corp.)

13. Tri-Bamate Tablet (More Drug Exchange)

14. Spenpath Tablet (Spencer Mead)

15. Spasmate Tablet (Tutag)

F. Certain Anticholinergics/Antispasmodics in Combination with a Sedative - Librax: Chlordiazepoxide Hydrochloride and Clidinium Bromide.

Identical, Similar and Related Products

1. Clindex Capsule (Rugby)
2. Clinoxide Capsule (Geneva Generics)
3. Lidinium Capsule (Spencer-Mead)
4. Chlordinium Capsule (Bengtson-Wahl)
5. Chlordinium Capsule (Bioline)
6. Chlordinium Capsule (Bomiseco)
7. Chlordinium Capsule (Dixon-Shane)
8. Chlordinium Capsule (Gramercy)
9. Chlordinium Capsule (Moore Drug Exchange)
10. Chlordinium Capsule (Murray Drug)
11. Chlordinium Capsule (Parmed)
12. Chlordinium Capsule (Premo)
13. Chlordinium Capsule (Richie)
14. Chlordinium Capsule (Scrip-Physician Supply)
15. Chlordinium Capsule (Veratex)
16. Chlordiazepoxide Hydrochloride with Clidinium Bromide Capsule (Ascot)
17. Chlordiazepoxide Hydrochloride with Clidinium Bromide Capsule (Barr)
18. Chlordiazepoxide Hydrochloride with Clidinium Bromide Capsule (Columbia)
19. Chlordiazepoxide Hydrochloride with Clidinium Bromide Capsule (Generix)
20. Chlordiazepoxide Hydrochloride with Clidinium Bromide Capsule (Schein)
21. Chlordiazepoxide Hydrochloride with Clidinium Bromide Capsule (Regal)
22. Chlordiazepoxide Hydrochloride with Clidinium Bromide Capsule (Stayner)
23. Chlordiazepoxide Hydrochloride with Clidinium Bromide Capsule (3P Prods.)
24. Chlordiazepoxide Hydrochloride with Clidinium Bromide Capsule (Towne)
25. Chlordiazepoxide Hydrochloride with Clidinium Bromide Capsule (URL)
26. Chlordiazepoxide Hydrochloride with Clidinium Bromide Capsule (Vanguard)
27. Chlordiazepoxide Hydrochloride with Clidinium Bromide Capsule (Zenith)

G. Peripheral Vasodilators: Roniacol - Nicotiny Alcohol and Nicotiny Alcohol Tartrate.

Identical, Similar and Related Products

1. Nicotiny Alcohol Tartrate Tablet (Bioline)
2. Nicotiny Alcohol Tartrate Tablet (Bolar)
3. Nicotiny Alcohol Tartrate Tablet (Geneva Generics)
4. Nicotiny Alcohol Tartrate Tablet (Gramercy)
5. Nicotiny Alcohol Tartrate Tablet (Moore Drug Exchange)
6. Nicotiny Alcohol Tartrate Tablet (Murray)
7. Nicotiny Alcohol Tartrate Tablet (Parmed)

8. Nicotiny Alcohol Tartrate Tablet (Rosow)
9. Nicotiny Alcohol Tartrate Tablet (Rugby)
10. Nicotiny Alcohol Tartrate Tablet (Schein)
11. Nicotiny Alcohol Tartrate Tablet (Vanguard)
12. Nicotiny Alcohol Tartrate Tablet (Veratex)
13. Nicotiny Alcohol Tartrate Tablet (Elder)
14. Nicotiny Alcohol Tartrate Tablet (Pharmadyne)

H. Various Ophthalmic Preparations Containing an Anti-histamine: Prefrin-A Ophthalmic Solution - Phenylephrine Hydrochloride, Pyrilamine Maleate, and Antipyrine.

Identical, Similar and Related Products

1. Albalon-A (Allergan)
2. Vasocon-A (Cooper)
3. Naphcon-A (Alcon)
4. Vernacel (Professional Pharmacal)

I. Combination Drugs Containing Theophylline, Ephedrine and Hydroxyzine: Marax.

Identical, Similar and Related Products

1. Theo-Drox Tablet (Columbia Medical)
2. Hydrophed Tablet (Rugby/Darby)
3. Theophedrine Tablet (Premo)
4. Theophozine Tablet (Spencer-Mead)
5. Theozine Tablet (Schein)

J. Peripheral Vasodilators - Cyclandelate

Any drug containing cyclandelate, alone or in combination, is regarded as falling under the scope of this DESI notice as an identical, similar, or related drug.

Roger P. Guissing  
Secretary

#### **RULE**

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

The Department of Health and Human Resources, Office of Family Security, implemented enforcement of support orders, effective October 1, 1982.

This action provides for continued enforcement of child support orders in arrears, posting of bond and continued wage withholding at the courts' discretion as provided by Louisiana R.S. 46:236.3.

Roger P. Guissing  
Secretary

#### **RULE**

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

The Louisiana Department of Health and Human Resources (DHHR) is adopting Rules to administer the Low Income Home Energy Assistance Program (LIHEAP) Block Grant federal funding for fiscal year 1982-83. These federal funds will be administered in accordance with Public Law 97-35, the Omnibus Budget Reconciliation Act of 1981, and federal regulations as published in the *Federal Register*, Volume 47, Number 129, Tuesday, July 6, 1982, pages 29472-29493.

The Department of Health and Human Resources, Office of Family Security, is responsible for administration of the LIHEAP

Block Grant. This program assists low income households with the rising cost of home energy.

Roger P. Guissing  
Secretary

#### **RULE**

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

The Department of Health and Human Resources, Office of Family Security, implemented withholding of unemployment benefits as a method of collecting unmet support obligations owed in both AFDC and Non-AFDC cases, effective October 1, 1982. This action is authorized by Section 2335 of Public Law 97-35, La. R.S. 23:1693, La. R.S. 23:1600(8), La. R.S. 46:236.1(n), and required by the Omnibus Budget Reconciliation Act of 1981.

Roger P. Guissing  
Secretary

#### **RULE**

##### **Department of Insurance Life and Health Division**

The Department of Insurance hereby adopts the following regulation:

#### **REGULATION 33**

##### **MEDICARE SUPPLEMENT INSURANCE POLICIES**

Section 1. Purpose.

The purpose of this regulation is to implement Act 146 Louisiana Legislature 1981 so as to provide reasonable standardization and simplification of terms and coverages of Medicare Supplement insurance policies in order to facilitate public understanding and comparison and to eliminate provisions contained in Medicare Supplement insurance policies which may be misleading or confusing in connection either with the purchase of such coverages or with the settlement of claims and to provide for full disclosure in the sale of such coverages.

Section 2. Authority.

This regulation is issued pursuant to the authority vested in the Commissioner under R.S. 22:224.

Section 3. Applicability and Scope.

This regulation shall apply to all Medicare Supplement policies as defined in R.S. 22:224 (B).

Section 4. Effective date.

This regulation shall be effective 90 days after the date of adoption or promulgation of the regulation.

Section 5. Definitions.

A. "Medicare Supplement Coverage" is a policy of accident and sickness insurance as defined in R.S. 22:224B (1).

B. The term "Hospital" may be defined in relation to its status, facilities and available services or to reflect its accreditation by the Joint Commission on Accreditation of Hospitals or the American Osteopathic Hospital Association.

(a) The definition of the term "hospital" shall not be more restrictive than one requiring that the hospital:

1. Be an institution licensed as a hospital and operated pursuant to law; and
2. Be primarily and continuously engaged in providing or

9-20-82

operating, either on its premises or in facilities available to the hospital on a pre-arranged basis and under the supervision of a staff of duly licensed physicians, medical, diagnostic and major surgery facilities for the medical care and treatment of sick or injured persons on an inpatient basis for which a charge is made; and

3. Provide 24 hour nursing service by or under the supervision of registered graduate professional nurses (R.N.'s).

(b) The definition of the term "hospital" may state that such term shall not be inclusive of:

1. Convalescent homes, convalescent, rest, or nursing facilities; or

2. Facilities primarily affording custodial, educational or rehabilitative care; or

3. Facilities for the aged, drug addicts or alcoholics; or

4. Any military or veterans hospital or soldiers home or any hospital contracted for or operated by any national government or agency thereof for the treatment of members or ex-members of the armed forces, except for services rendered on an emergency basis where a legal liability exists for charges made to the individual for services.

C. "Skilled nursing facility" shall be defined in relation to its status facilities, and available services.

(a) A definition of such home or facility shall not be more restrictive than one requiring that it:

1. Be operated pursuant to law;

2. Be approved for payment of Medicare benefits or be qualified to receive such approval, if so requested;

3. Be primarily engaged in providing, in addition to room and board accommodations, skilled nursing care under the supervision of a duly licensed physician;

4. Provide continuous 24 hours a day nursing service by or under the supervision of a registered graduate professional nurse (R.N.); and

5. Maintains a daily medical record of each patient.

(b) The definition of such home or facility may provide that such term shall not be inclusive of:

1. Any home, facility or part thereof used primarily for rest;

2. A home or facility for the aged or for the care of drug addicts or alcoholics;

3. A home or facility primarily used for the care and treatment of mental diseases or disorders or custodial or educational care.

D. With respect to the term "accident", "accidental injury" and "accidental means" the definition shall employ "result" language and shall not include words which establish an "accidental means" test or use words such as "external, violent, visible wounds" or similar words of descriptive or characterization. The definition shall not be more restrictive than the following: "Injury or injuries for which benefits are provided means accidental bodily injuries sustained by the insured person which are the direct cause independently of disease, bodily infirmity or other cause of the loss and occur while the insurance is in force." Such definitions may provide that injuries shall not include injuries to the extent benefits are provided under any workers' compensation, employers' liability or similar law.

E. "Sickness" shall not be defined to be more restrictive than the following: Sickness means illness or disease of an insured person which first manifests itself after the effective date of insurance and while the insurance is in force. A definition of sickness may provide for a probationary period which will not exceed 30 days from the effective date of the coverage of the insured person. The definition may be further modified to exclude sickness or disease to the extent benefits are provided under any workers' compensation, occupational disease, employers' liability or similar law.

F. The definition or description of "physician" may be restricted to a type of physician to the extent allowed by law. The insurer may also include terms such as "duly qualified physician" or "duly licensed physician." The use of such terms requires an insurer to recognize and to accept, to the extent of its obligation under the contract, all providers of medical care and treatment when such services are within the scope of the provider's licensed authority.

G. The definition or description of "nurse" may be restricted to a type of nurse, such as registered graduate professional nurse (R.N.), licensed practical nurse (L.P.N.), or licensed vocational nurse (L.V.N.). If the words "nurse", "trained nurse" or "registered nurse" are used without definition, then the use of such terms requires the insurer to recognize the services of any individual who qualified under such terminology in accordance with the applicable statutes or administrative Rules of the licensing or registry board of this state.

H. A Medicare supplement policy shall include a definition of "Medicare." Medicare may be substantially defined as "The Health Insurance for the Aged Act, Title XVIII of the Social Security Amendments of 1965 as Amended," or "Title 1, Part 1 of Public Law 89-97, as enacted by the Eighty-Ninth Congress of the United States of America and popularly known as the Health Insurance for the Aged Act, as then constituted and any later amendments or substitutes thereof," or words of similar import.

I. "Mental or nervous disorders" shall not be defined more restrictively than a definition including neurosis, psychoneurosis, psychopathy, psychosis, or mental or emotional disease or disorder of any kind.

J. "Replacement" is any transaction wherein new Medicare supplement insurance is to be purchased and it is known to the agent, broker or insurer at the time of application that, as a part of the transaction, existing accident and health insurance has been or is to be lapsed or the benefits thereof substantially reduced.

K. "One period of confinement" means consecutive days of in-hospital service received as an inpatient, or successive confinements when discharge from and readmission to the hospital occurs within a period of time of not more than 60 days.

#### Section 6. General Policy Provisions.

The following shall be applicable to "Medicare Supplement Coverage." These are minimum standards and do not preclude the inclusion of additional benefits in such coverages:

A. Pre-existing condition limitations shall not exclude coverage for more than six months after the effective date of coverage under the policy for a condition for which medical advice was given or treatment was recommended by or received from a physician within six months before the effective date of the coverage;

B. The term "Medicare benefit period" shall mean the unit of time used in the Medicare program to measure use of services and availability of benefits under Part A Medicare hospital insurance;

C. The term "Medicare eligible expenses" shall mean health care expenses of the kinds covered by Medicare to the extent recognized as reasonable by Medicare. Payment of benefits by insureds for Medicare eligible expenses may be conditioned upon the same or less restrictive payment conditions, including determinations of medical necessity as are applicable to Medicare claims;

D. Coverage, when issued, shall not be subject to any exclusions, limitations, or reductions (other than as permitted in this regulation and other applicable laws and regulations) which are inconsistent with the exclusions, limitations, or reductions permissible under Medicare, other than a provision that coverage is not provided for any expenses to the extent of any benefit available to the insured person under Medicare;

E. Coverage shall not indemnify against losses resulting from sickness on a different basis than losses resulting from accidents; and

F. Coverage shall provide that benefits designed to cover cost sharing amounts under Medicare will be changed automatically to coincide with any changes in the applicable Medicare deductible amount and co-payment percentage factors. Premiums may be changed to correspond with such changes;

G. Premium charged for Medicare supplement policies shall be presumed unreasonable in relation to the benefits provided if the anticipated credible loss ratio for the policy is less than 60 percent on individual policies and 75 percent on group. In determining the credibility of the anticipated loss ratio, due consideration shall be given to all relevant factors included in R.S. 22:224 (E).

#### Section 7. Minimum Benefit Provisions.

Medicare Supplement Coverages shall provide at least the following benefits to an insured person:

A. Coverage of Part A Medicare eligible expenses for hospitalization to the extent not covered by Medicare from the sixty-first day through the ninetieth day in any Medicare Benefit period;

B. Coverage of Part A Medicare eligible expenses incurred as daily hospital charges during use of Medicare's lifetime hospital inpatient reserve days;

C. Upon exhaustion of all Medicare hospital inpatient coverage, including the lifetime reserve days, coverage of 90 percent of all Medicare Part A eligible expenses for hospitalization not covered by Medicare, subject to a lifetime maximum benefit of an additional 365 days;

Coverage of 20 percent of the amount of Medicare eligible expenses under Part B regardless of hospital confinement, subject to a maximum calendar year out-of-pocket deductible of \$200 of such expenses and to a maximum benefit of at least \$5000 per calendar year.

E. A policy issued as a "Medicare Supplement Coverage" shall not include, when issued, limitations or exclusions if such limitations or exclusions are more restrictive than those of Medicare for any type of care covered under such policy.

F. No policy may be designed or referred to as Medicare Supplement, Medi-Gap, or words of similar import, unless the policy complies with all the provisions of R.S. 22:224 and this regulation.

#### Section 8. Disclosure Requirements.

A. Insurers issuing policies under this part shall provide to the policyholder, a Medicare supplement buyer's guide in a form prescribed by the Commissioner. Except in the case of a direct response insurers, delivery of the buyer's guide shall be made at the time of application and acknowledgement of receipt of certification of delivery of the buyer's guide shall be provided to the insurer. Direct response insurers shall deliver the buyer's guide upon request but not later than at the time the policy is delivered.

B. Medicare supplement policies, other than those issued pursuant to direct response solicitation, shall have a notice prominently and conspicuously printed on the first page of the policy, or attached thereto, stating in substance that the policyholder shall have the right to return the policy within 10 days of its delivery and to have the premium refunded if, after examination of the policy, the policyholder is not satisfied for any reason. Policies issued pursuant to direct response solicitation to Medicare eligible persons shall have a notice prominently and conspicuously printed on the first page of the policy, or attached thereto, stating in substance that the policyholder shall have the right to return the policy within 30 days of its delivery and to have the premium refunded if after examination of the policy the policyholder is not satisfied for any reason.

C. No Medicare supplement policy subject to this chapter shall be delivered or issued for delivery in this State unless an appropriate outline of coverage is completed and delivered to the applicant at the time application is made and, except for Medicare supplement policies issued by direct response insurers, a copy of the certification form signed by the prospective insured which acknowledges receipt of such outline of coverage is returned to the insurer. For direct response insurers, an appropriate outline of coverage shall be completed and delivered to the prospective insured with any information requested, or with the policy if the prospective insured's first communication with the insurer is to submit a completed application.

D. An outline of coverage in the form prescribed below shall be issued for all Medicare supplement policies. The items included in the outline of coverage must appear in the sequence prescribed:

(COMPANY NAME)  
MEDICARE SUPPLEMENT COVERAGE  
OUTLINE OF COVERAGE

1. Read Your Policy Carefully - This outline of coverage provides a very brief description of the important features of your policy. This is not the insurance contract and only the actual policy provisions will control. The policy itself sets forth in detail the rights and obligations of both you and your insurance company. It is, therefore, important that you READ YOUR POLICY CAREFULLY!

2. Medicare Supplement Coverage - Policies of this category are designed to supplement Medicare by covering some hospital, medical, and surgical services which are partially covered by Medicare. Coverage is provided for hospital inpatient charges and some physician charges, subject to any deductibles and co-payment provisions which may be in addition to those provided by Medicare and subject to other limitations which may be set forth in the policy. The policy does not provide benefits for custodial care such as help in walking, getting in and out of bed, eating, dressing, bathing and taking medicine (delete if such coverage is provide).

3. (For agents:) Neither (insert company's name) nor its agents are connected with Medicare.

4. (A brief summary of the major benefit gaps in Medicare Parts A and B with a parallel description of supplemental benefits, including dollar amounts, provided by the Medicare Supplement Coverage in the following order:)

<b>Service</b>	<b>Benefit</b>	<b>This Policy Pays</b>	<b>You Pay</b>
<b>HOSPITALIZATION</b> Semi-private room and board, general nursing and miscellaneous hospital services and supplies Includes meals, special care units, drugs, lab test, diagnostic x-rays, medical supplies, operating and recovery room, anesthesia and rehabilitation services.	First 60 days	All but \$160	
	61st to 90th day	All but \$ 40	
	90th to 150th day	All but \$ 80	
	Beyond 150 days	Nothing	
		<b>Medicare Pays</b>	<b>This Policy Pays</b>
			<b>You Pay</b>
<b>Service</b>	<b>Benefit</b>		
Posthospital skilled nursing care. . In a facility approved by Medicare you must have been in a hospital for at least three days and enter the facility within 14 days after hospital discharge.	First 20 days	100% of costs	
	Additional 80 days	All but (\$20) a day	
	Beyond 100 days	Nothing	
<b>Medical Expense</b>	Physician's services in-patient medical services and supplies at a hospital, physical and speech therapy and ambulance.	80% of reasonable charge (after \$60 deductible)	

5. (A statement that the policy does or does not cover the following:)

1. Private duty nursing.
2. Skilled nursing home care costs (beyond what is covered by Medicare.)
3. Custodial nursing home care costs.
4. Intermediate nursing home care costs.
5. Home health care (above number of visits covered by Medicare).
6. Physician charges (above Medicare's reasonable charge).
7. Drugs (other than prescription drugs furnished during a hospital or skilled nursing facility stay).
8. Care received outside of U.S.A..
9. Dental Care or dentures, checkups, routine immunizations, cosmetic surgery, routine foot care, examinations for the cost of eyeglasses or hearing aids.

6. (A description of any policy provision which excludes, eliminates, resists, reduces, limits, delays or in any other manner operates to qualify payment of the benefits described in (4) above, including conspicuous statements:)

1. (That the chart summarizing Medicare benefits only briefly described such benefits.)
2. (That the Health Care Financing Administration or its Medicare publications should be consulted for further details and limitation.)

E. (A description of policy provisions respecting renewability or continuation of coverage, including any reservation of right to change premium.)

#### Section 9. Replacement.

Requirements for replacement. The requirements for replacement of an accident and sickness insurance policy by a

Medicare supplement policy are as follows:

(1) Application forms shall include a question designed to elicit information as to whether the insurance to be issued is intended to replace any other accident and sickness insurance presently in force. A supplementary application or other form to be signed by the applicant containing such a question may be used.

(2) Upon determining that a sale will involve replacement, an insurer, other than a direct response insurer, or its agent, shall furnish the applicant, prior to issuance or delivery of the policy, the notice described below. One copy of such notice shall be retained by the applicant and an additional copy signed by the applicant shall be retained by the insurer. A direct response insurer shall deliver to the applicant upon issuance of the policy, the required notice.

(3) An insurer, within five working days from the receipt of an application at its policy issuance office, shall furnish a copy of such notice to the insurer whose policy is being replaced.

#### NOTICE TO APPLICANT REGARDING REPLACEMENT OF MEDICARE SUPPLEMENT INSURANCE

According to (your application) (information you have furnished), you intended to lapse or otherwise terminate existing accident and sickness insurance and replace it with a policy to be issued by (insert company name) Insurance Company. For your own information and protection, you should be aware of and seriously consider certain factors which may affect the insurance protection available to you under the new policy.

A. Health conditions which you may presently have, (pre-existing conditions) may not be immediately or fully covered under the new policy. This could result in denial or delay of a claim for benefits under the new policy, whereas a similar claim might have been payable under your present policy.



B. You may wish to secure the advice of your present insurer or its agent regarding the proposed replacement of your present policy. This is not only your right, but it is also in your best interests to make sure you understand all the relevant factors involved in replacing your present coverage.

C. If, after due consideration, you still wish to terminate your present policy and replace it with new coverage, be certain to truthfully and completely answer all questions on the application concerning your medical/health history. Failure to include all material medical information on an application may provide a basis for the company to deny any future claims and to refund your premium as though your policy had never been in force. After the application has been completed and before you sign it, re-read it carefully to be certain that all information has been properly recorded.

The above "Notice to Applicant" was delivered to me on:

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Applicant's Signature)

**NOTICE TO APPLICANT REGARDING REPLACEMENT  
OF MEDICARE SUPPLEMENT INSURANCE  
FOR DIRECT RESPONSE INSURER**

According to (your application) (information you have furnished) you intend to lapse or otherwise terminate existing accident and sickness insurance and replace it with the policy delivered herewith issued by (insert company name) Insurance Company. Your new policy provides 10 days within which you may decide without cost whether you desire to keep the policy. For your own information and protection you should be aware of and seriously consider certain factors which may affect the insurance protection available to you under the new policy.

(1) Health conditions which you may presently have, (pre-existing conditions) may not be immediately or fully covered under the new policy. This could result in denial or delay of a claim for benefits under the new policy, whereas a similar claim might have been payable under your present policy.

(2) You may wish to secure the advice of your present insurer or its agent regarding the proposed replacement of your present policy. This is not only your right, but it is also in your best interests to make sure you understand all the relevant factors involved in replacing your present coverage.

(3) (To be included only if the application is attached to the policy.) If, after due consideration, you still wish to terminate your present policy and replace it with new coverage, read the copy of the application attached to your new policy and be sure that all questions are answered fully and correctly. Omissions or misstatements in the application could cause an otherwise valid claim to be denied. Carefully check the application and write to (insert company name and address) within 10 days if any information is not correct and complete, or if any past medical history has been left out of the application.

Sherman A. Bernard  
Commissioner of Insurance

**RULE**

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

Under the authority of the Louisiana Environmental Affairs

Act, La. R.S. 30:1051 et seq., Sections 1066 (1) (3) and 1124 B(2), and in accordance with the provisions of the Administrative Procedure Act, La. R.S. 49:951 et seq., the Louisiana Environmental Control Commission (ECC) initiated Rule making procedures to amend Section 10.1.B.6 of the Rules of Procedure of the Louisiana Environmental Control Commission at its June 24, 1982 meeting. The proposed amendment was published in the July 20, 1982 *Louisiana Register*, and was forwarded to and found acceptable by the Joint Committee on Natural Resources.

Upon the acceptance by the Joint Committee on Natural Resources, the Commission adopted the amendment at its August 26, 1982 meeting. The amendment to Section 10.1.B.6 changes the term **permit to standard permits** to read, "in regard to solid waste management, authority to perform all action delegable to the Assistant Secretary under the Act, except that the Commission specifically retains the authority to issue registrations, standard permits, and compliance schedules and modifications thereto for any solid waste disposal facility." The purpose of this amendment is to provide authority for the Assistant Secretary to issue routine interim permits for the operation of several hundred facilities governed by the Solid Waste Management Plan Rules and Regulations.

Persons requesting copies and/or further information concerning the amendment listed above may contact Ms. Barbara Delatte, Office of Environmental Affairs, Solid Waste Management Division, Box 44066, Baton Rouge, LA, 70804, or phone (504) 342-1216.

B. Jim Porter  
Assistant Secretary

**RULE**

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

AMENDMENT TO L.A.C. 17-4:15 by  
DELETING REQUIREMENT

15.2 sub paragraphs A and B

The Fire Marshal for the State of Louisiana hereby adopts the following amendment to administrative Ruling:  
L.A.C. 17-4:15 Inspection of Prisons

L.A.C. 17-415.2 The basic requirements for prisons are as follows:

A. The amount of gross square feet per prisoner required shall be a sufficient amount to safely evacuate the premises in the event of a fire.

B. No more prisoners shall be incarcerated in any cell block than can be safely evacuated from the cell block in the event of a fire.

Carrol L. Herring  
State Fire Marshal

**RULE**

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

INSULATION

The Fire Marshal for the State of Louisiana hereby adopts

the following administrative Ruling:  
L.A.C. 17-4:5 Insulation

The State Fire Marshal will accept and permit the use of insulation as permitted by the 1980 edition of the Standard Building Code and the Standard Fire Prevention Code.

Carrol L. Herring  
State Fire Marshal

## RULE

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

#### RESOLUTION

WHEREAS, On October 17, 1979, the Board of Trustees of the State Employees Group Benefits Program adopted a resolution relative to the conditions for acceptance of new groups into the State Employees Group Benefits Program; and,

WHEREAS, this resolution was amended on November 7, 1979; and,

WHEREAS, it is now necessary to amend these Rules and Regulations to conform with the present practices of the Board:

THEREFORE, BE IT RESOLVED, that upon the effective date of the adoption of the Rules and Regulations enumerated in this resolution, the resolution of the Board of Trustees on October 17, 1979, as amended on November 7, 1979, is hereby superseded and amended to read as follows:

Groups enrolling in the State Employees Group Benefits Program must submit the following information and agree to the following conditions. These groups must:

1. Complete an adoption instrument, which instrument must be received by the executive director at least 60 days prior to the proposed effective date of coverage.

2. Submit a complete list of employees providing name, social security number, sex, date of birth, date of employment, dependency class, salary, and indication of prior coverage. One such list for active employees, and another for retired employees receiving retirement income under an approved state retirement program.

3. Provide a statement of experience providing total premiums paid, incurred claim reserve for their own plan for each of the past two years.

4. Provide a certified copy of the board resolution or authority to enter into negotiations for coverage.

5. Agree to pay to the program any terminal reserves or refunds that might be available now or in the future from their present plan.

6. Acknowledge that before benefits become effective that the enrollment of employees must be completed with at least 75 percent of such eligible employees. Enrolling groups must further acknowledge that should its participation level at any time following the initial enrollment fall below 50 percent of its eligible employees, the Board may, in its sole discretion, discontinue coverage for the group.

7. Accept the whole plan of benefits, including the health and accident coverage and the full schedule of life insurance benefits. The Board may, in its sole discretion, discontinue the coverage of those groups whose participation level falls below 50 percent of eligible employees.

In determining the participation level of employees and eligible dependents, the following classification of dependents

shall not be included in calculating the participation level:

1. Dependents who are covered by any other group type major medical coverage.

2. Dependents of active or retired military personnel covered by military medical benefits.

3. Dependents covered by Medicaid or Medicare or their successor programs.

4. Dependents whose coverage is declined based on religious convictions.

James D. McElveen  
Executive Director

# Notices of Intent

## NOTICE OF INTENT

### Department of Agriculture Structural Pest Control Commission

In accordance with LSA 49:951, et seq., the Administrative Procedure Act, and LSA 40:1263B, relative to the responsibility of the Structural Pest Control Commission to enact regulations to protect the health, safety, and welfare of the public, notice is hereby given that the Structural Pest Control Commission will conduct a public hearing beginning at 10 a.m. on Wednesday, October 6, 1982, on the 21st Floor of the State Capitol, Baton Rouge, for final consideration of comprehensive new Rules for the administration of the structural pest control regulatory program.

Preliminary public hearings, dealing with the entirety of the subject matter to be discussed at the above public hearing will also be conducted as follows:

University of New Orleans, Business Administration Building, Room 165, New Orleans, LA, September 24, 1982 - 7 p.m.

Bolton Avenue Community Center, 315 Bolton Avenue, Alexandria, LA, September 27, 1982 - 7 p.m.

State Capitol, House Committee Room 2, Baton Rouge, LA, October 5, 1982 - 10 a.m.

Public hearings were conducted, prior to publication of this issue of the *Louisiana Register*, in Shreveport, West Monroe, Lake Charles, and Lafayette.

The Rules and Regulations to be promulgated as a result of the public hearing on October 6, 1982, encompass, but are not necessarily limited to, the following subject matters: definitions; administration of the affairs of the Commission; adoption of Rules and Regulations; permits for operation of structural pest control businesses; licenses, qualifications of applicants, requirements for licensure, phases and conditions of the license; application for examination, contents; registered employees; duties of licensee and registered employee; contracts for termite control work; letters of clearance; associate licensees; change in licensee's status; inactive status of license; violations, adjudicatory proceedings; probation, suspension and revocation of license/certificate of employment, inspections; taking of samples; prohibitions, exceptions, and complaints; minimum specifications for termite control work; and

wood-destroying beetles.

Interested persons may secure a copy of the full text of the proposed Rules and Regulations by written request to James A. Arceneaux, Director, Structural Pest Control Commission, State Department of Agriculture, Box 44153, Baton Rouge 70804 or in person at his office at 9151 Interline Boulevard, Baton Rouge. Written comments will be accepted by Arceneaux up to and including October 5, 1982.

All interested persons will be afforded a reasonable opportunity to submit data, views, or arguments, orally or in writing, at any or all of the above hearings.

Bob Odom  
Commissioner

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Pest Control**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)  
There will be no estimated implementation costs (savings) to the agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)  
Structural pest control operators in the private sector will be directly affected by the proposed action. However, there will be no increased costs (because of the fact that costs to operators are set by statute) and no increase of paperwork.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)  
There will be no estimated costs and benefits to affected groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
There will be no effect on competition and employment due to this Rule change.

John Compton, Jr.  
Deputy Commissioner

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Board of Ethics for Elected Officials as the  
Supervisory Committee of the Louisiana  
Campaign Finance Disclosure Act**

In accordance with the provisions of LSA 49:951, et seq., the Louisiana Administrative Procedures Act, and Act 786 of 1980, the Campaign Finance Disclosure Act, the Board of Ethics for Elected Officials as the Supervisory Committee of the Campaign Finance Disclosure Act hereby gives notice that the Supervisory Committee will conduct a public hearing on Thursday, October 7, 1982 at 10 a.m. in the hearing room of the Contractor's Licensing Board Building, 7434 Perkins Road, Baton Rouge, LA.

The purpose of this hearing is to amend and adopt Campaign Finance Disclosure forms and instructions, for use by candidates and political committees; to adopt and promulgate explanatory information concerning the disclosure forms and the method

of completing the same.

Copies of Campaign Finance Disclosure forms and instructions are available at the Board of Ethics for Elected Officials at 7434 Perkins Road, Suite B, Baton Rouge, LA.

Interested persons may be heard by the Supervisory Committee at its meeting October 7, 1982.

R. Gray Sexton  
Executive Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Rule Title: Disclosure Forms and Instructions**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)  
The only implementation costs will be those associated with the printing of the revised reporting forms and instructions, and are estimated to be \$25,000 for FY 82-83, \$35,000 for FY 83-84, and \$30,000 for FY 84-85.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)  
The amendments to the reporting forms and instructions will have no effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)  
The amendments to the reporting forms and instructions will have no cost or benefit effect on affected groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
The amendments to the reporting forms and instructions will have no effect on competition and employment.

R. Gray Sexton  
Executive Secretary

Mark C. Drennen  
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Campaign Finance Disclosure  
Act Explanatory Booklet**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)  
The only implementation costs will be those associated with printing the Explanatory Booklet, estimated to be \$5,000 for FY 82-83, \$7,000 for FY 83-84, and \$6,000 for FY 84-85.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)  
The Explanatory Booklet will have no effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)  
The Explanatory Booklet will have no cost or benefit effect on affected groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
The Explanatory Booklet will have no effect on competition and employment.

R. Gray Sexton  
Executive Secretary

Mark C. Drennen  
Legislative Fiscal Officer

## NOTICE OF INTENT

### Department of State Civil Service Commission on Ethics for Public Employees

The public hearing originally scheduled by the Commission on Ethics for Public Employees to consider the adoption of proposed Rule 3.7 for 9:00 on the morning of September 28, 1982 has been cancelled and rescheduled for 1:00 on the afternoon of October 22, 1982. The public hearing will be held in the hearing room of the Contractor's Licensing Board Building, 7434 Perkins Road, Baton Rouge, Louisiana.

The proposed Rule concerns allowing members of the Commission to participate in decisions in cases in which they have missed some part of a public hearing if the Commission would otherwise be unable to reach a decision.

Inquiries and comments should be addressed, in writing, to R. Gray Sexton, Counsel to the Commission on Ethics for Public Employees at 7434 Perkins Road, Suite B, Baton Rouge, LA 70808 through October 21, 1982.

Interested persons are invited to attend.

R. Gray Sexton  
Executive Secretary

### Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Participation in hearing

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

Other than the cost of publication, the proposed Rule will have no implementation costs or savings.

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

The proposed Rule will increase revenue collections only to the extent it allows the Commission to impose a fine in a case in which it would otherwise have been deadlocked.

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

The proposed Rule will have no cost or benefit effect on affected groups aside from reducing the possibility that the Commission will be unable to take action against persons in matters which are considered at public hearings in which it would otherwise be deadlocked.

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

The proposed Rule will have no effect on competition and employment.

R. Gray Sexton  
Executive Secretary

Richard W. England  
Legislative Fiscal Analyst

## NOTICE OF INTENT

### Department of Culture, Recreation and Tourism Office of Cultural Development Division of the Arts

In accordance with the provisions of LRS 49:951, et seq., the Administrative Procedure Act, and the authority given in Act 265 of 1977, notice is hereby given that the State Division of the

Arts, an agency in the Office of Cultural Development, an office of the Louisiana Department of Culture, Recreation and Tourism, intends to amend the program guidelines for the funding and administration of the state's arts grant program.

Copies of the complete set of proposed changes in the program guidelines are available for public inspection at the offices of the Division of the Arts at 666 North Foster Drive, Baton Rouge, LA. The proposed revisions of the 1982-83 grant guidelines for 1983-84 consist of: changing deadlines and time-lines for submitting, review and funding of applications for grants-in-aid; adding a professional advisory panel for reviewing Block Grant applications; limiting the maximum amount that may be requested by applicants under the grant programs; and a few minor technical changes to clarify selected narrative passages.

Interested persons may submit written comments to the proposed guideline changes to Al Head, Division of the Arts, Box 44247, Baton Rouge, LA 70804 before October 5, 1982.

Mrs. Lawrence H. Fox  
Secretary

### Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Arts Grant Program Guidelines

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

There will be no additional costs or savings to the agency.

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

There will be no effect on such collections.

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

No projected costs to affected groups, but by adopting the proposed guideline changes, potential applicants will be able to determine if they are eligible to apply and the conditions under which they may apply. Being informed of the proposed changes could eliminate waste of time and effort possibly resulting from submitting erroneous grant applications and should help affected groups in their programmatic and financial planning for arts activities in 1983-84.

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

No effect anticipated.

J. Stephen Perry  
Undersecretary

Mark C. Drennen  
Legislative Fiscal Officer

## NOTICE OF INTENT

### Board of Elementary and Secondary Education

The State Board of Elementary and Secondary Education intends to adopt the following as policy:

1. The Board approved the State Department of Education's recommendations to revise the wording in the certification requirements for Parish or City School Supervisors of Special

Education, Bulletin 746, page 74, paragraphs (2) and (3) as follows:

Page 74

Parish or City School Supervisor/Director of Special Education\*

2. Must have graduate training in special education, including at least one course in administration/supervision of special education, and hold generic certification in special education and/or fulfill certification requirements in two areas of exceptionality as specified in Bulletin 746. In lieu of the second area of exceptionality, a person must be certified or hold a license or credential requirements in a related service area as noted in the Regulations of Act 754.

3. Have had five years of successful professional experience, at least three of which must have been in special education. For the purpose of this part, special education shall be defined as experience in any of the identified positions recognized by the State Board of Elementary and Secondary Education in Appendix I of Act 754 Regulations. The classroom experience shall have been as itinerant, resource or self-contained special class teacher as verified on the annual school report.

2. The Board approved the State Department of Education's recommendation to revise the wording in the certification requirements for Special School Principal, Bulletin 746, Page 75, paragraph (3) to read as follows:

Page 75

Special School Principal

3. Have had five years of successful professional experience, at least three of which must have been in special education.

3. The Board adopted a policy that the Civil Service approval date for reclassified personnel shall be the effective date of salary adjustment for the new position.

4. The Board adopted the 1982-1983 revisions to Bulletin 1533; Regulations, Tuition Exemption Continuing Education Program.

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., October 4, 1982, at the following address: State Board of Elementary and Secondary Education, Box 44064, Capitol Station, Baton Rouge, LA 70804.

James V. Soileau  
Executive Director

#### **Fiscal and Economic Impact Statement For Administrative Rules**

##### **Rule Title: Revision Bulletin 746 pages 74 & 75**

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

There will be no implementation costs (savings) to agency.

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

There will be no estimated effect on revenue collections.

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

There will be no estimated costs but individuals will be better prepared.

\*This title will apply to all persons, regardless of title, who serve in this capacity.

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

There will be no estimated effect on competition and employment.

Geo. B. Burton, Jr.  
Deputy Superintendent

Mark C. Drennen  
Legislative Fiscal Officer

#### **Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Civil Service Rule**

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

There will be no estimated implementation costs (savings) to the Board of Elementary and Secondary Education. There will be an estimated cost of \$2,184 to various vocational-technical schools per year due to a few employees receiving the pay increase of a classification change at an earlier date.

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

This change of policy will have no effect on estimated revenue collections.

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

Some employees will receive pay increases associated with classification changes at an earlier date.

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

This will have no effect on competition and employment.

Geo. B. Burton, Jr.  
Deputy Superintendent

Mark C. Drennen  
Legislative Fiscal Officer

#### **Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Tuition Exemption**

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

No additional costs are anticipated for administering this new tuition exemption. No funds have been appropriated to reimburse colleges and universities for revenue loss associated with this exemption for language study abroad. The Department of Education will make a request to the Interim Emergency Board for this purpose.

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

This Rule change provides tuition exemption to teachers for foreign language study abroad if the course is taken through a Louisiana college or university as provided by Act 360 of 1982. Summer study programs generally consist of six hours of credit (two 3-hour courses) for which the average cost of tuition is estimated to be 170. Based on a telephone survey of 28 higher education institutions in the state, approximately 124 individuals participating in overseas foreign language study would be eligible for this new tuition exemption. Therefore, the loss of self-generated revenues to

colleges and universities due to exemptions at the current level of participation in such study abroad is estimated to be \$21,080. Participation is not expected to increase dramatically due to this tuition exemption.

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

This Rule change will allow tuition exemption for foreign language study abroad if course is taken through Louisiana colleges and universities.

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

No effect on competition and employment is anticipated.

Geo. B. Burton, Jr.  
Deputy Superintendent

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

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

In accordance with the provisions of LSA-R.S. 49:951, et seq. (The Administrative Procedure Act) and LSA-R.S. 37:1511, et seq. (The Louisiana Veterinary Practice Law), notice is hereby given that the Louisiana Board of Veterinary Medicine will conduct a public hearing on Thursday, October 7, 1982 at 1:30 p.m. in the State Capitol, House Committee Room Number 6, Baton Rouge, LA. The purpose of the hearing is to consider adoption and/or amendment of Rules and Regulations generally dealing with requirements necessary for a person to take the licensing examination for the practice of veterinary medicine; licensing examination subject matter and procedure; and acceptable livestock management practices. The public hearing will more specifically consider the adoption or amendment of a Rule or Regulation relative to:

(1) R.S. 37:1520A — To require that graduates of foreign veterinary schools have an ECFVG Certificate in order to be admitted to take the examination for a license to practice veterinary medicine;

(2) R.S. 37:1521B — Adopting and using the Clinical Competency Test of the National Board of Veterinary Examiners Examination as a part of the State Examination;

(3) R.S. 37:1521 — Dealing with the regrading and disposition of examinations, to provide that the examinations of those applicants who pass the examination shall be destroyed immediately upon recordation of the scores; that the examinations of applicants not receiving a passing score shall be regraded separately by three different members of the Louisiana Board of Veterinary Medicine, following which the regrading score shall be recorded and the examinations immediately destroyed; and,

(4) R.S. 37:1514(3) — Prescribing what acts constitute accepted livestock management practices.

Inquiries concerning the intended action, subjects and issues involved can be directed to Ralph C. Cooper, D.V.M., Ray M. Lacour, D.V.M. or Claude Mauberret, Jr., D.V.M., hearing officers, at the Louisiana Board of Veterinary Medicine, Box 15191, Baton Rouge, LA 70895.

All interested persons shall be afforded reasonable opportunity to submit data, views, or arguments, orally or in writing at the time and place of the public hearing aforementioned.

Allan R. Allbritton, D.V.M.  
President

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Licensing and Livestock Management**

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

No implementation costs or savings are expected.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

No effect is expected on revenue collections.

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

It is anticipated that affected groups will incur no additional costs as a result of the proposed changes. Benefits to be expected will be more efficient handling of licensing and clarification of the practice of veterinary medicine.

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

No adverse effect is anticipated.

Stephen E. Broyles  
Counsel for Board

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

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

Effective November 1, 1982, the Department of Health and Human Resources, Office of Family Security, proposes to raise the minimum Federal Tax Refund Offset amount from \$150 to \$300. This Rule change is in accordance with Sections 2331 and 2336 of P.L. 97-35 and Louisiana R.S. 46:236.1 which require the IV-D agency to effect procedures to obtain payment of past-due support from overpayments made to the Secretary of the Treasury. Implementation of this change will reduce the administrative costs of current Federal Tax Refund Offset procedures by eliminating intercept cases which result in returning collections to absent parents.

Interested persons may submit written comments on the proposed policy changes through October 4, 1982 at the following address: R. K. Banks, Acting Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA 70804. He is the person responsible for responding to inquiries about this proposed Rule.

Roger P. Guissinger  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Federal Tax Refund Offset**

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

Implementation of this Rule will result in a savings to the State General Fund as follows:

FY 82-83 - \$4352

FY 83-84 - \$4787

FY 84-85 - \$5273

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There is no appreciable effect on Revenue Collections

as the claimant funds involved are currently being refunded. However, administrative costs will result in a savings to the State General Fund as follows: FY 82-83 - \$4352; FY 83-84 - \$4787; FY 84-85 - \$5273.

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

By increasing minimum arrears to \$300 it is estimated that 10 percent of all IRS collection cases will be avoided.

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

There is no effect on competition and employment.

R. K. Banks  
Acting Asst. Secretary

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

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

The Department of Health and Human Resources, Office of Family Security, proposes to adopt a Rule updating the Maximum Allowable Costs (MAC) for certain drugs, as required by Federal Regulations.

Effective August 12, 1982, the new Maximum Allowable Costs (MAC) determinations will be in effect for the following drugs:

Acetaminophen w/codeine, oral tablet 300 mg./60 mg.	0.1458
Ampicillin, oral capsule, 250 mg.	0.0422
Ampicillin, oral liquid, 125 mg./5 ml.	0.0114
Penicillin, VK, oral tablet, 250 mg.	0.0417
Penicillin, VK, oral tablet, 500 mg.	0.0649
Penicillin, VK, oral liquid, 125 mg./5 ml.	0.0109
Tetracycline, HCl, oral capsule, 500 mg.	0.0394

In no case may a recipient be required to provide payment for any difference in a prescription price that may occur with the implementation of MAC, nor may our office use a cost which exceeds the established maximums except as follows. DHHS's regulations provide that when a physician certifies that a specific brand is medically necessary for a particular patient, then the MAC limitations for that medication will not apply. In this case, their specific guidelines provide that:

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

This action will allow the Medical Assistance Program to be in compliance with federal regulations, effective August 12, 1982, which were published in the June 28, 1982, *Federal Register*, Volume 47, Number 124, pages 27968 through 27973. Compliance with these regulations assures continued federal financial participation in Louisiana's Medical Assistance Program.

Interested persons may submit written comments on this proposed policy change through October 4, 1982, at the following address: R. K. Banks, Acting Assistant Secretary, Office of Family

Security, Box 44065, Baton Rouge, LA 70804. He is the person responsible for responding to inquiries about this proposed Rule.

Roger P. Guissinger  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Rule Title: Maximum Allowable Costs (MAC)**

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

The proposed net savings to the agency resulting from the proposed Rule amending the federally established Maximum Allowable Costs (MAC) on seven drugs:

FY - 82-83 - 22,541.72

FY - 83-84 - 25,761.97

FY - 84-85 - 25,761.97

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There is no effect on revenue collections.

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

No cost or benefits to Title XIX recipients is estimated. However, those Title XIX providers which have been reimbursed for the drugs included in the Rule change will be affected by a reduction in the reimbursement; this will total approximately \$22,541.72 for FY - 82-83, \$25,761.97 for FY - 83-84, and \$25,761.97 for FY - 84-85.

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

No effect on competition and employment is anticipated.

R. K. Banks  
Acting Assistant Secretary

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

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

The Department of Health and Human Resources, Office of Family Security, proposes to amend the approved waiver document for provision of Home and Community based services. Effective September 1, 1982, the proposed Rule will exclude the deeming of income and resources from parents and spouses to applicants who utilize any of the three Home and Community based services (Homemaker, Habilitation and Adult Day Care) (ICF) (including Intermediate Care for the Mentally Retarded (ICF/MR)) which would otherwise be required. The applicants must meet all other eligibility conditions as specified in current policy.

This proposed Rule applies only to those individuals using one of the three Home and Community based services who would otherwise require SNF/ICF services.

This proposed Rule will:

1) Allow the provision of Medical Assistance to individuals determined to be in need of Home and Community based services for which they would otherwise be ineligible, because of deeming of income and resources of parents or spouse; and

2) Allow this agency to utilize provisions for alternative

care to eliminate unnecessary utilization and reduce the cost of institutional care for eligible individuals.

Implementation of this proposed Rule is based on a requested amendment to the approved waiver document (Section 2176 of Public Law 97-35) and is conditional upon approval by Health Care Financing Administration of the requested amendment to the waiver.

Interested persons may submit written comments on this proposed policy change through October 4, 1982, at the following address: R. K. Banks, Acting Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA 70804. He is the person responsible for responding to inquiries about this proposed Rule.

Roger P. Guissinger  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: MAP-Amendment of Waiver to  
Exclude Deeming in Certain Cases**

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

The proposed net savings to the agency resulting from the proposed Rule is as follows:

FY 1982-83	\$361,824.00
FY 1983-84	497,508.00
FY 1984-85	569,148.84

The above cost projections are based on an average monthly ICF/MR and ICF-I rate plus a 10 percent cost inflation for the potential target population. The only costs to the agency are for printing costs to incorporate this policy change into the Medical Assistance Manual (\$22).

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

There is no effect on revenue collections.

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

Certain recipients will benefit because they would receive Medical Assistance after they have been determined eligible for and have begun to receive Home and Community based services in lieu of institutionalization. By implementing this eligibility factor, certain recipients would now be able to request an alternative to institutional care.

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

No effect on competition and employment is anticipated.

R. K. Banks  
Acting Assistant Secretary

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

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

The Department of Health and Human Resources, Office of Family Security, proposes to exclude from the Title XIX Medical Assistance Program the drug known as Heptavax-B.

This drug is not payable and will be excluded under the

category "miscellaneous drugs".

Interested persons may submit written comments on this proposed policy change through October 4, 1982, at the following address: R. K. Banks, Acting Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA 70804. He is the person responsible for responding to inquiries about this proposed Rule.

Roger P. Guissinger  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: MAP - Exclusion of Heptavax-B**

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

There is no fiscal impact because this drug has not been covered previously. The only costs to the agency are for printing costs to incorporate this policy change into the Medical Assistance Manual (\$11).

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

There will be no effect on revenue collections.

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

This product has not been available previously and we are unable to anticipate its prescribed usage for Title XIX recipients.

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

No effect on competition and employment is anticipated.

R. K. Banks  
Acting Assistant Secretary

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Health and Human Resources  
Office of Health Services and Environmental Quality**

Effective October 20, 1982, the Department of Health and Human Resources, Office of Health Services and Environmental Quality, Family Planning Program, proposes to change the criteria for charging fees to its family planning patients. The lower limit for charging fees will be changed from persons at or above 150 percent of poverty to those at or above 100 percent poverty.

In accordance with the United States Government, Department of Health and Human Services Guidelines for Project Grants, Part I, 6.3; United States Government Department of Health and Human Services, Public Health Services Act, Section 1001, Sub-Part A, Part 59 5a, Title 42 Code of Federal Regulation, all family planning patients whose gross family income is above 100 percent (rather than the current 150 percent) poverty as determined by the U. S. Office of Management and Budget shall pay a fee for each service provided as indicated on the fee adjustment schedule.

Interested persons may submit written comments on the proposed changes within 15 days of the date of publication at the following address: Dr. Sarah M. Braud, State Health Officer, Office of Health Services and Environmental Quality, Department of Health and Human Resources, Box 60630, New Orleans, LA 70160.

Roger P. Guissinger  
Secretary



**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Rule Title: Change in criteria for collecting fees -  
Family Planning Program.**

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

There will be no expected increase in cost nor savings to the agency.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS -  
(Summary)

Revenues collected by the Agency in the implementation is expected to rise. This Rule will require that a larger number of patients pay fees. In the past only 39 percent of all patients were required to pay a fee. It is expected that with this change approximately 70 percent will pay a fee. Since the patients added are those of the lower end of the scale and because the poverty data has changed, we might expect perhaps at the most a 26 percent increase in revenue. The 1981/82 collection is projected to be \$190,276. The change would then provide an additional \$50,000 in revenue.

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

The cost to the affected groups should be minimal since that group is on the lower end of the fee adjustment scale.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOY-  
MENT - (Summary)

No effect is anticipated on competition and employment as the same kinds and amounts of services will be offered.

Sarah M. Braud, M.D.  
Acting Assistant Secretary

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

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

The Louisiana Department of Health and Human Resources, Office of Licensing and Regulation proposes to adopt the 1982-1987 Louisiana State Health Plan. The statutory authority for the Plan is in Public Law 93-641, and in Governor's Executive Order No. 79-02 of 1979.

The purposes of the *State Health Plan* are:

(1) To develop and articulate Louisiana state government's health and health-related policies, programs, priorities, and goals;

(2) To serve as an instrument for guiding state and federal resource allocations to meet existing and emerging state health needs and priorities;

(3) To encourage the development of a coordinated approach to the identification and resolution of health problems throughout the state;

(4) To guide the Louisiana State Health Planning and Development Agency and the Louisiana Statewide Health Coordinating Council in carrying out mandated functions;

(5) To promote needed changes in the provision of health services, in the development of health facilities, and in the supply and distribution of health manpower throughout the State of Louisiana; and

(6) To serve as a convenient source of information for

guiding decisions and actions of organizations and individuals concerned with planning, financing, and regulating health services in Louisiana, or with providing or administering these services.

In accordance with the provisions of R.S. 49:951 et seq., the Department of Health and Human Resources, Office of Licensing and Regulation, will hold a public hearing at 10 a.m., Tuesday, October 5, 1982 at 333 Laurel Street, Second Floor Conference Room, Baton Rouge, LA regarding the proposed adoption of the above policy.

Any interested person may submit written comments through October 6, 1982 to Lane A. Carson, Assistant Secretary, Office of Licensing and Regulation, 333 Laurel Street, Room 210, Baton Rouge, LA 70801 regarding the proposed adoption of the above policy.

Roger P. Guissinger  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Rule Title: State Health Plan**

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

The cost of printing the State Health Plan will be \$8,784.00 in FY 82-83. The known costs to the offices within DHHR (OH, OCHNO, OHD, OFS, OHSEQ, OL & R, OMR, OMH/SA, and OM & F) totals \$10,738,427 for the 1982/87 planning period. The offices are committed to implementing the strategies outlined in Chapter VI over the five-year period; there are other undetermined costs and savings which have not been estimated at this time. Some of the services involved are expansion of the Title XIX program by OFS and establishment of programs within OH in terms of preventive health; workshops and outreach programs by OHSEQ and OMHSA to promote dental health, reduce disease and death rates due to lung cancer, heart disease, emphysema, drug abuse and alcoholism, and to promote mental health; establishment by OH of an effective statewide emergency medical response system, of unit dose systems within pharmacies in state hospitals, of accelerated patient admission procedures; establishment by OFS of intra-agency agreements to coordinate services, and of improved Medicaid claims reviews; the merger by OMHSA of certain community mental health centers and substance abuse clinic operations, and the improvement of fee and data collection; the expansion by OMHSA of mental health and substance abuse services; implementation of programs by OH and OHSEQ to reduce energy consumption; the streamlining of procedures in OHSEQ and OH and reduction of staff; the development and use by OH of cost-saving technology, including uniform cost accounting, simplified reimbursement, utilization and reporting systems, and improved management procedures; establishment by OH of ambulatory surgical units in OCHNO and OH acute care facilities; the provision by OCHNO of community-based crisis intervention programs for mental illness, drug and alcohol dependency to prevent institutionalization; the provision by OCHNO of comprehensive in- and out-patient rehabilitative services, and of improved clinical specialty care; establishment of out-patient adult medical day care centers by OHD; the provision by OMHSA and OMR/DD of a full range of residential alternatives, such as foster care, supervised apartment living, half-way houses, group homes, etc., and provi-

sion of 24-hour emergency services on a statewide basis; increased services to prevent institutionalization, by OHSEQ, OHD, OFS, OMR-DD.

Savings resulting from the strategies described and from criteria established in the State Health Plan cannot be estimated at this time, in terms of staff reduction and cost-effective changes within programs.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

N/A

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

The State Health Plan is intended to serve as an instrument for guiding state and federal resource allocations to meet existing and emerging state health needs and priorities; the revenue impact cannot be estimated in dollars. Benefits to consumers will be in terms of lower costs for health care; benefits to state agencies will be in terms of reduced expenditures.

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

The State Health Plan is intended to promote needed changes in the provision of health services, in the development of health facilities, and in the supply and distribution of health manpower throughout the State of Louisiana; the impact in dollars cannot be estimated. The Plan is intended to serve as a source of information for guiding the decisions and actions of organizations and individuals concerned with planning, financing, and regulating health services in Louisiana or with providing or administering these services. If the guidelines and criteria outlined in the plan are adhered to, providers and consumers will make the best use of available resources and manpower and savings will result.

Lane D. Carson  
Assistant Secretary,  
Licensing and Certification

Mark C. Drennen  
Legislative Fiscal Officer

## NOTICE OF INTENT

### Department of Health and Human Resources Office of Mental Retardation

Effective October 20, 1982, the Department of Health and Human Resources, Office of Mental Retardation, proposes to adopt the *Minimum Standards for Adult Day Services*. These standards shall apply to all agencies providing services to mentally retarded adults and receiving funding through the Office of Mental Retardation adult day services program.

#### OFFICE OF MENTAL RETARDATION STANDARDS FOR ADULT DAY SERVICES

I. Introduction

"Adult day services" means services provided in the community for mentally retarded adults. Adult day services include, but are not limited to, structured work programs, prevocational programs, socialization and self-help programs, and behavior management programs. Standards for Structured Work Services are applicable to all programs which provide remunerative work opportunities for program participants. Structured Work Services are designed for mentally retarded adults who are not presently able to participate in a less structured vocational environment. Structured Work Services should take the form of work production opportunities provided in a realistic work environment and with

appropriate supervision. Such work opportunities may be provided in a day center, a work station in industry, or through supervised work provided away from the day center.

Structured Work Services may also take the form of prevocational skills training. Prevocational training is appropriate for individuals lacking the prerequisite skills which would enable them to participate in a work environment. For individuals in this category, individual program plans should be written that address existing skill deficits which preclude full participation in a work program. Prevocational skills training may include work adjustment training, self-help skills training, and other such appropriate training designed to assist each program participant in functioning successfully in a work environment.

The Structured Work Services Program may also address training experiences designed to enable individuals to progress toward normal living within his/her community. Persons planning individual program plans may look at non-work needs of program participants and may wish to recommend training designed to help the individual function more independently at work, in the neighborhood around the day center and in getting to and from work. Examples of non-work related training activities are how to use public transportation, money management, and how to access public recreation facilities.

II. Purposes

Structured Work Programs funded through the Office of Mental Retardation shall operate for the purpose of:

- a. Providing daily services to mentally retarded individuals in the community.
- b. Providing opportunity for and access to extended remunerative employment for individuals whose handicapping condition is a continuing barrier to competitive employment.
- c. Providing the habilitation services necessary for successful participation and employment in a work environment.
- d. Maximizing the opportunity for the individual to earn wages.
- e. Ensuring that program participants have access to and opportunity for participation in his/her least restrictive vocational environment.

- f. Providing the prevocational skills training which may be needed by program participants to enable them to function more independently and to participate to any degree in a remunerative work program.

III. Standards

A. Eligibility

1. The agency shall request a determination of Title XIX eligibility by the Long Term Care section of the Office of Family Security for all applicants to the Structured Work Services Program.

2. All program participants in the Structured Work Services Program funded through the Office of Mental Retardation shall meet the following eligibility criteria:

- a. Twenty-two years of age or older.
- b. Diagnosis of mental retardation by a licensed psychologist.
- c. Verification of a current physical examination.
- d. Development by a multidisciplinary evaluation team of a generic services plan recommending placement in a day program.

- e. Decision by an Admissions Committee that placement in a Structured Work Program is an appropriate placement.

- f. Agreement by the applicant (or parent/advocate if appropriate) to participate in the Structured Work Program.

B. Intake and Orientation

1. The agency shall have written criteria for admission of individuals to its structured work program.
2. The agency shall have a written policy for constituting

an admissions committee to review appropriateness of services.

3. The agency shall refer all applicants to its structured work program to the Division of Vocational Rehabilitation for a vocational screening.

4. The agency shall have a written policy concerning orientation of applicants (and parent/advocate, if appropriate) to the program goals and services available through the structured work program.

5. The agency shall ensure that applicants (or parents/advocates if appropriate) agree in writing to participate in the Structured Work Program.

6. The agency shall have a written appeal procedure and shall ensure that individuals denied admission to or terminated from the Structured Work Program are notified in writing of such an appeal procedure.

#### C. Program Participant Records

1. The agency shall have a written policy concerning confidentiality of or access to program participant records and the time period for maintaining such records.

2. The agency shall maintain a file on each program participant in the Structured Work Program which contains the following:

- a. Office of Mental Retardation (OMR) - approved Application for Services.
- b. Integrated multidisciplinary evaluation report.
- c. OMR Annual Health Form.
- d. Generic Services Plan.
- e. Written statement of certification of appropriateness of services.
- f. Mental Retardation Service Plan.
- g. Program Participant performance reports.

3. The agency shall maintain additional information in the program participant record as required by the Office of Mental Retardation.

#### D. Evaluation and Assessment

1. Psychological evaluation reports shall not be more than two (2) years old at the time of admission to the Structured Work Program.

2. The findings of the multidisciplinary evaluation shall be reviewed and updated, if necessary, at least every three years.

3. Assessment services shall be provided to each program participant to assess and gather information needed to develop the mental retardation service plan (see E-3). Information related to the individual's functioning in the following areas shall be obtained:

- a. Physical
- b. Behavioral
- c. Social
- d. Vocational

#### E. Mental Retardation Service Plan

1. The agency, through its program staff, shall develop within 30 days of admission and by the anniversary date thereafter a mental retardation service plan for each program participant which is developed in accordance with requirements of the Office of Mental Retardation.

2. The agency shall notify each program participant (or parent/advocate if necessary) of the time and date of the planning conference to develop the mental retardation service plan.

3. In developing the mental retardation service plan, the program planning committee shall review and consider assessment information related to the individual's functioning in the following areas: physical, behavioral, social, and vocational.

4. The agency shall ensure that the program participant (or parent/advocate if appropriate) is involved in developing the Mental Retardation Service Plan.

5. The agency staff responsible for carrying out the mental

retardation service plan shall be involved in developing the plan.

6. Written semi-annual performance reports shall be shared with each program participant (or parent/advocate if appropriate).

#### F. Program Guidelines

1. When appropriate, the agency shall have a valid certificate issued by the Wage and Hour Division of the U.S. Department of Labor to operate a sheltered work program.

2. The agency shall ensure that program participants have daily access to a minimum of six hours of active programming.

3. Each program participant shall be paid at a rate equal to his productivity through either a piece rate or hourly wage system.

4. The agency shall provide each program participant a written statement for each pay period which indicates gross pay, hours worked, and deductions.

5. The agency shall retain current community wage rate information on all production operations available in its Structured Work Program.

6. The agency shall assess each program participant's performance on specific job tasks for the purpose of developing the mental retardation service plan.

7. The agency shall assess each program participant's strengths and limitations in the area of work-related behavior for the purpose of developing the mental retardation service plan.

8. The agency shall provide work skill training designed to assist each program participant in attaining his/her work skill goals thereby enabling him/her to perform specific job tasks.

9. The agency shall provide work adjustment training services designed to assist each program participant in functioning successfully in a work environment.

#### G. Reporting

1. The agency shall provide the Office of Mental Retardation with a monthly report which indicates the following:

- a. Days in attendance by each program participant.
- b. Total gross wages paid to each program participant.
- c. Total hours in work production by each program participant.

ant.

#### H. General Staffing Provisions

1. The agency shall have a staff organizational chart of the Structured Work Program which has been approved by the agency governing board.

2. The agency shall hire an individual to be responsible for the administration and direction of the Structured Work Program.

3. Agency staff in the Structured Work Program funded by the Office of Mental Retardation shall meet the qualifications for employment as established by the Office of Mental Retardation.

4. The agency shall have at least two full-time staff in the Structured Work Program and shall maintain a staff/program participant ratio as established by the Office of Mental Retardation.

5. The agency shall have written job descriptions for all staff in its Structured Work Program.

#### I. Inservice Training

1. The agency shall have on staff at least one employee who has successfully completed the Office of Mental Retardation Basic Production Practices training series.

2. The agency shall have at least one employee on duty at all times who holds a certificate for successful completion of an approved first aid course.

#### J. Monitoring

1. The agency shall make available to staff of the Office of Mental Retardation all records and information needed to monitor compliance with these standards for Structured Work Services.

#### K. Licensing

1. The agency shall have a valid license issued by the Department of Health and Human Resources, Office of Licensing and Regulation to operate an Adult Day Services Program.

L. Behavior Management

1. The agency shall conduct its behavior management programs in accordance with Department of Health and Human Resources policy on Behavior Management.

Interested persons may submit written comments on the proposed minimum standards through October 8, 1982 at the following address: Dr. Billy Ray Stokes, Assistant Secretary, Office of Mental Retardation, Room 208, 721 Government Street, Baton Rouge, LA 70810.

Roger P. Guissinger  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Rule Title: Proposed Standards for Adult Day Services**

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

It is estimated that there will be no implementation costs to the agency.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

It is estimated that there will be no effect on revenue collections.

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

It is estimated that there will be no costs to any affected groups. Service recipients will benefit from vocational training required by these standards.

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

It is estimated that there will be no effect on competition and employment.

Billy R. Stokes  
Assistant Secretary

Mark C. Drennen  
Legislative Fiscal Officer

*La. Register 9-20-83*

**NOTICE OF INTENT**

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

The Department of Health and Human Resources intends to adopt the following guidelines for the Community Residential Development Fund.

A. Definition of Community Residential Development Fund:

The Community Residential Development Fund was established by Act 770 of the 1981 Louisiana Legislature for the purpose of granting loans to eligible private, non-profit organizations to pay for the initial costs of development of community residential programs. Community residential programs, as defined by Act 770, are residential programs for not less than four nor more than six physically and/or mentally disabled persons at one program site and would include such programs as community (group) homes, supervised apartments, or out-of-home respite care. Funds for the loan program are located within the Office of the Secretary to be used by the appropriate program Offices (i.e., Mental Retardation, Human Development, and Mental Health and Substance Abuse). The maximum amount available to any one organization is \$45,000.

B. Eligible Organizations:

In order to be eligible to apply for funds under the Community Residential Development Fund, the applicant organizations must, at a minimum, meet the following criteria:

1. Must be classified non-profit according to the requirements of S. 501 (c)(3) of the Internal Revenue Code of 1954, 26 U.S.C. 501. (c)(3);

2. Must agree to serve clients of the Department of Health and Human Resources;

3. Must serve clients whose mental or physical disability is not a result of the aging process and whose impairment limits one or more major tasks: walking, seeing, hearing, speaking, or breathing; and is attributable to any physiological disorder or condition, cosmetic disfigurement, or loss of limbs affecting one or more of the body's systems: neurological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular; or any mental or psychological disorder such as mental retardation, organic brain syndrome, and emotional or mental illness; and

4. Must provide a ten percent match to the borrowed amount either in cash or in real property or in kind.

C. Allowable Costs:

The costs of development which can be paid by this loan would include the following categories:

1. The downpayment for the purchase and/or construction of a home, duplex, or apartment(s);

2. The modification/renovation of such facility;

3. The purchase of equipment, fire/safety devices, and/or furniture for the facility; and

4. Costs incurred during the development phase of the program prior to and up to one month after admission of clients. Such costs could include:

a. The payment of salaries of personnel connected with the development and/or first month of operation of the program;

b. The payment of rent, utilities, food and other general operating expenses during the development phase and/or the first month of operation; and

c. The purchase of insurance during the development and/or the first month of operation.

Line item changes may be made only with prior approval from the appropriate program office.

D. Application Process:

1. Notification of the availability of funds for establishing community residential programs will be given through the Department and its Offices of Mental Retardation, Human Development, and Mental Health and Substance Abuse. Each Office shall designate its own Community Residential Development Fund Coordinator.

2. Interested/potential applicants shall request application packets from the Community Residential Development Fund Coordinator of the appropriate program office. The determination of which program office is appropriate will be based on the client population the applicant plans to serve. Those serving the mentally retarded will apply to the Office of Mental Retardation, those serving the mentally ill/emotionally disturbed and the autistic through the Office of Mental Health and Substance Abuse, and those serving the physically handicapped through the Office of Human Development. These Offices can be contacted at the following addresses; Office of Mental Retardation, 721 Government Street, Baton Rouge, LA 70802; Office of Mental Health and Substance Abuse, 655 North Fifth Street, Baton Rouge, LA 70802; Office of Human Development, 1755 Florida Boulevard, Baton Rouge, LA 70802.

3. The application packet will be mailed or delivered within five working days of receipt of request.

4. The applications will be due into the appropriate program

ram offices by the first working day in November.

5. If the service provider anticipates operating expenses to be reimbursed through the Title XIX (Medicaid) Program, a simultaneous application shall be made to the Department's Division of Health Planning and Development. This will place the provider in compliance with Section 1122 of the Social Security Act which provides for review of all new health care facilities which are reimbursed through Medicare, Medicaid, and Maternal and Child Health programs. Three copies of the application, along with a questionnaire enclosed in the application packet, shall go to the Division of Health Planning and Development. Policy and guidelines for Section 1122 are included in the application packet. The Division of Health Planning and Development will accept the same application form as the Community Residential Development Fund.

6. The evaluation process will include an on-site inspection for the proposed facility by the program office and the Office of Licensing and Regulation. The program offices will be responsible for evaluating the application and proposed budget. During the evaluation process, applicants may be called to review and negotiate the application and proposed budget by the appropriate program office.

7. Following the evaluation process, the program offices will prioritize the applications according to the stated criteria for evaluation. The prioritized applications will be forwarded to the Office of the Secretary of DHHR for final approval.

8. Applicants will be notified by the Office of the Secretary of DHHR as to the final decision by January 15.

9. The agreements will be signed and the funds obligated by January 31.

#### E. Criteria for Evaluating Applications:

The program offices of Mental Retardation, Mental Health and Substance Abuse, and Human Development will be responsible for the evaluation and prioritization of applications/proposals. Each Office shall review those applications/proposals for the client population they are legislatively charged to serve. The following criteria will be utilized in evaluating applications by each of the program offices:

1. The experience of the applicant with similar programs and populations;
2. Need for the program for the clientele/geographical area;
3. The adequacy of programmatic components and services to be offered;
4. The degree of coordination between the proposed program and the necessary support services;
5. Demonstration of understanding of the principles behind the development of community residential programs;
6. Documentation that the program is the least restrictive setting for the clients to be served (for example, substitute family care for infants would be a more appropriate least restrictive environment than a community home for infants);
7. The proposed site has been reviewed by the appropriate program office and the Office of Licensing and Regulation to assure that it is or can be brought into compliance with licensing and certification standards;
8. The facility (house, apartment, duplex, etc.) must fit into the neighborhood where it will be established. (Labels, signs, or other distinguishing features which could draw attention to the program and its clients are prohibited.);
9. The site is separated from the location of the day programs in which the clients engage;
10. The site is not within 1,000 feet of another facility serving handicapped persons or another congregate living setting;
11. Access to and from the site should be convenient for its residents, staff, and others;

12. The soundness, justifiability, and practicability of the applicant organizations' budget request;

13. Documented financial need based upon the submitted financial solvency statement;

14. Operational funds have been committed by DHHR or another appropriate source;

15. How the proposed facility would fit into DHHR's current program priorities (for example, the placement of Gary W. classmates); and

16. The applicant's commitment to the project as evidenced through at least a 10 percent cash or real property or in kind match as well as the amount of funds requested under the Community Residential Development Fund.

#### F. Repayment Procedure:

1. Repayment of the loan shall commence upon completion of the first year of operation and shall be made in equal payments during each month thereafter for the next 60 months. Such payments are due by the last day of the month and are considered delinquent thereafter. Delinquent payments are subject to a monthly interest penalty computed in accord with the rate paid of the past previous sale of the U. S. Treasury Bills prior to but covering the same period of time as the delinquency. Loan payments that are delinquent by more than two months may cause the entire principal to be due and payable as outlined in Section F.2. of these Rules. The repayment checks should be made out to the Community Residential Development Fund. For purposes of rate setting, the Department of Health and Human Resources will allow costs met through the Community Residential Development Fund to be considered as reimbursable costs.

2. If the service provider which has received a loan under this fund ceases to accept appropriate clients, provide adequate care and maintenance to clients, or files papers of bankruptcy, the remaining unpaid portion of the loan shall be due and payable within a one-year period from the date on which the Department has notified the provider that the program has ceased to provide care or that the provider has filed bankruptcy proceedings. In addition to the remaining unpaid portion of the loan, an interest penalty shall also be due and payable on that portion of the loan which has been repaid. The interest penalty shall be computed beginning with the month in which the loan was finalized. The rate shall be that of the last previous sale of U. S. Treasury Bills prior to but with the same length of maturity as the time over which the loan has been repaid. If repayment had taken place over a longer period of time than the maximum maturity date of U. S. Treasury Bills, the one year Bill rate shall be utilized. The amount of the principal and interest shall constitute a lien in favor of the state against all real and personal property of the organization. The lien shall be perfected by the appropriate officer of the department by executing and acknowledging a statement of the name of the organization and the amount due on the loan and a copy of the promissory note which shall be recorded by the department with the clerk of the district court in the parish where the organization is located. If the organization has filed a petition for bankruptcy, the department shall file and enforce the lien in the bankruptcy proceedings. Otherwise, the lien shall be enforced in a manner prescribed by law. All funds received by the department from the enforcement of this lien shall be deposited in the Community Residential Development Fund in the state treasury.

3. If the private, non-profit organization is unable to continue to provide the specified services due to the termination of their lease by the lessor or to natural disaster, they may be granted a period of grace of up to one year in order to reestablish their program. During this period of grace, the repayment formula as described in R.S. 46:2394 shall be suspended until such time as the program is reestablished. If after the maximum one-year grace period the organization is unable to reestablish the program, the

defaulting provisions of this section, as outlined in R.S. 46:2395, will go into effect.

G. The Annual Statement:

The private, non-profit organizations receiving loans under this fund shall submit to the appropriate DHHR program offices an annual statement setting forth the residential services they have provided during the year together with such other information as the department shall require. Those requirements for each organization include:

1. An accounting of expenditures made during the year for both start-up and on-going operational expenses;
2. A listing of personnel connected with the program during that year of operation complete with resumes and job descriptions;
3. The number of clients served and the nature of their disabilities;
4. A listing of the types of day programs utilized by clients during the year (i.e., Day Developmental Training Services, Sheltered Workshops, Day Hospital, College, Competitive Employment, etc.);
5. A description of the coordination that occurred with other agencies and services in the community/area;
6. Identifying gaps in services in the organization's community for the client-type served;
7. Identifying problems encountered, if any, during the year (examples include such elements as zoning, neighborhood opposition, client difficulties with law enforcement, accessing existing resources, safety issues).

The annual statement (six in all for each organization) shall be submitted within 60 days upon completion of each year of service.

Interested persons may submit written comments on the proposed Rule through October 4, 1982, to the Assistant Secretary of the Offices listed above. These Assistant Secretaries are responsible for responding to inquiries about the proposed Rule.

Roger P. Guissinger  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Rule Title: Community Residential Development Fund**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)  
There are no implementation costs or savings to the agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)  
There is no effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)  
The benefits to affected groups primarily consist of the development of small community-based residential programs for handicapped persons, which were previously unmet needs.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
Job availability at the local community level will increase as a result of the development of these residential programs.

Roger P. Guissinger  
Secretary

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

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

The Fire Marshal for the State of Louisiana hereby intends to adopt the following administrative regulation regarding Educational Occupancies:

L.A.C. 17-4:24 Educational Occupancies

L.A.C. 17-4:24.1 In those educational facilities for which plans were approved prior to January 1, 1982 and in which deficiencies have been noted because of inadequate corridor separation, lack of smoke barriers, and lack of sprinkler protection in windowless classroom buildings, the State Fire Marshal will accept as equivalent compliance to the aforementioned requirements installation of a complete smoke detection system in the corridors and hazardous areas. This system must be capable of and properly connected to sound the general fire alarm and shut down all central air handling systems.

L.A.C. 17-4:24.2 Within 45 days after service on the owner and/or operator of an inspection report and order of correction citing the deficiencies listed in paragraph 24.2, the owner and/or operator of the school must submit to the Fire Marshal a proposed plan of correction in accordance with paragraph 24.2. The approved plan of correction then must be completed within the time specified by the Fire Marshal which shall not exceed 48 months.

Anyone having any questions with regard to this proposed administrative Ruling should contact Plauche F. Villere, Jr., Attorney for the State Fire Marshal, 500 Dufossat Street, New Orleans, LA 70115 (504)-897-6600 or Delaune Ordogne, Office of State Fire Marshal, 106 Louisiana State Office Building, New Orleans, LA 70112 (504)-568-5500. There will be a hearing on October 5, 1982 at noon in Plauche Villere's office.

Carrol L. Herring  
State Fire Marshal

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Rule Title: L.A.C. 17-4:24 Educational Occupancies**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)  
It is estimated that implementation of this regulation will have no effect on expenditures of the agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)  
It is estimated that implementation of this regulation will have no effect on the revenue collections of the agency.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)  
There is no estimate available at this time of the number of schools involved nor of the actual conversion costs statewide. However, if the schools concerned were constructed in accordance with specifications in effect at the time of construction, and if the schools are not legally required as they were in compliance at the time, to either modify the structures or to install the smoke detection devices, then the cost will be zero. However, data at this time indicates that there are 30 schools in Jefferson Parish not in compliance with present standards. Renovations to comply with present standards would cost an estimated \$3,000,000. The installation of the smoke detection systems would cost an estimated \$500,000. Additional costs statewide will depend upon the

number of schools not in compliance, the severity of renovations required and the legality of the present regulation.

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

It is estimated that implementation of this regulation will have no effect on competition and employment.

Carrol L. Herring  
State Fire Marshal

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

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

The Fire Marshal for the State of Louisiana hereby intends to amend the referenced Rule by adopting the following amended version:

L.A.C. 17-4:6 Observation of Construction

L.A.C. 17-4:6.1 For structures which by law may only be constructed with plans prepared and certified by a licensed architect or civil engineer, it shall be the duty of the owner of such a structure to provide for periodic observation of the construction of the structure to determine if the work is proceeding in accordance with the plans and specifications as approved by the Fire Marshal. The observations shall be performed by a registered architect or a registered civil engineer.

L.A.C. 17-4:6.2 Upon completion of such work, the owner shall furnish to the Fire Marshal a certificate signed by a registered architect or a registered civil engineer stating that the periodic observations have been made and that to the best of said observer's knowledge, the work was completed in accordance with those fire safety standards and regulations stipulated in the plans and specifications previously approved by the Fire Marshal.

\* \* \*

[L.A.C. 17-4:6.3 remains unchanged]

\* \* \*

L.A.C. 17-4:6.4 In order to comply with the requirements of Paragraph 6.2, the owner must submit to the Fire Marshal the following certificate completed by the observer:

**CERTIFICATE OF COMPLETION**

DATE \_\_\_\_\_

To: The Louisiana State Fire Marshal  
9131 Interline Avenue, Bldg. C  
Baton Rouge, Louisiana 70809

This is to certify that the \_\_\_\_\_  
(name of project by title for type or use)

located at

\_\_\_\_\_ (Street/Number/Town)

was periodically observed by me during construction and has been completed in accordance with the safety provisions which were shown in the plans and specifications previously approved by the Fire Marshal.

Under penalty of perjury for false statements, I, \_\_\_\_\_

\_\_\_\_\_ (name of Architect/Civil Engineer)

License No. \_\_\_\_\_ certify that all statements contained herein are true and correct.

Anyone having any questions with regard to this proposed amendment to administrative Ruling should contact Plauche F. Villere, Jr., Attorney for State Fire Marshal, 500 Dufossat Street,

New Orleans, LA 70115 (504)-897-6600. There will be a hearing on Tuesday, October 5, 1982 at noon in his office.

Carrol L. Herring  
State Fire Marshal

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Amendment of Rule L.A.C. 17-4:6  
Observation of Construction**

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

The cost saving associated with implementation of this regulation is estimated to be \$73,210. Due to adoption of this regulation the Fire Marshal's Office will no longer be required to provide the services of the man-hour equivalent of five inspectors to perform an estimated 7,000 inspections per year. The salaries and related expenses associated with five such positions would require funding of \$73,210.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

It is estimated that implementation of this regulation will not effect revenue collections.

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

It is estimated that implementation of this regulation will not result in additional costs or benefits for affected groups. The contractual duties of architects or engineers overseeing construction generally consist of supervising construction to insure compliance with the Fire Marshal's plans and specifications. Therefore implementation of this regulation will cause no additional costs to be incurred.

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

It is estimated that implementation of this regulation will have no effect on competition and employment.

Carrol L. Herring  
State Fire Marshal

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of the Treasury  
Bond Commission**

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:951 et seq., notice is hereby given that on October 19, 1982 the Louisiana State Bond Commission (the Commission) intends to adopt a policy with respect to what constitutes sufficient notice of public hearings of local Industrial Development Boards and Public Trust Authorities at which certain developments and/or housing projects will be acted upon, which criteria will be met before the Commission will consider application for such projects. Projects to be subject to the notice policy which will be discussed and adopted by the Commission at the October 19, 1982 meeting shall be projects that do not fall into the following categories:

- 1. Any industry that is manifestly manufacturing or for the manufacturing, assembling or processing of products;
- 2. Any enterprise in warehousing or distributing, other

than at retail, products of agriculture, fishing, forestry, mining or industry;

3. Hotels;

4. Renovation or restoration of buildings or historic buildings, constructed at least 50 years ago into business or professional offices so as to maintain their continuing productive use or to place such buildings back into commerce.

In addition to the notice requirements for the projects not included in the above listing, the Commission will consider a policy requiring local Industrial Development Boards or Public Trust Authorities to notify state legislators from the pertinent localities of all projects submitted to them for approval regardless of whether such projects are or are not included in the above listing.

A draft of the proposed policies will be made available for public inspection between the hours of 8 a.m. and 4:30 p.m. on any working day after September 20, 1982 at the office of the State Bond Commission, Third Floor, State Capitol Building, Baton Rouge, LA.

Interested persons may submit their views and opinions through October 18, 1982 to Thomas D. Burbank, Jr., Secretary and Director of the State Bond Commission, Third Floor, State Capitol Building, Box 44154, Baton Rouge, LA 70804.

The time and place of the October 19, 1982 meeting will be established in a notice posted at least 24 hours in advance.

The Commission shall, prior to the adoption of any policy, afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing. Opportunity for oral presentation or argument shall be granted if requested by 25 persons, by a governmental subdivision or agency, by an association having not less than 25 members, or by a committee of either house of the Legislature to which the proposed policy adoption has been referred, as required under the provisions of Section 968 of Title 40 of the Louisiana Revised Statutes.

At least eight working days prior to the October 19, 1982 meeting of the Commission notice of an intention to make an oral or written presentation regarding the policy adoption shall be given to the Director of the Commission. If the presentation is to be oral, such notice shall contain the name or names, telephone numbers, and mailing addresses of the person or persons who will make such oral presentation, who they are representing, the estimated time needed for the presentation, and a brief summary of the presentation. Notice of such oral presentation may be sent to all Commission members prior to the meeting. If the presentation is to be written, such notice shall contain the name or names of the person or persons submitting such written statement, who they are representing, and a copy of the statement itself. Such written statement will be sent to all Commission members prior to the meeting.

The Commission shall consider all written and oral submissions concerning the proposed policy. Upon adoption of a policy, the Commission, if requested to do so by an interested person either prior to the adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for or against its adoption.

Thomas D. Burbank, Jr.  
Secretary - Director

**Fiscal and Economic Impact Statement  
For Administrative Rules**

**Rule Title: Amendments to Rules and Regulations**

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

There will be no estimated implementation cost.

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

There will be no estimated effect on revenue collections.

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

Nominal additional costs would be required of the local Boards for printing Public Notices and notifying area legislators of pending projects.

Other interested parties and legislators would benefit by prior knowledge that public hearings on the projects were to be held by the local Industrial Board and Public Trust Authorities.

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

The proposed notice procedures would afford competitors a better opportunity to be aware of pending Revenue Bond projects that might affect their business activity.

Thomas D. Burbank, Jr.  
Secretary - Director

Mark C. Drennen  
Legislative Fiscal Officer

# Committee Reports

## COMMITTEE REPORT

### House of Representatives Committee on Commerce

Mr. Hunter Wagner, Commissioner  
Office of Financial Institutions  
5420 Corporate Boulevard  
Baton Rouge, Louisiana 70808

Dear Mr. Wagner:

On Friday, August 13, the House Commerce Committee, Subcommittee on Executive Agency Oversight and Review met and approved the following Rules proposed by your agency:

1. Conversion from mutual to stock by a state chartered savings and loan association
2. Service corporation of a state chartered savings and loan association: preauthorized subsidiary investments, and investments and debt limitations
3. Adjustable rate mortgages for state chartered banks

Concerning the Rule to permit expanded activities for a savings and loan association's subsidiary, the Subcommittee approved this Rule on the condition that any additional activity approved by your office would first be proposed as a Rule for consideration of review by this subcommittee and its Senate counterpart.

Thank you for your attendance and cooperation.

Sincerely,

John S. Jardell  
Research Analyst



**COMMITTEE REPORT**  
**Senate Committee on Commerce**  
**Racing Commission**

Dear Governor Treen:

Pursuant to R.S. 49:968, this letter certifies the action of the Senate Commerce Subcommittee on Agency Oversight on August 17, 1982 at a public hearing in Senate Committee Room E in the State Capitol Building.

The Subcommittee disapproved Rules LAC 11-6:57 and LAC 11-6:25.35. With regard to LAC 11-6:57, the subcommittee determined the following:

(1) The Rule is vague and contains the terms "improper", "obnoxious", and "unbecoming" which are not defined and which could lead to improper enforcement and judicial attack.

(2) The Rule could be interpreted to apply to licensed and unlicensed persons.

(3) The Rule is overly broad and does not more stringently define the types of persons allowed to be excluded by R.S. 4:192.

With regard to LAC 11-6:25.35, the subcommittee determined the following:

(1) The prohibition of an owner or trainer entering or causing to be entered a horse to race at a track in which he has a direct or indirect financial interest will not solve the problem of the appearance of an impropriety and could cause "hidden ownership" of horses, which would be detrimental to the public interest.

(2) The term "indirect financial interest" is overbroad.

(3) Less restrictive bills prohibiting racing of this type have not passed despite attempts during the last two legislative sessions.

(4) Such prohibitions are legislative perogatives.

(5) The Rule would penalize any person with an ownership interest, regardless of amount of stock owned or control exercised.

(6) Due to the term "direct financial interest" and the creation of hidden ownership, the Rule would be unenforceable.

In disapproving both Rules, the subcommittee's objections were to the wording of the Rules and the method of addressing the result that the commission is trying to obtain, not the underlying intent.

Pursuant to R.S. 49:968(H), you have five days from receipt of this letter to act on the subcommittee's action. If you disapprove the subcommittee's action, please sign and return it along with your written reasons, as required by R.S. 49:968(I), to the Senate Commerce Committee.

Thomas Hudson  
Acting Subcommittee Chairman

**ACTION BY GOVERNOR**

I disapprove the action of the Senate Commerce Subcommittee on Agency Oversight with respect to Rule LAC 11-6:57 as adopted by the Louisiana State Racing Commission.

I disapprove the action of the Senate Commerce Subcommittee on Agency Oversight with respect to Rule LAC 11-6:25.35 as adopted by the Louisiana State Racing Commission.

Date: 20 August 1982 David C. Treen

**REASONS FOR DISAPPROVAL OF  
OVERSIGHT COMMITTEE ACTION**

I firmly believe that the legislation which established the

Louisiana State Racing Commission mandates that the said commission regulate which persons or entities can race at approved race courses in this state; and, which persons are allowed on the premises of said race courses. This responsibility is clearly enunciated in the applicable legislation and specifically indicates the legislative will in this regard. On May 21, 1982, I disapproved the action on the House Committee on Commerce, Sub-Committee on Agency Oversight and Review, which proposed Rules LAC 11-6:57 and LAC 11-6:25.35.

For the foregoing reasons, I have disapproved the action of the Senate Committee on Commerce, Sub-Committee on Agency Oversight and Review which disapproved the Racing Commission Rules LAC 11-6:57 and LAC 11-6:25.35.

Baton Rouge, Louisiana, this 20th day of August, 1982.

David C. Treen  
Governor

**COMMITTEE REPORT**  
**House of Representatives**  
**Committee on Commerce**

The Honorable Sherman A. Bernard  
Commissioner, Department of Insurance  
950 North 5th Street  
Baton Rouge, Louisiana 70802

Dear Mr. Bernard:

On Friday, August 13, the House Commerce Subcommittee on Executive Agency Oversight and Review met and reconsidered proposed Rules offered by your department. The Subcommittee approved the Rules to regulate Medicare supplemental insurance policies.

Sincerely,

On behalf of the Subcommittee

John S. Jardell  
Research Analyst

**COMMITTEE REPORT**  
**House of Representatives**  
**Natural Resources Committee**  
**Subcommittee Oversight Review**

Pursuant to the provisions of R.S. 49:968, the members of the House of Representatives Natural Resources Oversight Subcommittee responded on August 20, 1982, to a mail ballot reviewing certain changes in state regulations proposed by the Louisiana Department of Natural Resources, for which notice of intent was published in the July 20, 1982, *Louisiana Register* with the following results:

1) Amendment to Section 101.B.6 of the Rules of Procedure of the Environmental Control Commission.

Approved by a vote of 5 - 0.

Arthur W. Sour, Jr.  
Chairman  
House Natural Resources  
Oversight Subcommittee

**COMMITTEE REPORT**  
**House Oversight Subcommittee**  
**Department of Public Safety**

# Potpourri

On July 22, 1982 the Office of Alcoholic Beverage Control submitted for review a proposal to repeal Regulation Number X. The proposed repeal was published in Volume 8, No. 6 of the *Louisiana Register* on June 20, 1982. The House Subcommittee on the Oversight of the Department of Public Safety held its hearing on August 12, 1982.

Regulation X prohibits wholesalers, manufacturers, importers, and brokers from rotating, pricing, or restocking at retail establishments, alcoholic beverages with more than 6 percent alcoholic content by volume. The wholesaler is permitted to assemble a display on the premises. After hearing the testimony of the proponents and the opponents, the subcommittee, with a quorum present, voted 8-0, that the proposed Rule repeal was in conformity with the enabling legislation and that it was in conformity and not contrary to all applicable provisions of law and the Constitution. By a vote of 4-3, the subcommittee, with a quorum present, found that the relative merit of the Rule repeal was low and that the Rule repeal was unacceptable.

Below is a summary of the determination made by the subcommittee, to wit:

1. The subcommittee determined that the proposed Rule change was in conformity with the intent and scope of the enabling legislation, R.S. 26:32, and that it was not contrary to applicable provisions of law and the Constitution. The commissioner noted the legislation in his report and testimony. There was little discussion and no objection by subcommittee members.

2. The subcommittee determined that the proposed Rule change was of relatively low merit and was unacceptable to the subcommittee. Members in opposition to the Rule change stated that they could find no real reason to change the Rule. Opponents to the Rule change, which included wholesalers of wine, liquor, and beer, cited increased cost, adverse affect on the deliverymen's jobs, and that the repeal would hurt the little retailer and consumers. Records of the proceedings are available upon request.

Representative Joe Bleich, Chairman  
House Subcommittee on the Oversight of  
the Department of Public Safety.

## REASONS FOR DISAPPROVAL OF OVERSIGHT COMMITTEE ACTION

I am of the opinion that Regulation X, which prohibits wholesalers, manufacturers, importers, and brokers from rotating, pricing, or restocking at retail establishments, alcoholic beverages with more than 6 percent alcoholic content by volume imposes an undue hardship on those parties now prohibited by this regulation; and, is an untoward interference by government in the market place. I can find no substantive reason for this regulation since those wholesalers, manufacturers, importers, and brokers of beverages with less than 6 percent alcoholic content by volume are not under a like prohibition.

Additionally, the federal counterpart of this state regulation has been repealed in that it was unenforceable.

For the foregoing reasons, I am disapproving the action of the House Sub-committee on the Oversight of the Department of Public Safety.

Baton Rouge, Louisiana, this 20th day of August, 1982.

David C. Treen  
Governor

## POTPOURRI

### Department of Education Bureau of Evaluation

Subject: Training in the Standards for the Evaluation of Educational Programs, Projects and Materials

Effective Date: October 21 and 22

The Bureau of Evaluation will present training in the Standards for Evaluation of Educational Programs, Projects and Materials for all persons seeking certification in Education Program Evaluation: Levels A and B. This workshop will satisfy the training requirement for certification. The training will be in Baton Rouge.

For additional information, contact Dr. Suzanne E. Triplett, Director, Bureau of Evaluation, Office of Research and Development, Department of Education, Box 44064, Baton Rouge, LA 70804.

Suzanne E. Triplett, Director  
Bureau of Evaluation

## POTPOURRI

### Department of Education

The Louisiana State Department of Education Task Force for the National Teacher Examination (NTE) Validation announces that the Fall administration of the new NTE Core Battery Tests will take place on November 13, 1982. Furthermore, for those examinees eligible to attend, there will be an administration of the NTE Commons Examinations free of charge on November 20, 1982. In order to take the Commons Examinations on November 20, an individual must have 1) taken the Core Battery on the 13th, 2) submitted a Commons' Registration Card to ETS by the date indicated on the Card, and 3) fulfilled all other certification requirements by September 15, 1983. Commons' Registration Cards will be sent to examinees along with their Core Battery Admission Tickets in October. The Commons Examinations will be administered at the same locations as the Core Battery Tests, and examinees must take both tests at the same test site. Candidates who are not eligible to take the Commons Examinations will not be admitted to the test sites on November 20. Examinees are urged to consult the 1982-83 NTE Brochure issued by the Louisiana State Department of Education, or to contact their campus testing directors, for more information about the NTE in Louisiana.

Robert J. Garvue  
Chairperson

## POTPOURRI

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

The National Veterinary Examination will be given on December 14 and 15, 1982 at the Louisiana State University School of Veterinary Medicine, LSU Campus, Baton Rouge, Louisiana.

Interested persons may obtain further information from Gayle Williamson, Louisiana Board of Veterinary Medicine, P. O. Box 15191, Baton Rouge, Louisiana, 70895, (504) 925-9538.

Ray M. LaCour, D.V.M.  
Secretary Treasurer

## POTPOURRI

### Department of Natural Resources Fishermen's Gear Compensation Fund Claims

In accordance with the provisions of the Fishermen's Gear Compensation Fund, R.S. 56:700.1 through R.S. 56:700.5 and in particular Section 700.4 thereof; regulations adopted for the fund as published in the Louisiana Register on August 20, 1980; and also the Rules of the Secretary of this Department, notice is hereby given that 22 completed claims were received during the month of August, 1982, amounting to \$19,231.47. Twenty-four claims amounting to \$30,402.54 were paid during the month of August, 1982.

Public hearings to consider completed claims have been scheduled as follows:

Thursday, October 7, 1982 at 11 a.m., in the Lafitte City Hall, Lafitte, Louisiana to consider payment of the following claims against the fund:

Claim No. 82-543

Lester C. Arcement, while trawling on the vessel "Charlie's Angels" in Ship Channel at LORAN-C Coordinates of 29,018.5 and 46,935.4, Plaquemines Parish, encountered an abandoned pipeline on June 10, 1982, at approximately noon, causing damage to his 66 foot trawl. Amount of claim: \$171.90.

Claim No. 82-559

August Despeux, while trawling on the vessel "Theresa Anne" in Little Lake, east of Round Lake, Lafourche Parish, encountered a piece of submerged pipe, on June 1, 1982, at approximately 6 a.m., causing the loss of his trawl and try-net. Amount of claim: \$625.

Claim No. 82-562

Curtis Silver, while trawling on the vessel "Shining Star" in the Gulf of Mexico at LORAN-C Coordinates of 28,559.0 and 46,859.1, Jefferson Parish, encountered an unidentified submerged obstruction on July 5, 1982, at approximately 4:30 p.m., causing damage to his 55 foot trawl. Amount of claim: \$1,100.

Claim No. 82-587

Emile Rojas, Jr., while trawling on the vessel "Pepsi", in the Gulf of Mexico at approximate LORAN-C Coordinates of 28,595.3 and 46,866.7, Plaquemines Parish, encountered a submerged metal tank, on July 26, 1982 at approximately 7:30 a.m., causing damage to his trawl. Amount of claim: \$403.11.

Claim No. 82-591

Bennie A. Trosclair, while trawling on the vessel "Lady Nellie" in the Gulf of Mexico at LORAN-C Coordinates of 28,565.5 and 46,861.2, Jefferson Parish, encountered an unidentified submerged obstruction on July 23, 1982, at approximately 11 a.m., causing damage to his trawl. Amount of claim: \$245.

Thursday, October 14, 1982 at 10:30 a.m. in the Police Jury Chambers, 8201 West Judge Perez Drive in Chalmette, Louisiana to consider payment of the following claims against the fund:

Claim No. 82-420 (Rescheduled)

Frank Campo, Jr., while trawling on the vessel "Brandy Michelle" in the Gulf of Mexico, west of Southwest Pass, Vermilion Parish, encountered an unidentified submerged obstruction on November 18, 1981, at approximately 2 a.m., causing damage to his trawl. Amount of claim: \$650.

Claim No. 82-447

Noel A. Usannaz, while trawling on the vessel "Gros Comme Ca" in Bayou Grand Caillou near the entrance to Caillou Lake, Terrebonne Parish, encountered an unidentified submerged obstruction on February 18, 1982, at approximately 9:30 p.m., causing damage to his vessel. Amount of claim: \$535.58.

Claim No. 82-487

John N. Thigpen, while trawling an unnamed Lafitte Skiff,

LA 8519-AF, in Lake Borgne at approximate LORAN-C Coordinates of 28,908.6 and 47,021.6, St. Bernard Parish, encountered an unidentified submerged obstruction on May 24, 1982, at approximately 12:30 p.m., causing damage to his 43 foot trawl. Amount of claim: \$500.

Claim No. 82-531

George France, while trawling on the unnamed Lafitte Skiff, LA-9955-AA, in Lake Pontchartrain at approximate LORAN-C Coordinates of 28,896.0 and 47,048.5, Orleans Parish, encountered submerged pilings on May 26, 1982, at approximately 9:30 a.m., causing damage to his trawl and boards. Amount of claim: \$984.

Claim No. 82-537

Bruce Guerra, Sr., while trawling on the vessel "Guns-moke" in Treasure Bay, north of Bayou la Loutre, St. Bernard Parish, encountered an unidentified submerged obstruction on June 1, 1982, at approximately 1:30 p.m., causing damage to his trawl and boards. Amount of claim: \$1,330.69.

Claim No. 82-540

Alfred Martin, while trawling on the vessel "Daddy's Girls" in Lake Pontchartrain at LORAN-C Coordinates of 28,700.5 and 47,046.8, Orleans Parish, encountered an unidentified submerged obstruction, causing damage to his 65 foot trawl. Amount of claim: \$1,129.59.

Claim No. 82-548

Joseph D. Parrett, Sr., while trawling on the vessel "Mr. Schlitz" in the Breton Sound at LORAN-C Coordinates of 29,010.1 and 46,941.4, St. Bernard Parish, encountered an unidentified submerged obstruction, on June 27, 1982, at approximately 9 p.m., causing damage to his 37 foot trawl. Amount of claim: \$469.45.

Claim No. 82-549

Joseph D. Parrett, Sr., while trawling on the vessel "Mr. Schlitz" in Breton Sound at LORAN-C Coordinates of 29,011.2 and 46,936.3, St. Bernard Parish, encountered an unidentified submerged obstruction on June 27, 1982, at approximately 10 p.m., causing damage to his 37 foot trawl. Amount of claim: \$469.45.

Claim No. 82-563

Noel A. Usannaz, while trawling on the vessel "Gros Comme Ca" in Breton Sound at LORAN-C Coordinates of 28,952.9 and 46,921.2, St. Bernard Parish, encountered an unidentified submerged obstruction on July 9, 1982, at approximately 3 a.m., causing the loss of his 50 foot trawl. Amount of Claim: \$955.

Claim No. 82-574

Peter Loverde, Sr., while trawling on an unnamed Lafitte Skiff in Lake Pontchartrain at approximate LORAN-C Coordinates of 28,813.0 and 47,054.0, Orleans Parish, encountered an unidentified submerged obstruction on June 27, 1982, at approximately 9 a.m., causing the loss of his 50 foot trawl. Amount of claim: \$480.

Claim No. 82-578

Nelson Jeanfreau, while trawling on the vessel "Singing River" in California Bay near Sunrise Point, Plaquemines Parish, encountered an unidentified submerged obstruction on July 13, 1982, at approximately 5:30 p.m., causing the loss of his trawl. Amount of claim: \$690.20.

Claim No. 82-586

Michael E. Gourgues, while trawling on the vessel "Michael Jr." in Lake Pontchartrain at approximate LORAN-C Coordinates of 28,823.1 and 47,050.4, Orleans Parish, encountered an unidentified submerged obstruction on July 15, 1982, at approximately 7 a.m., causing the loss of his 50 foot trawl. Amount of claim: \$480.

Any written objections to these claims must be received by the close of business October 5, 1982 by the Secretary whose

address is: Frank P. Simoneaux, Secretary, Department of Natural Resources, Box 44396, Capitol Station, Baton Rouge, Louisiana 70804.

At the hearings, any person may submit evidence on any phase of the claims.

Frank P. Simoneaux  
Secretary

### **POTPOURRI**

#### **Department of Natural Resources Office of Conservation Underground Injection Control Division**

In accordance with the laws of the State of Louisiana, and with particular reference to the provisions of LRS 30:4, notice is hereby given that the Commissioner of Conservation will conduct a public hearing at 11 a.m., Thursday, October 28, 1982, in the Police Jury Meeting Room, Police Jury Building, 514 East Main St., Homer LA.

At such hearing, the Commissioner of Conservation or his designated representative will hear testimony relative to the application of J.M. Teutsch, Inc., of 309 Lane Building, Shreveport, LA. The applicant intends to operate a commercial salt water disposal well and facility in Section 25, Township 19 North, Range 8 West, Claiborne Parish, Louisiana, and inject into the subsurface salt water generated from oil and gas production.

Prior to authorizing the use of this injection well and facility for disposal of saltwater, the Commissioner of Conservation must find that the applicant has met all the requirements of Statewide Order No. 29-B as amended.

The application is available for inspection by notifying Fritz L. Spencer, Jr., Office of Conservation, Underground Injection Control (UIC) Division, Room 228, Natural Resources Building, 625 North 4th St., Baton Rouge, LA, or by contacting the Claiborne Parish Police Jury in the Claiborne Parish Courthouse, Homer, Louisiana.

All interested persons will be afforded an opportunity to present data, views or arguments, orally or in writing, at said public hearing. Written comments which will not be presented at the hearing must be received no later than 5 p.m., October 28, 1982, at the Baton Rouge Office. Comments should be directed to: Commissioner of Conservation, Box 44275, Baton Rouge, LA 70804-4275. Re: Docket No. UIC 82-11, Commercial Oilfield Waste Disposal Facility, Claiborne Parish.

Patrick H. Martin  
Commissioner

### **POTPOURRI**

#### **Department of Natural Resources Office of Conservation Underground Injection Control Division**

In accordance with the laws of the State of Louisiana, and with particular reference to the provisions of LRS 30:4, notice is hereby given that the Commissioner of Conservation will conduct a public hearing at 11 a.m., Thursday, October 21, 1982, in the East Houma Branch of the Terrebonne Parish Library, located at

3211 Grand Caillou Rd., Houma, LA.

At such hearing the Commissioner of Conservation or his designated representative will hear testimony relative to the application of Ag-Lands Investment Company, dba Houma Fluid Services, 5885 Ridgeway Parkway, Suite 105, Memphis, Tennessee 38119. The applicant intends to operate a commercial salt water disposal well and facility in Section 82, Township 17 South, Range 16 East, Terrebonne Parish, Louisiana, and inject into the subsurface saltwater generated from oil and gas production.

Prior to authorizing the use of this well for disposal of saltwater, the Commissioner of Conservation must find that the applicant has met all the requirements of Statewide Order No. 29-B (August 1, 1943 as amended).

The application is available for inspection by notifying Fritz L. Spencer, Jr., Office of Conservation, Underground Injection Control (UIC) Division, Room 228, of the Natural Resources Building, 625 North 4th St., Baton Rouge, LA.

All interested persons will be afforded an opportunity to present data, views or arguments, orally or in writing, at said public hearing. Written comments which will not be presented at the hearing must be received no later than 5 p.m., October 21, 1982, at the Baton Rouge Office. Comments should be directed to: Commissioner of Conservation, Box 44275, Baton Rouge, LA 70804. Re: Docket No. UIC 82-10, Commercial Salt Water Disposal Well, Terrebonne Parish.

Patrick H. Martin  
Commissioner

### **POTPOURRI**

#### **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 Friday, September 24, 1982 at 9 a.m. in the Tax Commission Hearing Room, 923 Executive Park Avenue, Baton Rouge, LA.

The purpose of the hearing is to discuss updating and revising the Louisiana Tax Commission Real/Personal Property Rules and Regulations dealing with Definitions, Loan and Finance Companies, Watercraft, Oil and Gas Properties, Drilling Rigs and Equipment, Pipelines, Aircraft and General Business Assets.

Those desiring to be heard will be given reasonable opportunity to make their presentations.

J. Reginald Coco, Jr.  
Chairman

### **POTPOURRI**

#### **State Department Board of Election Supervisors**

The State Board of Election Supervisors has scheduled a public hearing to consider recommendations for revisions of the state's election laws. Areas of consideration by the Board shall include, but are not limited to: Voter Registration, Handicapped Voters, Canvassing of Voters, Polling Places, Tabulation of Election Returns, Commissioners and Commissioners-in-Charge

(training, selection and assignment), Poll Watchers, Political Parties, Voter Challenges, Political Campaigning (non-financial), Election Offenses, Propositions, Filling of Vacancies, Special Elections, Absentee Voting, Voter Assistance, General Elections and Run-Off Elections, National Elections, Presidential Primaries, Recall Elections, Parish Boards of Election Supervisors and Computerized Elections.

Inquiries and comments should be addressed in writing to Harvey R. H. Britton, Sr., Executive Director, State Board of Election Supervisors, Box 4304, Baton Rouge, LA 70821, through September 28, 1982.

The public hearing will be held at 10 a.m., September 29, 1982 in the Mineral Board's Auditorium, 625 North Fourth Street, Baton Rouge, LA. Interested parties are invited to attend.

James H. "Jim" Brown  
Secretary of State  
Chairman

# Errata

## ERRATA

### Department of Commerce Cemetery Board

The Notice of Intent in the August, 1982 issue of the *Louisiana Register* was in error and should have been published as a Rule. This Notice of Intent in no manner represents an intention to amend further, at this time, the Rules and Regulations of the Louisiana Cemetery Board.

Ms. Frances C. Mayeaux  
Administrative Director

The following chart shows where in the *Louisiana Register* a particular page cited in the index falls:

**1982**

1 - 53	Jan.
57 - 130	Feb.
135 - 170	Mar.
173 - 216	Apr.
223 - 263	May
269 - 319	June
323 - 387	July
393 - 459	August
463 - 505	Sept.

**CUMULATIVE INDEX  
(Volume 8, Number 9)**

- Accountants (see Commerce Department, Certified Public Accountants)
- Agriculture Department:
  - Agriculture and Environmental Science, Office of, 23N, 59R
  - Dairy Stabilization Board, 51P
  - Horticulture Commission, 1ER, 150N, 183R, 262P, 456P
  - Market Commission, 193N, 193N, 194N, 269R, 269R, 271R, 272R
  - Livestock Sanitary Board, 23N, 60R, 243N, 244N, 273R, 273R
  - Seed Commission, 364N, 419N, 463ER
  - State Entomologist, 2R, 127P, 213P, 244N, 274R, 286N, 364N
  - Structural Pest Control Commission, 486N
  - Warehouse Commission, 397ER
- Block Grants (see Health and Human Resources Department, Secretary's Office)
- Civil Service Department:
  - Board of Ethics for Elected Officials, 245N, 420N, 487N
  - Commission on Ethics for Public Employees, 151N, 227R, 420N, 488N
- Commerce Department:
  - Cemetery Board, 103N, 195N, 288N, 421N, 467R, 505E
  - Certified Public Accountants, Board of, 2CR
  - Commerce and Industry, Board of, 24N, 195N, 229R, 230R, 287N
  - Contractors, Licensing Board for, 135R
  - Cosmetology, Board of, 174ER, 245N, 263E
  - Financial Institutions, Office of:
    - Adjustable-Rate Mortgages, 246N, 365N, 468R, 470R, 500CR
    - Balloon, Reverse Annuity Mortgages, 103N, 138R
    - Bank mergers, 25N
    - Cashier's Checks, 61R
    - Conversion to stock, 288N, 470R, 500CR
    - Loans to One Borrower, 61R
    - Nationwide Lending, 61R
    - New bank applications, 421N
    - Remote Service Units, 62R
    - Service corporation, 289N, 471R, 500CR
    - Variable rate rules, 26N, 196N, 232R, 459E
  - Racing Commission:
    - Administering drugs, 151N, 233R
    - Bribes, 152N, 233R
    - Chemical analysis, 247N, 405R
    - Claiming horses, 63R
    - Conflict of interest, 233R, 316CR, 471R, 501CR

- Ejection from racegrounds, 152N, 152N, 224ER, 233R, 234R, 317CR, 464ER, 471R, 501CR
- Employee licensing, 63R
- Limits of medication, 28N, 1ER, 139R
- Prohibited medication, 29N, 140R
- Use of Whips, 63R
- Workmen's compensation, 247N
- Corrections Department:
  - Secretary, Office of:
    - Assignment of inmates, 247N, 274R
    - Furloughs and temporary releases, 248N, 274R
    - Inmate rules and regulations, 248N, 275R
    - Internal Assignment and Review Board, 249N, 275R
    - Parole hearings, 249N, 276R
    - Student rules and regulations, 249N, 276R
- Culture, Recreation and Tourism Department:
  - Cultural Development, Office of, 488N
  - Library, Office of the State, 153N, 187R
  - Parks, Office of State, 140R, 141R, 142R
  - Secretary's Office, 3R
- Education Department:
  - Elementary and Secondary Education, Board of:
    - Compliance, accreditation standards, 290N, 406R
    - Driving schools, 153N, 234R
    - Exceptional children, 323R, 459E
    - Foreign language, 269ER, 367N, 472R
    - GED policy, 276R
    - High school credit, 29N
    - Migrant education, 153N, 234R
    - Minimum standards, 63R
    - Nonpublic testing, 197N
    - Nutrition plan, 427N
    - Second grade skills, 105N, 188R
    - Summer school, 197N, 276R
    - Supervisor certification revision, 464ER, 488N
    - Textbook adoption, 7R
    - Transportation reimbursement, 142R
    - Tuition exemption, 397ER, 488N
    - Vo-Tech attendance, 250N, 323R
  - Evaluation, Bureau of, 502P
  - PIP guidelines, 58ER, 105N, 472R
  - NTE Validation Task Force, 502P
  - Southern University Board of Supervisors, 224ER, 253N
  - Supervisors, Board of for L.S.U., 154N, 277R
  - Teaching Professions Practices Commissions, 253N, 324R
  - Trustees, Board of for State Colleges and Universities, 155N, 214P, 291N, 406R
- Ethics (see Civil Service Department)
- Executive Orders:
  - DCT 81-11 — Continue Thrift Industry Council, 51
  - DCT 82-1 — Committee on Alcoholism and Drug Abuse, 57
  - DCT 82-2 — Task Force on Drinking and Driving, 57
  - DCT 82-3 — Membership on Task Force on Drinking and Driving, 135
  - DCT 82-4 — Advisory Committee on Educational Block Grants, 135
  - DCT 82-5 — Vessel access to lower Mississippi, 173

---

**CR—Committee Report**  
**E—Errata EO—Executive Order ER—Emergency Rule**  
**L—Legislation N—Notice of Intent P—Potpourri**  
**PPM—Policy and Procedure Memorandum R—Rule**

DCT 82-6 — Add members to Task Force on Drinking and Driving, 173  
DCT 82-7 — Insurance Study Committee, 223  
DCT 82-8 — Task Force on Cancer, 223  
DCT 82-9 — Task Force on Municipal Civil Service Laws, 224  
DCT 82-10 — Add member to Task Force on Drinking and Driving, 269  
DCT 82-11 — Student Loan Marketing Association, 393  
DCT 82-12 — Add member to Task Force on Drinking and Driving, 393  
DCT 82-13 — Small purchases regulations, 393  
DCT 82-14 — Create Commission on Medical Malpractice, 394  
DCT 82-15 — Create Task Force on Rape, 395  
DCT 82-16 — Declare emergency in City of Kenner, 395  
DCT 82-17 — Council of Ozarks Governors, 395  
DCT 82-18 — Create Advisory Committee on Community Services Block Grant, 396  
DCT 82-19 — Recreate Task Force on Rape, 463  
Food stamps (see Health and Human Resources Department, Office of Family Security)

**Governor's Office:**

Administration, Division of:  
Conduct of hearing, 291N, 326R  
Office of Data Processing, 253N  
Property Control, 106N, 144R, 254N, 277R  
Purchasing Rules, 293N, 328R  
Travel Regulations, 367N, 406R  
Uniform copy fees, 31N, 156N, 411R  
Elderly Affairs, Office of, 106N  
Facility Planning and Control, Department of, 428N, 473R  
Law Enforcement and Criminal Justice Commission, 63R

**Health and Human Resources Department:**

Embalmers and Funeral Directors, Board of, 31N, 32N, 188R  
Examiners for Nursing Home Administrators, Board of, 64R  
Examiners of Psychologists, Board of, 107N, 110N  
Family Security, Office of:  
Abortion payments, 58ER, 159N, 189R  
AFDC policies, 8R, 307N, 341R  
Cuban/Haitian Program, 58R, 156N, 189R  
Definition of "Physicians Services", 9R  
Drugs, 35N, 67R, 435N, 479R, 491N, 492N  
Energy Assistance, 76R  
Enforcement of support, 437N, 481R  
Eyeglasses deletion, 307N, 385P  
Exclude burial funds, 464ER  
Food stamp policies, 9R, 32N, 75R, 157N, 214P, 342R  
Foster care requirements, 202N, 234R  
GA resource policy, 308N, 342R  
Income limits, 323ER, 372N, 411R  
Income exclusion, 397ER, 491N  
Independent laboratories, 111N, 144R  
Long term care facility costs, 11R  
Low Income Energy Assistance, 481R

MAP programs, 111N, 145R, 189R, 308N, 343R, 465ER, 491N, 492N

Maximum costs for drugs, 11R, 398ER, 491N

Medicare reimbursement, 158N, 261CR

Mentally retarded facility, 308N

Nursing home increase, 465ER

Optional state supplementation, 158N, 189R

Outpatient services, 43N, 76R

Patient liability for care, 11R

Podiatry services, 159N, 190R

Rate increases in programs, 33N, 75R

Refugee, Cuban/Haitian eligibility, 58ER

Reimbursement for therapy, 465ER

Reimbursement limit on services, 465ER

Reporting requirements, 309N, 343R

Retrospective budgeting, 202N, 235R, 309N, 343R

Tax refund offset, 490N

Testing costs limited, 43N, 75R

Title XIX personal care, 58ER

Withholding of unemployment, 437N, 481R

Health Services and Environmental Quality, Office of:

Family planning fees, 12R, 492N

Oyster closure, 44N, 76R, 373N, 411R

Sewage plants, 160N, 235R, 343R

Trihalomethane standards, 12R

Wastewater fee increase, 310N

Human Development, Office of:

Adoption program rules, 13R

Blind Services manual, 13R

Client placement, 47N, 76R, 182ER, 254N, 277R

Cuban/Haitian program, 66R

Rehabilitation program manual, 14R

Shelter costs reimbursement, 47N, 76R, 203N, 235R

Licensing and Regulation, Office of:

Disposal of fetal remains, 182ER, 255N, 278R

Nursing, Board of, 65R, 311N, 417R, 438N

Practical Nurse Examiners, Board of, 65R

Section 1122, Capital Expenditure Reviews, 59ER, 112N,

224ER, 376N, 412R

State Health Plan, 493N

Medical Examiners, Board of, 180ER

Mental Health and Substance Abuse, Office of, 438N

Mental Retardation, Office of, 494N

Secretary, Office of:

Block grants, 14R, 203N, 278R, 343R

Civil Rights Bureau, 256N, 279R

Community Residential Development Fund, 47N, 77R, 496N

Energy assistance, 2ER, 381N

Gary W. Project, 257N, 280R

Hearing scheduled, 51P

Hospital fee scale, 418R

Veterinary Medicine, Board of, 51P, 65R, 110N, 135ER, 144R, 490N, 502P

Insurance Department:

Life and Health Division, 311N, 481R, 501CR

Property and Casualty, Division of, 50N, 235R, 440N

Labor Department:

Community Services Block Grant, 258N, 344R

Employment Security, Office of, 456P

Plumbing Board, 52P

---

**CR—Committee Report**

**E—Errata EO—Executive Order ER—Emergency Rule**

**L—Legislation N—Notice of Intent P—Potpourri**

**PPM—Policy and Procedure Memorandum R—Rule**

Natural Resources Department:

Conservation, Office of:

Committee Report, 82CR

Definitions for Natural Resources and Energy Act of 1973, 15R

Gather information for Commissioner, 115N

Underground injection wells, 79R, 83R, 167P, 168P, 168P, 168P, 169E, 319P, 386P, 456P, 504P, 504P

Environmental Affairs, Office of:

Air quality revision, 161N, 169E, 259N, 315N, 384CR, 445N

Committee Report, 100CR

Construction Grants Priority System, 205N

Opacity Standards, 100R

Ozone abatement, 444N

Rules of procedure, 382N, 485R, 501CR

Fishermen's Gear claims, 52P, 127P, 167P, 214P, 318P, 385P, 456P, 503P

Forestry, Office of, 260N, 285R, 318CR, 383N, 384CR, 419R

Resource Recovery and Development Authority, 162N, 213CR, 236R, 447N

Secretary, Office of, 162N, 384CR

Public Safety Department:

Alcoholic Beverage Control, Office of, 315N, 502CR

Fire Marshal, Office of the:

Educational occupancies, 498N

Emergency generators, 15R, 170E

Fireworks, 129E

Inspection requirements, 119N, 145R, 217E

Insulation standards, 260N, 485R

Insurance for gas stations, 316N, 385CR

Mattress specifications, 116N, 166CR

Mobile home standards, 16R

Observation of construction, 499N

Prison inspection, 383N, 485R

Smoke detection, 206N, 236R

Liquefied Petroleum Gas Commission, 53E

Municipal Police Officers Supplemental Pay, Board of, 53P, 129P, 169P, 263P

State Police, Office of, 163N, 190R

Racing Commission (see Commerce Department)

Revenue and Taxation Department:

Excise Tax Section, 450N

Petroleum, Beverage and Tobacco Tax Section, 101R

Tax Commission, 53P, 102R, 129P, 215P, 387P, 458P, 504P

State Department:

Election Supervisors, Board of, 504P

Transportation and Development Department:

General Counsel, Office of, 19R

Land Surveyors and Engineers, Board of Registration for Professional, 190R, 217E

Soil and Water Conservation Committee, 124N

Undersecretary, Office of, 120N, 145R, 207N, 352R

Travel regulations (see Governor's Office, Division of Administration)

Treasury Department:

Board of Trustees, State Employees

Group Benefits Program:

Amendment, 163N, 101R

Billing resolution, 164N, 285R

Fifty percent participation, 451N, 486R

HMO rules, 20R

Life medical insurance, 50N, 150R, 183ER, 285R

Open enrollment for schools, 22R

Bond Commission, 452N, 499N

Urban and Community Affairs, Department of:

Governor's Commission on Indian Affairs, 164N

Office of Planning and Technical Assistance, 208N, 237R

Veterinary medicine (see Department of Health and Human Resources)

Wildlife and Fisheries, Department of:

Alligator season, 398ER

Bundicks Lake vehicles, 453N

Caddo Lake netting, 384N

Calcasieu Lake oysters, 453N

Hunter Safety Training, 102R

Hunting seasons, 260N, 318CR, 353R, 466ER, 467ER

Lake Claiborne, 261N, 318CR, 419R

Netting prohibited in Black, Clear Lakes, 59ER, 125N

Oyster applications, 126N, 192R

Oyster seed reservations, 405ER

Shrimp season, 126N, 243R, 405ER

Slat traps, 454N

Trapping season, 455N

Waterfowl seasons, 467ER

---

**CR—Committee Report**

**E—Errata EO—Executive Order ER—Emergency Rule**

**L—Legislation N—Notice of Intent P—Potpourri**

**PPM—Policy and Procedure Memorandum R—Rule**