

CONTENTS

I. EXECUTIVE ORDERS

BR 88-18—Rescinds EWE 87-38 which established the International Trade, Industry and Tourism Commission	515
BR 88-19—Creates the Division of Minority and Women’s Business Enterprise in the Department of Economic Development	515

II. EMERGENCY RULES

Economic Development Department:	
Racing Commission—Duration of Term (LAC 35.III.2105)	515
Education Department:	
Board of Elementary and Secondary Education—Eleventh Grade Graduation Test	516
Minimum Foundation Program Equalization Grant	516
Noncertified school personnel hiring	517
Temporary employment permit	517
Tuition exemption continuing education for teachers	517
Tuition exemption continuing education for VTIE teachers	519
Health and Hospitals Department:	
Division of Medical Assistance—Reimbursement methodology for inpatient hospital services	521
Office of Eligibility Determinations—Food Stamp Program-Cash charitable contributions	521
Justice Department:	
Office of the Attorney General—Electronic video bingo machines	522
Natural Resources Department:	
Office of the Secretary—Bohemia Spillway	523
Public Safety and Corrections Department:	
Office of State Fire Marshal—Preliminary provisions	523
Wildlife and Fisheries Department:	
Wildlife and Fisheries Commission—Alligator season	524
Migratory birds hunting season	526
Oyster season (1988/89)	526
Shrimp season	527

III. RULES

Agriculture and Forestry Department:	
Office of Agricultural and Environmental Sciences—Quarantine Program—Sweet potato weevil quarantine (LAC 7:XV.9537)	527
Office of Agro-Consumer Services-Agricultural Commodities Commission—Fee schedule (LAC 7:XXVII.C)	527
Moisture meter registration and inspection fee (LAC 7:XXVII.14728.D)	528
Office of Management and Finance—Central Registry—Farm product list; fees (LAC 7:XXXVII.18117-18119)	529
Economic Development Department:	
Board of Examiners of Certified Shorthand Reporters—Certification; examinations; certificates; fees (LAC 46:XXI. Chapters 1-9)	529
Education Department:	
Board of Elementary and Secondary Education—Bulletin 741—Community/parental involvement	531
Governor’s Office:	
Office of Elderly Affairs—State Plan on Aging	532
Health and Hospitals Department:	
Board of Nursing—Educational Programs (LAC 46:XLVII. Chapter 35)	532
Board of Nursing—Registration and licensure fees (LAC 46:XLVII.3361)	533
Office of Public Health—Cancer and Lung Trust Fund (LAC 48:V. Chapter 83)	534
Fee adjustment schedule (LAC 48:V.3703)	534
Office of the Secretary—Gary W. Project Office—Mistreatment and/or deaths of Gary W. classmates	535
Residential care rate setting	542
Radiologic Technology Board of Examiners—Medical radiation health and safety (LAC 46:LXVI.103)	542
Natural Resources Department:	
Office of Conservation—Surface mining-Statewide Order 29-Q	542
Office of Mineral Resources- Mineral lease fee	544
Office of the Secretary—Fishermen’s Gear Compensation—Definitions	545
Treasury Department:	
Board of Trustees of the State Employees Group Benefits Program—Health maintenance organizations	545
Wildlife and Fisheries Department:	
Wildlife and Fisheries Commission—Goose creeping (LAC 76:V.307)	547

This public document was published at a total cost of \$5,529.15. 1,300 copies of this public document were published in this monthly printing at a cost of \$3,529.15. The total cost of all printings of this document including reprints is \$5,529.15. This document was published by Bourque Printing, Inc., 13112 South Choctaw Drive, Baton Rouge, LA 70815, as a service to the state agencies in keeping them cognizant of the new rules and regulations under the authority of R.S. 49:950-970. This material was printed in accordance with 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.

Menhaden season (LAC 76:VII.307)	547
Toledo Bend reciprocal agreement (LAC 76:VII.110)	548

IV. NOTICES OF INTENT

Economic Development Department:

Auctioneers Licensing Board—Licensing (LAC 46:III.101 et seq.)	548
Office of Commerce and Industry—Finance Division—Financial incentive fees (LAC 13:I. Chapter 3)	549
Racing Commission—Bleeder medication (LAC 35:I.1507)	550
Duration of term (LAC 35:III.2105)	550
Horse registration (LAC 35:V.6311)	551
Super Six (LAC 35:XIII.10901)	552

Education Department:

Board of Elementary and Secondary Education—Budget adjustments	552
Bulletin 746-Montessori Training Course	553
Bulletin 746-NTE score listing	553
Bulletin 1213-School bus standards	554
Certification of budgetary allocations, grants (repeal)	554
Equalization Grant—MFP Formula	555
Maritime instruction fee schedule	555
Tuition exemption guidelines	556

Environmental Department:

Office of Hazardous Waste—Fee schedule (LAC 33:V. Chapter 51)	556
---	-----

Health and Hospitals Department:

Board of Dentistry—Dental hygienist, illegal conduct prohibition	558
Fees (LAC 46:XXXIII. Chapter 4)	558
Board of Pharmacy—Pharmaceutical manufacturer: pharmacy drugs (LAC 46:LII. Chapters 31 and 35)	560
Board of Practical Nurse Examiners—Initial requirements (LAC 46:XLVII.703)	560
Office of Eligibility Determinations—Food Stamp Program-Cash charitable contributions	561
Office of Public Health—Mechanical wastewater treatment plants	561
Operator certification	562
Seafood	562
Office of the Secretary—MAP-LTC-Limited scope audits	563
MAP-LTC-Patient rights	564

Revenue and Taxation Department:

Tax Commission—Real/personal property	565
---	-----

Transportation and Development Department:

Maintenance—Driveway permit fee	565
Office of Weights and Standards—Bridge formula	566
Bulk meter calibrations for airport fuel vendors and wholesale fuel distributors-fees	566
Evaluation of new products (NON-QPL)-fees	567
Materials and Testing Section—Manual fees	568
Project related inspection fee schedule	568
Qualified products list-fees	569
Traffic and Planning—Outdoor advertising signs-fees	570

Wildlife and Fisheries Department:

Wildlife and Fisheries Commission—Alligator harvest (1988-89)	570
Fur harvest (1988-89)	571
Migratory birds hunting season	572

V. COMMITTEE REPORT

Natural Resources Department:

Office of Conservation—Statewide Order 29-Q	572
Governor’s Response to Committee Report	572

VI. POTPOURRI

Agriculture Department:

Horticulture Commission—Retail floristry exam	573
---	-----

Health and Hospitals Department:

Board of Embalmers and Funeral Directors—Examination schedule	573
Office of the Secretary—Home health agency licensure review	573

Labor Department:

Office of Worker’s Compensation—Maximum wage rate	573
---	-----

Natural Resources Department:

Fishermen’s Gear Compensation Fund—Claims	573
Fishermen’s Gear Compensation Fund—Claims for July, 1988	575

Executive Orders

EXECUTIVE ORDER BR 88-18

WHEREAS, the International Trade, Industry and Tourism Commission was established by Executive Order EWE 87-38; and

WHEREAS, such a commission is still necessary for the continued and future growth of Louisiana; and

WHEREAS, the present structure of the commission has proved to be ungainly and unworkable; and

WHEREAS, after proper consideration the commission should be reconstituted with a different structure and a more workable format:

NOW THEREFORE I, BUDDY ROEMER, Governor of the State of Louisiana, do hereby order as follows:

SECTION 1: Executive Order EWE 87-38 is hereby rescinded and is no longer in effect as of the date of this signature.

IN WITNESS WHEREOF, I have hereunder set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge on this 11th day of July, 1988.

Buddy Roemer
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EXECUTIVE ORDER BR 88-19

WHEREAS, provisions of Act 563 of the 1988 Regular Session of the Louisiana Legislature placed the Office of Minority Business Enterprise in the Department of Economic Development; and,

WHEREAS, the Office of Women's Business Enterprise performs similar functions to the Office of Minority Business Enterprise; and,

WHEREAS, Section 3 of Act 19 of the 1988 Regular Session of the Legislature provides that the functions of any department, agency or budget unit of the executive branch may be transferred to a different department, agency or budget unit for the purpose of economizing the operations of state government by the executive order of the governor.

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

SECTION 1: That there be created the Division of Minority and Women's Business Enterprise in the Office of the Secretary of the Department of Economic Development; and,

SECTION 2: That the functions of the Office of Women's

Business Enterprise be administered by the Division of Minority and Women's Business Enterprise; and,

SECTION 3: That the functions of the Office of Minority Business Enterprise be administered by the Division of Minority and Women's Business Enterprise; and,

SECTION 4: The director of the Division of Minority and Women's Business Enterprise shall administer both offices; and,

SECTION 5: That the Division of Minority and Women's Business Enterprise shall be empowered to promote the concerns of minority and women owned businesses and to provide cooperation, assistance and information for their economic development and job creation.

This executive order shall be effective upon approval by the Joint Legislative Budget Committee.

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 27th day of July, 1988.

Buddy Roemer
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

Emergency Rules

DECLARATION OF EMERGENCY

Department of Economic Development Racing Commission

Title 35 HORSE RACING

Part III. Personnel, Registration and Licensing

Chapter 21. Stewards

§2105. Duration of Term

Proposed for repeal in its entirety. Rule Now Reads:

Stewards shall serve from the seventh day before the first racing day until one minute before midnight on the day after the last racing day of the race meeting for which they are appointed. Provided, in the event a dispute or controversy arises during a race meeting which is not settled at the conclusion of the race meeting, then the power of the stewards shall be extended for the period necessary to resolve the matter, or until the matter is referred or appealed to the commission.

Alan J. LeVasseur
Executive Director

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Implementation of Eleventh Grade Graduation Test

The State Board of Elementary and Secondary Education, at its meeting of July 28, 1988, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act R.S. 49:953B and approved an amendment to Bulletin 741 relative to implementation of the Eleventh Grade Graduation Test as follows:
Standard 2.099.00

In addition to completing a minimum of 23 Carnegie Units of credit, the student shall also be required to pass the Graduation Test, beginning with the 1991 graduating class. This shall first apply to students classified as sophomores in 1988-89 and thereafter.

The English language arts, writing, and mathematics components of the graduation test shall first be administered to students in the 10th grade.

The science and social studies components of the graduation test shall first be administered to students in the 11th grade.

Remediation and retake opportunities will be provided for students who do not pass the test.
Standard 2.099.01

All city and parish school systems shall notify each student, and parents or guardian of the requirement of passing the Graduation Test prior to or upon the student entering the 10th grade.

Students transferring to any high school of a city or parish school system shall be notified by that system of the requirement of passing the Graduation Test upon entering that school system.

Effective date of emergency rule - August 22, 1988 (This policy supersedes the policy advertised as a notice of intent in the June 20, 1988 issue of the *Louisiana Register*.)

This amendment is adopted as an emergency rule in order that the parish and/or city school systems have ample time to prepare for the test as well as notify the students and parents or guardians of the test.

Em Tampke
Executive Director

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

\$15,000,000 Equalization Grant Contained in the MFP Formula

The State Board of Elementary and Secondary Education, at its meeting of July 28, 1988, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act R.S. 49:953B and in accordance with HCR 187 of 1988, adopted the following policy for governing the distribution of the \$15,000,000 Equalization Grant:

1. Determine local and state revenue collected by each parish and city school system for Fiscal Year 1986-87.
2. Divide \$10,000,000 by the state aggregate of state and local revenues of parish and city school systems for Fiscal Year 1986-87 to determine a uniform percentage factor of \$10,000,000 to the total local and state revenues collected.

3. Multiply the percentage factor determined in (2) above by each system's state and local revenue for the amount of \$10,000,000 to be distributed to each parish and city school system.

4. Determine student membership for each parish and city school system on October 1, 1987.

5. Determine net assessed property values for each parish and city school system on October 1, 1987.

6. Estimate each school system's ability to generate an equivalent amount of property and sales tax revenue.

7. Compute a per pupil tax base ability by dividing the combined local tax base by the October 1, 1987 membership count.

8. Compute the state average per pupil tax base ability.

9. Compare each school system to the state average per pupil tax base ability.

10. Calculate a tax base ability amount necessary to bring the school systems below the average up to the state average.

11. Distribute \$5,000,000 to the school systems whose tax base ability is below average on a percentage basis of their needs as compared to the state aggregate.

12. Add the amount provided to each system by (11) above to the amount provided to each system in (3) above for each school system's total allocation from the \$15,000,000 equalizing grant.

Each parish and city school system shall receive the allocation of the \$15,000,000 equalizing grant in 12 payments. These payments shall be incorporated into monthly amounts received from the state for implementation of the Minimum Foundation Program.

Listed below is the distribution based on the 1986-87 revenue factor and amount necessary to average the tax base.

DISTRIBUTION BASED ON 86-87 REVENUE AND AMOUNT NECESSARY TO AVERAGE TAX BASE				
SCHOOL SYSTEM	47% OF REVENUE	AVERAGE TAX BASE	COMBINED DISTRIBUTION	EFFECT TO REDUCTION
ACADIA	\$107,789	\$157,029	\$264,818	(\$131,170)
ALLEN	\$ 51,371	\$ 82,669	\$134,040	(\$ 54,684)
ASCENSION	\$172,897	\$ 12,265	\$185,162	(\$450,012)
ASSUMPTION	\$ 55,392	\$ 74,732	\$130,124	(\$ 73,369)
AVOUELLES	\$ 86,494	\$182,322	\$268,816	(\$ 48,939)
BEAUREGARD	\$ 89,952	\$ 74,482	\$164,434	(\$166,023)
BIENVILLE	\$ 50,353	\$ 0	\$ 50,353	(\$134,631)
BOSSIER	\$233,429	\$254,770	\$490,199	(\$274,702)
CADDO	\$713,902	\$141,538	\$855,440	(\$1,767,234)
CALCASIEU	\$408,708	\$ 0	\$408,708	(\$1,092,770)
CALDWELL	\$ 26,476	\$ 42,638	\$ 69,114	(\$ 28,153)
CAMERON	\$ 48,426	\$ 0	\$ 48,426	(\$129,479)
CATAHOULA	\$ 35,456	\$ 56,029	\$ 91,485	(\$ 38,772)
CLAIBORNE	\$ 39,700	\$ 17,681	\$ 57,381	(\$ 88,466)
CONCORDIA	\$ 56,495	\$ 77,499	\$133,994	(\$ 73,554)
DESOTO	\$ 63,990	\$ 80,222	\$144,212	(\$ 90,868)
EAST BATON ROUGE	\$804,998	\$ 0	\$804,998	(\$2,152,339)
EAST CARROLL	\$ 22,009	\$ 44,879	\$ 66,888	(\$ 13,967)
EAST FELICIANA	\$ 39,301	\$ 67,034	\$106,335	(\$ 38,045)
EVANGELINE	\$ 73,026	\$111,749	\$184,775	(\$ 83,501)
FRANKLIN	\$ 63,285	\$119,862	\$183,147	(\$ 49,345)
GRANT	\$ 40,052	\$100,553	\$160,605	(\$ 6,535)
IBERIA	\$204,657	\$185,919	\$390,576	(\$361,278)
IBERVILLE	\$ 84,318	\$ 0	\$ 84,318	(\$225,443)
JACKSON	\$ 45,999	\$ 13	\$ 46,012	(\$122,977)
JEFFERSON	\$914,785	\$ 0	\$914,785	(\$2,445,880)
JEFFERSON DAVIS	\$ 83,220	\$ 74,897	\$158,117	(\$147,611)
LAFAYETTE	\$349,579	\$ 0	\$349,579	(\$934,677)
LAFOURCHE	\$193,627	\$125,688	\$319,315	(\$32,017)
LASSALLE	\$ 41,082	\$ 41,273	\$ 82,355	(\$ 68,567)
LINCOLN	\$ 87,191	\$ 22,484	\$109,675	(\$210,642)
LIVINGSTON	\$162,389	\$413,070	\$575,459	(\$ 21,111)
MADISON	\$ 31,246	\$ 71,528	\$102,774	(\$ 12,015)
MOREHOUSE	\$ 70,069	\$ 71,666	\$141,735	(\$15,678)
NATCHITOCHE	\$ 99,624	\$110,550	\$210,174	(\$155,817)
ORLEANS	\$1,038,646	\$ 0	(\$1,038,646)	(\$2,777,046)
OUACHITA	\$21,643	\$ 0	\$21,643	(\$29,613)
PLAQUEMINES	\$ 79,543	\$ 0	\$ 79,543	(\$212,674)
POINTE COUPEE	\$ 47,154	\$ 0	\$ 47,154	(\$126,076)
RAPIDES	\$278,544	\$124,397	\$402,941	(\$620,353)
RED RIVER	\$ 21,285	\$ 22,895	\$ 44,180	(\$ 34,014)
RICHLAND	\$ 59,155	\$ 86,861	\$146,016	(\$ 71,304)
SABINE	\$ 62,406	\$ 75,155	\$137,561	(\$ 91,701)
ST. BERNARD	\$122,659	\$ 33,496	\$156,155	(\$294,459)
ST. CHARLES	\$156,778	\$ 0	\$156,778	(\$419,181)
ST. HELENA	\$ 23,047	\$ 37,602	\$ 60,649	(\$ 24,018)
ST. JAMES	\$ 75,215	\$ 0	\$ 75,215	(\$201,104)
ST. JOHN	\$100,830	\$ 0	\$100,830	(\$269,589)
ST. LANDRY	\$193,912	\$262,529	\$456,441	(\$456,935)
ST. MARTIN	\$106,835	\$163,657	\$270,492	(\$121,991)
ST. MARY	\$150,367	\$ 0	\$150,367	(\$402,040)
ST. TAMMANY	\$265,541	\$271,713	\$537,254	(\$708,315)
TANGIPAHOA	\$199,198	\$287,800	\$486,998	(\$244,800)
TENSAS	\$ 19,231	\$ 20,612	\$ 39,843	(\$ 39,807)
TERREBONNE	\$231,892	\$ 51,018	\$282,910	(\$568,995)

**DISTRIBUTION BASED ON 86-87 REVENUE
AND AMOUNT NECESSARY TO AVERAGE TAX BASE**

SCHOOL SYSTEM	47% OF REVENUE	AVERAGE TAX BASE	COMBINED DISTRIBUTION	EFFECT TO REDUCTION
UNION	\$ 46,369	\$ 65,468	\$111,837	(\$ 58,508)
VERMILION	\$123,773	\$ 13,744	\$137,517	(\$317,190)
VERNON	\$116,579	\$11,699	\$428,278	(\$ 0)
WASHINGTON	\$ 70,482	\$114,546	\$185,028	(\$ 73,903)
WEBSTER	\$ 99,647	\$127,053	\$226,700	(\$139,374)
WEST BATON ROUGE	\$ 51,621	\$ 0	\$ 51,621	(\$138,018)
WEST CARROLL	\$ 30,698	\$ 44,660	\$ 75,343	(\$ 37,377)
WEST FELICIANA	\$ 31,824	\$ 0	\$ 31,824	(\$ 85,090)
WINN	\$ 47,458	\$ 56,226	\$103,684	(\$ 70,663)
CITY OF MONROE	\$127,457	\$ 0	\$127,457	(\$340,785)
CITY OF BOGALUSA	\$ 45,936	\$ 13,830	\$ 59,766	(\$108,991)
STATE TOTALING	\$9,999,997	\$5,000,002	\$14,999,999	(\$21,737,185)

This emergency adoption is necessary in order for the allocations to be in place for the beginning of the 1988-89 school year.

Em Tampke
Executive Director

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Extend Board Policy 3.01.70.v(37) to July 1, 1989

The State Board of Elementary and Secondary Education, at its meeting of July 28, 1988, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act R.S. 49:953B and approved an extension of the BESE policy for hiring full-time/part-time noncertified school personnel with the exception of Speech, Language, and Hearing Specialists and for it to remain in effect until July 1, 1989.

This emergency adoption is necessary in order for the school systems to begin employing personnel for the 1988-89 school year.

Em Tampke
Executive Director

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Temporary Employment Permits

The State Board of Elementary and Secondary Education, at its meeting of July 28, 1988, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act R.S. 49:953B and extended the Temporary Employment Permit for the 1988-89 school year for individuals seeking Louisiana teacher certification.

This emergency adoption is necessary in order that the school systems may begin employing personnel for the 1988-89 school year.

Em Tampke
Executive Director

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Tuition Exemption Continuing Education Program for Teachers

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

mentary and Secondary Education approved the following revised Tuition Exemption Continuing Education Program for Teachers. Effective date of revised program is August 20, 1988.

Regulations

Tuition Exemption Continuing Education Program for Teachers
Louisiana Department of Education

I. Introduction

The Louisiana Legislature, during the Regular Session of 1986, passed Act 1010 (R.S. 17:7.3 (a) and (c)). This statute provides a continuing education program at Louisiana colleges and universities under which four-year degreed teachers may take courses in their teaching areas.

Regulations for the Tuition Exemption Program, adopted by the Board of Elementary and Secondary Education, are subject to administrative interpretation by the Louisiana Department of Education, Continuing Education Office, Box 94064, Baton Rouge, LA 70804-9064, telephone (504) 342-3414.

II. Application Forms

A. Distribution

-The Louisiana Department of Education prepares and distributes the forms.

-Participating parish or city school systems obtain forms from the Department of Education.

-Participating schools obtain forms from either the parish or city school board office.

-Participating applicants obtain forms from either the employing school or school board office. Regulations are to be posted at the employing school.

B. Completion

-Read the directions on the application.

-Complete Section I and sign.

-Have employing authority complete Section II and sign.

-Have university official complete Section III and sign.

-Present application to appropriate university officials at the time of official university registration. (You must inquire at the Registrar's Office at the university in which you plan to enroll as to the specific university official to whom this form is submitted.)

C. If the application form is incomplete, inaccurate, or submitted to the university past the deadline date, the applicant will be declared ineligible and must pay the tuition costs. Only the current form will be accepted.

III. Deadlines

A. Applications and Courses

1. Regular Semester or Quarter

-Application forms must be submitted to the specific university official no later than the tenth official university class day.

-Courses to be reimbursed shall be courses for credit that begin and end within a regular semester or quarter session and that meet the time requirements established by the Board of Trustees for the state's Colleges and Universities.

2. Summer Session

-Application forms must be submitted to the specific university official no later than the tenth official university class day.

-Courses to be reimbursed shall be courses for credit that begin and end within a regular, summer or quarter session and that meet the time requirements established by the Board of Trustees for the state's Colleges and Universities.

3. Application forms for classes for which registration is held at a time later than regular registration must be submitted during registration or on the first day of the class. Universities will

submit these application forms as a supplemental billing.

B. Unsuccessfully Completed Courses

1. By the end of the semester, applicants who do not successfully complete the course for which tuition exemption was applied must pay the tuition as determined by the college or university in which the applicant was enrolled.

2. Applicants who drop, withdraw, or resign from courses will be billed the tuition amount as determined by the university by the Louisiana Department of Education.

IV. Eligibility

A. Participants

Any full-time, four-year, degreed, elementary or secondary classroom teacher who is regularly employed or on approved leave from a state-approved public or non-public elementary or secondary school, listed on the annual school report as a member of the faculty of a state-approved public or non-public elementary or secondary school under the jurisdiction of the State Board of Elementary and Secondary Education, is eligible. For purposes of this program only, "Teacher" does not include Assessment Teacher; School Psychologist or other ancillary personnel who do not hold Louisiana Teaching Certificates; Administrator; Supervisor; or non-degreed VTIE personnel.

B. Colleges and Universities

Tuition reimbursement shall be limited to the following Louisiana colleges and universities:

Delgado College	Northeast Louisiana University
Grambling State University	Northwestern State University
Louisiana State University/ Alexandria	Southeastern Louisiana University
Louisiana State University/ Baton Rouge	Southern University/Baton Rouge
Louisiana State University/Eunice	Southern University/New Orleans
Louisiana State University/ Shreveport	Southern University/Shreveport- University of New Orleans
Louisiana Tech University	University of Southwestern Louisiana
McNeese State University	Our Lady of Holy Cross College
Nicholls State University	Tulane University
Centenary College	Xavier University
Dillard University	
Louisiana College	
Loyola University	

Application for admission to colleges and universities must be in compliance with the colleges' or universities' regulations, entrance requirements, deadlines, and any other conditions for admissions.

C. Courses

1. Credit courses in the applicant's area of certification in job assignment, or courses outside these areas, specifically in the area(s) of critical shortage, as approved in writing by the superintendent of that city or parish school system. Final review/approval of courses shall be the responsibility of the Louisiana Department of Education, Office of Continuing Education.

2. Course load shall not exceed one regular semester or quarter course offering for each fall or spring session nor two course offerings in the summer session.

3. Course load for applicants who are on approved sabbatical leave for educational purposes shall not exceed three course offerings for each fall/spring session that the applicant is on such leave.

4. Core courses in pursuit of an advanced degree as follows (only one of each is permissible):

a. Tests and Measurements

b. Educational Psychology

c. Educational Research (how to do research)

d. Curriculum and Instruction

e. Philosophy of Education

f. Statistics (educational)

5. Any coursework required of an applicant as a result of an unsatisfactory evaluation pursuant to direction from his employing school board.

D. Tuition

1. Tuition, for the purposes of this program, is defined as the building use fee per semester hour. The state will not reimburse for student activity fees. Tuition exemption shall be limited to the amount of tuition assessed for on-campus courses.

2. Reimbursement shall be made to the colleges and universities by the State Department of Education from state-appropriated funds.

3. Public and nonpublic teachers are eligible to receive a waiver for tuition (registration fee and building use fee per semester hour). The amount paid by the state for any tuition imposed by or applicable to the nonpublic college shall be equal to but not greater than the highest tuition charged by a public college or university in this state.

V. Ineligibility

Reimbursement shall not be paid on the following:

1. Courses that are not successfully completed by the end of the semester or quarter;

2. Non-credit courses or audit courses;

3. Non-instructional credit courses such as examination courses;

4. Courses in theology or divinity;

5. Correspondence courses;

6. Dropped, incomplete, or failed courses;

7. Courses for which application forms were submitted to the university past the deadline date;

8. Courses for which application forms were incomplete or inaccurate;

9. Courses for applicants who are declared ineligible to participate;

10. Courses for which funds are not appropriated;

11. Courses for applicants who are receiving retirement funds from a state retirement system;

12. Courses that do not meet the time/class meeting requirements set forth by the Board of Trustees for the State's Colleges and Universities;

13. Courses taken by independent study;

14. Courses for which the participant is not eligible under these guidelines;

15. Courses involving infractions of the Tuition Exemption regulations or university policy;

16. Courses taken by teachers who are in default to the state of Louisiana for the Professional Improvement Program (PIP) or the Tuition Exemption Program as it existed prior to July 1, 1985, or the present Tuition Exemption Program.

VI. Appeals

1. Any applicant who is denied tuition exemption for a college course may appeal to the Louisiana Department of Education, Bureau of Continuing Education, Box 94064, Baton Rouge, LA 70804-9064, no later than 15 days following the date of notification of denial.

2. Any applicant who is denied tuition exemption by the Department of Education for a college course shall have a right

to a due process appeal before the State Board of Elementary and Secondary Education. The applicant should contact the executive director of the State Board of Elementary and Secondary Education, Box 94064, Baton Rouge, LA 70804-9064, no later than 15 days following the notification of denial from the Department of Education.

VII. College and University Procedures

A. At the time of registration, the applicant shall be exempt from paying tuition for eligible course work covered in this program.

B. The last date for the colleges and the universities to accept applications for tuition exemption shall be the tenth official university class day of a regular semester or quarter or summer session.

C. Each college and university shall submit to the Department of Education, on the first day of class of each fall/spring/summer session, an invoice equal to one-half of the amount of tuition assessed for an on-campus course \times the number of applications submitted to that university. As soon as possible after the close of the semester, the college/university shall submit a final billing together with (a) an alphabetical list of the names of applicants who successfully completed course work, and (b) an alphabetical list of the names and addresses of applicants who received a W, F, or I grade. Tuition claimed by individuals who failed to complete course work successfully shall be deducted from the final payment to the university.

This emergency adoption is necessary in order that the revised Tuition Exemption Continuing Education Program for Teachers will be in place prior to registration for the Fall Semester.

Em Tampke
Executive Director

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Tuition Exemption Continuing Education Programs for VTIE Teachers

The State Board of Elementary and Secondary Education, at its meeting of July 28, 1988, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act R.S. 49:953B and approved the regulations for the Tuition Exemption Continuing Education Program for VTIE Teachers as follows: (Effective August 20, 1988)

Regulations

Tuition Exemption Continuing Education Program for VTIE Teachers

Louisiana Department of Education

I. Introduction

Regulations for the Tuition Exemption Program, adopted by the Board of Elementary and Secondary Education, are subject to administrative interpretation by the Louisiana Department of Education, Trade and Industrial Education Bureau, Box 94064, Baton Rouge, LA 70804-9064, telephone (504) 342-3530.

II. Application Forms

A. Distribution

-The Louisiana Department of Education prepares and distributes the forms.

-Participating vo-tech, parish, or city school systems obtain forms from the Department of Education.

-Participating secondary schools obtain forms from either the parish or city school board office.

-Participating applicants obtain forms from either the employing vo-tech school, secondary school, or school board office. Regulations are to be posted at the employing school.

B. Completion

-Read the directions on the application.

-Complete Section I and sign.

-Have employing authority or school director complete Section II and sign.

-Return to Louisiana Department of Education, Trade and Industrial Bureau for approval and then it is to be returned to applicant.

-Have university official complete Section III and sign.

-Present application to appropriate university officials at the time of official university registration. (You must inquire at the Registrar's Office at the university in which you plan to enroll as to the specific university official to whom this form is submitted.)

C. If the application form is incomplete, inaccurate, or submitted to the university past the deadline date, the applicant will be declared ineligible and must pay the tuition costs. Only the current form will be accepted.

III. Deadlines

A. Applications and Courses

1. Regular Semester or Quarter

-Application forms must be submitted to the specific university official no later than the tenth official university class day.

-Courses to be reimbursed shall be courses for credit that begin and end within the regular semester or quarter session and that meet the time requirements established by the Board of Trustees for the State's Colleges and Universities.

2. Summer Session

-Application forms must be submitted to the specific university official no later than the tenth official university class day.

-Courses to be reimbursed shall be courses for credit that begin and end within a regular, summer, or quarter session and that meet the time requirements established by the Board of Trustees for the State's Colleges and Universities.

3. Application forms for classes for which registration is held at a time later than regular registration must be submitted during registration or on the first day of the class. Universities will submit these application forms as a supplemental billing.

B. Unsuccessfully Completed Courses

1. By the end of the semester, applicants who do not successfully complete the course for which tuition exemption was applied must pay the tuition as determined by the college or university in which the applicant was enrolled.

2. Applicants who drop, withdraw, or resign from courses will be billed the tuition amount as determined by the university by the Louisiana Department of Education.

IV. Eligibility

A. Participants

Any full-time vo-tech or secondary teacher holding a VTIE Certificate who is regularly employed or on approved leave from a vo-tech or secondary school listed on the annual school

report as a member of the faculty of a state-approved public v-tech or secondary school under the jurisdiction of the State Board of Elementary and Secondary Education, is eligible.

B. Colleges and Universities

Tuition reimbursement shall be limited to the following

Louisiana colleges and universities:

Delgado College	Northeast Louisiana University
Grambling State University	Northwestern State University
Louisiana State University/ Alexandria	Southeastern Louisiana University
Louisiana State University/ Baton Rouge	Southern University/Baton Rouge
Louisiana State University/Eunice	Southern University/New Orleans
Louisiana State University/ Shreveport	Southern University/Shreveport
Louisiana Tech University	University of New Orleans
McNeese State University	University of Southwestern Louisiana
Nicholls State University	Our Lady of Holy Cross College
Centenary College	Tulane University
Dillard University	Xavier University
Louisiana College	
Loyola University	

Application for admission to colleges and universities must be in compliance with the colleges' or universities' regulations, entrance requirements, deadlines, and any other conditions for admissions.

C. Courses

1. Credit courses in the applicant's area of VTIE certification as approved by the Louisiana Department of Education, Trade and Industrial Education Bureau.

2. Course load shall not exceed one regular semester or quarter course offering for each fall or spring session nor two course offerings in the summer session.

3. Course load for applicants who are on approved sabbatical leave for educational purposes shall not exceed three course offerings for each fall/spring session that the applicant is on such leave.

D. Tuition

1. Tuition, for the purposes of this program, is defined as the building use fee per semester hour. The state will not reimburse for student activity fees. Tuition exemption shall be limited to the amount of tuition assessed for on-campus courses.

2. Reimbursement shall be made to the colleges and universities by the State Department of Education from state-appropriated funds.

3. Vo-Tech and Secondary VTIE teachers are eligible to receive a waiver for tuition (registration fee and building use fee per semester hour). The amount paid by the state for any tuition imposed by or applicable to the nonpublic college shall be equal to, but not greater than the highest tuition charged by public college or university in this state.

V. Ineligibility

Reimbursement shall not be paid on the following:

1. Courses that are not successfully completed by the end of the semester or quarter;
2. Non-credit courses or audit courses;
3. Non-instructional credit courses such as examination courses;
4. Courses in theology or divinity;
5. Correspondence courses;
6. Dropped, incomplete, or failed courses;
7. Courses for which application forms were submitted to

the university past the deadline date;

8. Courses for which application forms were incomplete or inaccurate;

9. Courses for applicants who are declared ineligible to participate;

10. Courses for which funds are not appropriated;

11. Courses for applicants who are receiving retirement funds from a state retirement system;

12. Courses that do not meet the time/class meeting requirements set forth by the Board of Trustees for the State's Colleges and Universities;

13. Courses taken by independent study;

14. Courses for which the participant is not eligible under these guidelines;

15. Courses involving infractions of the Tuition Exemption regulations or university policy;

16. Courses taken by teachers who are in default to the state of Louisiana for the Professional Improvement Program (PIP) or the Tuition Exemption Program as it existed prior to July 1, 1985, or the Present Tuition Exemption Program.

VI. Appeals

1. Any applicant who is denied tuition exemption for a college course may appeal to the Louisiana Department of Education, Trade and Industrial Education Bureau, Box 94064, Baton Rouge, LA 70804-9064, no later than 15 days following the date of notification of denial.

2. Any applicant who is denied tuition exemption by the Department of Education for a college course shall have a right to a due process appeal before the State Board of Elementary and Secondary Education. The applicant should contact the Executive Director of the State Board of Elementary and Secondary Education, Box 94064, Baton Rouge, LA 70804-9064, no later than 15 days following the notification of denial from the Department of Education.

VII. Colleges and Universities Procedures

A. At the time of registration the applicant shall be exempt from paying tuition for eligible course work covered in this program.

B. The last date for the colleges and the universities to accept applications for tuition exemption shall be the tenth official university class day of a regular semester, quarter, or summer session.

C. Each college and university shall submit to the Department of Education, on the first day of class of each fall/spring/summer session, an invoice equal to one-half of the amount of tuition assessed for an on-campus course \times 's the number of applications submitted to that university. As soon as possible after the close of the semester, the college/university shall submit a final billing together with (a) an alphabetical list of the names of applicants who successfully completed course work, and (b) an alphabetical list of the names and addresses of applicants who received W, F, or I grade. Tuition claimed by individuals who failed to complete course work successfully shall be deducted from the final payment to the university.

This emergency adoption is necessary in order that the regulations will be in place for the beginning of the Fall Semester of the colleges and universities.

Em Tampke
Executive Director

DECLARATION OF EMERGENCY

Department of Health and Hospitals Division of Medical Assistance

The Department of Health and Hospitals, Division of Medical Assistance, has exercised the emergency provisions of the Administrative Procedure Act, R. S. 49:953B to adopt the following rule in the Title XIX Hospital Program.

Prior to passage of Section 4112, states had an option to implement a disproportionate share payment adjustment in reimbursement methodologies for inpatient hospital services but were not mandated to do so. Section 4112 mandates that all state Medicaid reimbursement methodologies for inpatient hospital services incorporate provisions for disproportionate share adjustments similar to Medicare's provisions. These changes in reimbursement for inpatient hospital services are mandated by Section 4112 of the Omnibus Reconciliation Act of 1987 (Public Law 100-203). This rule is necessary to comply with the mandated implementation of disproportionate payment provisions for inpatient hospital services. This rule shall become effective for inpatient hospital services provided on or after July 1, 1988.

RULE

The reimbursement methodology for inpatient hospital services shall incorporate a provision for an additional payment adjustment for hospitals serving a disproportionate share of low income patients (DSH). This provision shall be implemented in the following manner:

Qualifying criteria for a Disproportionate Share Hospital

A. The hospital has at least two obstetricians who have staff privileges and who have agreed to provide obstetric services to individuals who are Medicaid eligibles. In the case of a hospital located in a rural area (i.e., an area outside of a Metropolitan Statistical Area), the term "obstetrician" includes any physician with staff privileges at the hospital to perform nonemergency obstetric procedures; or

B. The hospital treats inpatients who are predominantly individuals under 18 years of age; or

C. The hospital did not offer nonemergency obstetric services to the general population as of December 22, 1987; and

D. The hospital has a utilization rate in excess of either of the below-specified minimum utilization rates:

1. Medicaid Utilization Rate - means a fraction (expressed as a percentage), the numerator of which is the hospital's number of Medicaid (Title XIX) days and the denominator of which is the total number of the hospital's inpatient days for a cost-reporting period. Hospitals shall be deemed disproportionate share providers if their Medicaid utilization rates are in excess of the mean plus one standard deviation, of the Medicaid utilization rates for all hospitals in the state receiving payments; or

2. Low-income Utilization Rate - means the sum of:

a. The fraction (expressed as a percentage), the numerator of which is the sum (for the period) of the total Medicaid (Title XIX) inpatient revenues plus the amount of the cash subsidies for inpatient services received directly from state and local governments, and the denominator of which is the total amount of inpatient revenues of the hospital for inpatient services (including the amount of such cash subsidies) in the cost reporting period; and

b. The fraction (expressed as a percentage), the numerator of which is the total amount of the hospital's charges for

inpatient services which are attributable to charity (free) care in a period less the portion of any cash subsidies as described in 2.a above in the period which are reasonably attributable to inpatient hospital services; and the denominator of which is the total amount of the hospital's charges for inpatient hospital services in the period. For public providers furnishing inpatient services free of charge or at a nominal charge, this percentage shall not be less than zero. The above numerator shall not include contractual allowances and discounts (other than for indigent patients not eligible for Medicaid), that is reductions in charges given to other third party payers, such as HMOs, Medicare or Blue Cross; nor charges attributable to Hill-Burton obligations. Hospitals shall be deemed disproportionate share providers if their low-income utilization rates are in excess of 25 percent.

2. Payment Adjustments for Disproportionate Share Hospitals

The higher of the below-specified payment adjustment factors shall be applied to the cost limits and then to the total allowable Medicaid inpatient costs for those hospitals qualifying as disproportionate share providers (DSH) as specified above for inpatient hospital services provided on or after July 1, 1988:

A. Medicaid Utilization Rate - for each percentage, or portion thereof, in excess of the mean plus one standard deviation, a payment adjustment factor of one percent shall be applied; or

B. Low-income Utilization Rate - for each percentage, or portion thereof, of the low income utilization rate defined above, in excess of 25 percent, a payment adjustment factor of two percent shall be applied; or

C. Medicare DSH rate - that percentage determined by the Medicare fiscal intermediary as a qualifying provider's disproportionate share adjustment factor for the purposes of Medicare reimbursement in accordance with rules established under Section 1886(d)(5)(F)(iv) of the Social Security Act.

Adjustment of the cost per discharge limitation and per diem limitations for carve-out units (NICU/PICU/Burn/Transplants) shall be the product of the applicable limit and the appropriate disproportionate share adjustment factor. The disproportionate share payment adjustment shall then be the product of the appropriate factor and the hospital's Medicaid total allowable inpatient costs.

David L. Ramsey
Secretary

DECLARATION OF EMERGENCY

Department of Health and Hospitals Office of Eligibility Determinations

The Department of Health and Hospitals, Office of Eligibility Determinations, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953-B to adopt the following rule in the Food Stamp Program.

It was necessary to adopt this as an emergency rule as federal regulations published in the *Federal Register*, Vol. 53, No. 115, Wednesday, June 15, 1988 pages 22291-22292 mandate an immediate implementation date.

RULE

Effective immediately, cash charitable contributions based

on need, which are received from private nonprofit charitable organizations, not in excess of \$300 total per federal fiscal year quarter, shall be excluded as food stamp household income.

Affected households are entitled to the income exclusion beginning with the second federal year quarter of 1988 (January, 1988 through March 1988) but not prior to February 1, 1988. Consequently a household which received \$100 in January, 1988, another \$100 in February and \$250 in March from private nonprofit charitable organizations would be entitled to an income exclusion for the \$100 received in February and \$200 of the \$250 received in March for a total income exclusion of \$300 in that quarter.

Restoration

Affected households which were denied benefits because the household's eligibility or benefit calculation during the second federal fiscal year quarter of 1988 (but not prior to February 1, 1988) did not include this income exclusion shall be entitled to restored benefits, if otherwise eligible, at the time of recertification, whenever the household requests a review of its case, or when the OED otherwise becomes aware that a review of a particular case is needed. Restored benefits shall be paid to February 1, 1988, or the date of the food stamp application, whichever is later.

David L. Ramsey
Secretary

DECLARATION OF EMERGENCY

Department of Justice Office of the Attorney General Electronic Video Bingo Panel

In accordance with the emergency provisions of the Administrative Procedure Act (R.S. 49:953(B) and R.S. 33:4861.17, the Attorney General's Electronic Video Bingo Panel has adopted the emergency rules detailed below, changing the fees assessed on permitted machines. The attorney general is authorized by R.S. 33:4861.17(G) to assess whatever fees may be necessary to carry out regulation and control of Electronic Video Bingo Machines. These fees are necessary in order to assure that there is adequate personnel to maintain the integrity of charitable gaming and that the machines themselves are operated in a legal manner. Therefore, the following rules previously adopted June 20, 1988 are amended to continue providing essential regulation of Electronic Video Bingo machines and to avoid imminent peril to charities of the state, the public who play the machines or the manufacturers and distributors of the machines.

Title 22

CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT

Part VII. Department of Justice

Chapter 1. Electronic Video Bingo

§103. Definitions and Terms (Amend)

The definitions are amended to add the following definition:

Permit Stamp Fee means the amount paid by the permittee to the department for each machine permitted.

Delete Net Proceeds Fee definition.

§107. Permitting Process (Amend)

B. Application for Permit Stamp

3. The first installment (\$150) of the \$600 permit fee must accompany each application.

D. Permit Stamp not Transferrable

4. A machine may not be moved from the location named in the permit application and placed in service at another location unless application is made for transfer, the video bingo machine is permitted at the new location, the machine is inspected, the permit fee is current and a new permit stamp is issued. A new permit stamp is required even if a machine has a current unexpired permit stamp for the former location.

E. Expiration or Renewal of Permit

3. The department will consider the same criteria for renewal of permits as for the original issuance of permits. Failure to satisfy permit criteria contained in the Act and these rules may result in denial of renewal of a permit, except for permits requested in fiscal year 1988-89; for said year the panel will develop a particular timeline for permit renewal and publish this timeline to all interested persons.

§111. Operation of Machines (Amend)

A. Time, Location and Duration of Play

1. Electronic video bingo machines may be available in any location licensed for charitable bingo and played in the following manner:

a. At commercial locations the machines may be played only during the times when call bingo is played.

§113. Fees (Amend)

C. Permit Stamp Fee

1. A nonrefundable fee of \$600 shall be paid by the permittee to the department to cover the cost of the permit stamp and the cost of the application for each machine, as well as the regulation of the machine throughout the permitted year.

2. This nonrefundable fee must be submitted in the following manner:

a. the initial \$150 paid at the time of application for permit.

b. the balance of the annual \$600 fee paid in equal installments on July 1, October 1, January 1, and April 1 in each fiscal year.

§115. Reporting and Record Requirements (Amend)

A. Reporting Requirements

1. For each machine the permittee must file with the department a monthly video bingo machine report signed by the permittee. The forms for said reporting will be prescribed by the department. The report will be used to verify the winning percentage of the machine. The following requirements apply:

a. the report must be delivered to the Electronic Video Bingo Panel at the Office of the Attorney General, Box 94005, Capitol Station, Baton Rouge, LA 70804-9005 or postmarked no later than midnight of the tenth day of the month following the reporting month. A reporting month for these purposes shall be considered the first day of the month through the last day of the month.

§117. Enforcement and Regulation (Amend)

F. Civil Violations

2. A violation may be issued for, but is not limited to the following acts:

d. The failure to report and pay timely the fees assessed.

William J. Guste, Jr.
Attorney General

DECLARATION OF EMERGENCY

Department of Natural Resources Office of the Secretary

Effective August 8, 1988, Parts B., D. and G. of Section III. Application Processing and Certification are amended to read as follows:

A. ...

B.1. Upon completion of the preliminary review, the department shall notify all applicants of the results of the review, and the requirement for an advance costs deposit. The written notification, with postmark date of mailing affixed by the department's postage meter, shall either state that the claim is being retained for further processing, or that it failed to satisfy one or more of the three criteria listed above. Applicants shall retain the envelope in which the notification is delivered by the U.S. Postal Service, and the notification shall include instructions on this point. The outside of the envelope shall bear instructions in bold face, "RETAIN THIS ENVELOPE." In the event of failure to satisfy one or more of the three criteria, the claim shall be returned to the applicant. Applicants filing rejected claims shall have 70 days from the postmark date affixed by the department's postage meter to file an amended claim and necessary supporting documents with the department. Amended claims filed later than the 70 days specified herein shall be invalid and no further processing by the department will be done. Documents attached to applications will be returned to applicant upon payment of photocopy and postage costs.

B.2. Prior to consideration of any claim beyond the preliminary review set forth above, an advance costs deposit in the amount of \$175 per claim shall be collected by the secretary. Failure by any applicant to deposit the full advance costs within 70 days of notification shall invalidate the claim upon which the deposit was due. The advance costs deposit shall be held by the secretary and be used to pay the costs of administering the claim. The actual costs shall be assessed by the secretary as hereinafter set forth. Additional advance costs may be required on a case-by-case basis, and no claim shall be processed without sufficient funds on deposit.

C. ...

D. The secretary of the Department of Natural Resources shall designate a special master, who shall undertake the substantive evaluation of valid applications. The substantive evaluation of each application shall be based upon such information as is contained in the application, and generated pursuant to Subsections III. B and C, and any additional evidence the special master might require the applicant, the board or the department to furnish. Any request for additional evidence shall be satisfied, in writing, within 70 days of written demand by the special master, as established by the postmarked date of mailing affixed by the department's postage meter. Applicants shall retain the envelope in which the notification is delivered by the U.S. Postal Service, and the notification shall include instructions on this point. The outside of the envelope shall bear instructions in bold face, "RETAIN THIS ENVELOPE." Applicants failing to timely and adequately respond either to any request of the special master or the department, or pay the advance costs deposit shall have their applications invalidated, unless good cause is shown why the request was not timely or adequately responded to.

E.-F. ...

G. Preceding transmittal of the documents described in

Subsection F above, the special master shall assess each application for the actual cost of administering the claim, pursuant to Act 644 of the 1987 Regular Session of the Louisiana Legislature. In those instances where the amount paid to the secretary as an advance costs deposit exceeds the actual cost of reviewing and administering the claim, the balance of the deposit shall be returned to the applicant who paid it. In all other instances, the full cost of reviewing and administering the claim shall be paid and received by the secretary prior to document transmittal. The costs shall be paid by one or more of the parties to the claim, or may be apportioned by the secretary among all the applicants for an individual tract of property located within the Bohemia Spillway.

Raymond W. Stephens, Jr.
Secretary

DECLARATION OF EMERGENCY

Department of Public Safety and Corrections Office of State Fire Marshal

In accordance with the emergency provisions of the Administrative Procedure Act R.S. 49:953(B), the Office of State Fire Marshal has adopted the emergency rules detailed below. Effective date of these rules will be August 10, 1988.

Title 55

PUBLIC SAFETY

Part V. Fire Protection

Chapter 1. Preliminary Provisions

§103. General Provisions

A. ...

B. With regard to buildings constructed or remodeled between September 1, 1986 and February 14, 1989, or whose construction was timely completed pursuant to plans submitted to the Office of State Fire Marshal prior to February 15, 1989, inspections will be made utilizing the requirements set forth in the 1985 edition of the Life Safety Code of the National Fire Protection Association and Section 506 Special Provision for High Rise Buildings of the Standard Building Code of the 1985 edition of the Southern Building Code Congress International, Incorporated.

C.-F. ...

G. All inspections of the buildings constructed or remodeled pursuant to plans submitted to the Office of State Fire Marshal after February 14, 1989, will be made utilizing the requirements set forth in the 1988 edition of the Life Safety Code of the National Fire Protection Association and Section 506 Special Provision for High Rise of the Standard Building Code of the 1985 edition of the Southern Building Code Congress International, Incorporated.

Chapter 3. Buildings

§303. Plans and Specifications for New Buildings

A. As of February 15, 1989 the plans and specifications for every structure built or remodeled in the state of Louisiana must be drawn in accordance with the requirements of the 1988 edition of the Life Safety Code of the National Fire Protection Association and for all High Rise Buildings, Section 506, Special Provisions for High Rise Buildings of the Standard Building Code of the 1985 edition of the Southern Standard Building

Code Congress International, Incorporated.

B.-D. ...

This emergency adoption is necessary in order to insure that the public health and safety is protected by inclusion in building design and plan preparation, the latest fire protection features as contained in the 1988 edition of Life Safety Code.

Carrol L. Herring
State Fire Marshal

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

In accordance with the emergency provisions of R.S. 49:950-970, the Administrative Procedure Act and under the authority of R.S. 56:260, the secretary of the Department of Wildlife and Fisheries declares that the alligator population in Louisiana has been determined by biologists to be capable of sustaining an annual harvest and the removal of surplus animals is considered to be wise use of this natural resource. Annual surveys of nesting activity determine the number to be harvested and can only be made for a few days at the end of June or first week in July. Alligator harvest quotas are then calculated for 3.9 million acres of alligator habitat, are made available for public comment and commission action in August. The season recommended this year is 31 days from September 10 through October 10, 1988. Since the actual numbers cannot be generated and comply with the normal time frame of three months, then the secretary and commission must declare an emergency to accommodate provisions of the Administrative Procedure Act.

The Louisiana Department of Wildlife and Fisheries recommends that an alligator season be hereby established in accordance with the following regulations. No exceptions of these procedures will be permitted, and anyone taking alligators contrary to these regulations will be charged in accordance with Title 56 of the Louisiana laws pertaining to Wildlife and Fisheries, appropriate federal laws, Wildlife and Fisheries Commission regulations, and/or Louisiana Department of Health and Hospitals regulations.

1. Open Area

Alligator habitat in the state of Louisiana. Harvest quotas will be rigidly controlled according to alligator population estimates within all of the state's wetland habitat types.

2. Harvest season

The open season shall run for a 31-day period beginning on September 10, 1988 and continue through October 10, 1988. It is legal to take, possess, or sell alligators or their skins under four feet in length as provided for by rules and regulations of the commission. A special department permit shall be issued to alligator hide dealers, farmers, and hunters in order to ship alligator skins below four feet in length.

3. Harvest methods

Alligators may be taken only during daylight hours, between official sunrise and official sunset. If a licensed hunter is cited for hunting alligators out of season, at night or on property other than that for which tags were assigned, all tags and skins for the current season will be confiscated in addition to revoca-

tion of the alligator hunting license. Special instructions will be issued to the holders of alligator hunter licenses shortly before the opening of the season describing detailed methods regarding the skinning of alligators. Skins processed contrary to the specific requirements of the department will be considered illegal and will be confiscated by department personnel. Pole hunting is prohibited to protect the nesting female population. Hooks and lines may be set no more than one day prior to the season opening. No hook and line shall remain set after the closing day of the alligator season. All alligator hooks and lines must be checked daily and all hooks and lines must be removed when a hunter's tag quota is reached. Alligators cannot be cut loose from hooks and lines for purposes of selecting larger alligators.

4. Licenses

An alligator hunter must have in possession a valid commercial alligator hunter license to take or sell alligators or their skins or other alligator parts. The fee for the resident license is \$25 per year and for the non-resident \$150. These licenses are non-transferable. In order to obtain a resident license, the hunter must have established bona fide residence in the state. A hunter must complete application forms provided by the department and furnish proof that he owns the land or has an agreement with the landowner or another authorized hunter to hunt alligators on the specified property. Information as to the location and acreage of the property must be provided (all land descriptions must include parish, township, range, and section delineation figures).

Applications must be submitted beginning August 1, 1988. Property ownership and description requirements do not apply to public lake hunters. The alligator hunter license will be issued only after the hunter has satisfactorily complied with the above requirements. Commercial alligator hunter licenses will not be issued after September 19, 1988. Alligator sport hunter licenses may be issued throughout the season. Non-resident hunters and resident sport hunters must coordinate their hunt through landowners and licensed resident hunters. A non-resident hunter may take no more than three alligators per season. A fur buyer license or fur dealer license is required for purchasing and handling raw alligator skins in Louisiana. An alligator parts dealer license is required of any person who deals in alligator parts other than hides and who: (a) buys from an alligator hunter or farmer for the purpose of resale; or (b) manufactures within the state alligator parts into a finished product; or (c) purchases, cans, processes, or distributes alligator meat for wholesale or retail. A retailer selling canned alligator parts or a retailer purchasing alligator parts from an alligator parts dealer or restaurant selling prepared alligator meat for human consumption shall not be classified as an alligator parts dealer. The fee for the parts dealer license is \$50 per year. Persons or firms entering alligators or alligator skins and/or parts in interstate/foreign commerce in the course of a commercial activity must be licensed in accordance with state and federal regulations. Persons shipping alligators, or alligator skins and/or parts to another state or country must do so in accordance with the regulations of that state or country. Each retailer selling canned alligator parts or purchasing alligator parts and each restaurant selling prepared alligator meat for human consumption shall secure a license from the department before commencing business. The license shall be secured annually and shall be furnished upon the payment of \$5.

5. Tagging

In addition to a valid commercial alligator hunting license,

the hunter must also obtain from the department, and have in his possession while hunting, official tags which must be firmly attached to each alligator immediately upon taking. Numbered tags will only be issued in the name of license holders for a sum of \$2 per tag for the 1988 season. Alligator tags will not be issued after September 19, 1988. Tags must be attached and locked in the last six inches of the tail. The tags must remain attached to the skin until finally processed by the fabricator. It shall be illegal to possess alligators or alligator skins in Louisiana without valid official tags attached. Failure to properly tag an alligator or skin will result in confiscation of both the alligator or skin and tag. Official alligator tags will be issued only to alligator hunters and farmers, and only to those who have authorized applications. The number of tags will be issued on the basis of the quantity and quality of the habitat, and the rate per acre will be fixed based on extensive population estimates. Tags will be issued for alligator habitat only, based on final decision of department biologists. Tags issued on public lakes are non-transferable and limited to five per hunter. No more than this fixed number of tags will be issued. Each official tag will bear a characteristic number, and the tag number issued to each hunter will be recorded. Hunters will be held accountable for all alligator tags issued to them. Unused tags must be returned by the hunter to the department no later than 15 days following the close of the season. Department personnel must be notified, within 15 days following the season, of any alligator hides not sold to a commercial buyer or dealer on official Louisiana Department of Wildlife and Fisheries forms provided. Lost or stolen tags will not be replaced but must be reported within 15 days of close of season. Tags can be used only on the lands applied for and approved on the application. Tags furnished by the Louisiana Department of Wildlife and Fisheries must be attached to all alligator meat/parts upon transfer by a hunter or farmer.

6. Alligator Farmers and Breeders

Licensed alligator farmers or breeders must have department authorization to kill and skin their alligators but must follow the same rules and regulations which apply to wild alligators (except farm alligators can be harvested during closed season with department approval). Alligator farmers or breeders must have department authorization to sell or transfer live alligator or alligator eggs.

7. Sale of Alligator Skins

All alligator skins taken during the alligator season must be validated by personnel of the Louisiana Department of Wildlife and Fisheries prior to the hides leaving the state. Special skinning instructions will be verified, and any skins not prepared according to instructions issued in advance of season will be considered illegal. Buyers/dealers must abide by special skinning instructions or be subject to forfeiture of improperly skinned hides.

8. Buyer/Dealer Hide Records

All buyers and dealers making purchases of alligator hides shall maintain a complete set of records of all purchases and sales. Such records will include names and addresses of buyers and/or sellers, alligator hide tag number and length, and date purchased. Dealers will submit reports as required by the department for all hides purchased/sold. Every buyer or dealer having raw alligator hides in his possession shall file with the department within 60 days after the close of the alligator season, or prior to shipping out-of-state, a complete report as specified on forms provided by the department.

9. Shipment

All interstate shipments of raw alligator skins must be tagged with official out-of-state shipping tags provided by the department. All shipments of skins within the state must be tagged with official Louisiana Department of Wildlife and Fisheries in-state shipping tags. A severance tax of 25 cents per hide must be paid on all out-of-state shipments at the time skins are transported or shipped.

10. Sale of Meat and Parts

Meat and other parts from lawfully taken alligators can only be sold according to Louisiana Department of Health and Hospitals regulations, Louisiana Department of Wildlife and Fisheries regulations, and federal laws. Alligator meat sold for human food must be processed in a licensed facility approved by the Louisiana Department of Health and Hospitals. If a person or firm is cited for buying or selling alligator meat that was not processed through a licensed alligator processing plant, all alligator meat in possession will be confiscated. Alligator hunters, farmers, and parts dealers shall maintain records of all transactions, purchases and sales on forms provided by the department. These forms shall be submitted to the department within 30 days following the close of the season and thereafter at 60-day intervals until all parts are sold. All alligator meat and parts, excluding hides, shall be tagged with an official alligator parts tag (Color: Blue) to be furnished by the department. Hunters, farmers, and alligator parts dealers shall furnish a bill of sale to all retailers and restaurants purchasing alligator parts. This bill of sale shall be maintained for a period of six months.

11. Nuisance Removal Program

A statewide alligator nuisance removal program will be administered on an annual basis. This program will allow the taking of problem alligators within the confines of municipal, ward, parish, or state responsibility where there are alligator-people conflicts. Alligators taken under this program must be taken in accordance with state regulations and local regulations/ordinances. Skinning instructions issued by the department will be valid for one year, until the next year's skinning instructions are issued. This nuisance removal program depends upon close cooperation of state, parish, and local authorities. Tags may be issued by the department to an approved resident commercial licensed hunter who has been designated by department supervisory personnel or officials of a local governing body. The number of tags issued will be based on the number of complaints received and the quantity and quality of alligator habitat involved. The commission is hopeful this program will lessen the threat to people and property by reducing human/alligator contact.

12. Hunting on Public Lakes

The department may select public lakes for an experimental alligator hunting program. The harvest will be controlled by a tag allotment for each lake as determined by population surveys by department personnel. An alligator hunter can receive tags for and hunt on only one public lake each season. The tag quota for a public lake is five per hunter. Alligator tags issued on public lakes are non-transferable. Applicants for public lake hunting must be 16 years of age or older. Applications for public lake hunting must be received at least 10 days prior to the season opening date. In the event that the number of applicants for any particular public lake exceeds the number of allowable hunters; a public drawing will be held to select hunters. Only the applicants whose names are drawn will be eligible to hunt public

lakes.

13. Harvest Rates

Harvest rates are presently being calculated and will be determined by biologists of the Fur and Refuge Division. Aerial nest counts and night count surveys will be completed on 20 July, 1988. This data will be analyzed, harvest rates figured, and alligator tag allotments will be presented to department/commis-sion administrators for their consideration.

14. The Department Secretary shall be authorized to close, ex-tend or reopen the alligator season as biologically justifiable; har-vest rates will be approved when available by the department secretary.

Virginia Van Sickle
Secretary

DECLARATION OF EMERGENCY

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

In accordance with the emergency provisions of R.S. 49:953(B) and 49:967 of the Administrative Procedure Act and under authority of R.S 56:115. the Louisiana Wildlife and Fish-eries Commission at its regular scheduled meeting on August 5, 1988 in Baton Rouge, Louisiana, adopted the following hunting seasons, bag limits, and shooting hours for migratory birds.

Dove:

September 3-11

October 15-November 13

December 10-January 9

The daily bag limit is 12 with a possession limit after opening day of 24.

Snipe:

November 12-February 26

The daily bag limit is 8 with a possession limit after opening day of 16.

Woodcock:

December 10-February 12

The daily bag limit is 5 with a possession limit after opening day of 10.

Rail:

November 19-January 20

The daily bag limit is 15 Clapper and King in the aggregate and a possession limit of 30 after opening day; 25 Sora and Virginia in aggregate and possession limit is the daily bag limit.

Gallinule:

November 19-January 20

The daily bag limit is 15 with a possession limit of 30 after open-ing day.

Ducks and Coots:

West Zone: East Zone:

Nov. 19-Dec. 4 Nov. 19-Nov. 27

Dec 26-Jan. 8 Dec. 19-Jan. 8

Duck Limits:

The daily bag limit of ducks is three, and may include no more than two mallards (no more than one of which may be a female). One black duck, two wood ducks, and one redhead. The first seven days of the season, one pintail of either sex may be taken and the last seven days of the season two male pintails

may be taken. No pintails may be taken during the remainder of the season. Canvasback may not be taken at any time.

Merganser Limits:

The daily bag limit of mergansers is five, only one of which may be a hooded merganser. The possession limit is 10, only two of which may be hooded mergansers.

Coot Limits:

The daily bag and possession limits of coots are 15 and 30, respectively.

Species	Season Dates	Daily Bag Limit	Possession Limit
Geese	Nov. 19-Dec. 7	*	*
(West Zone)	Dec. 26-Feb. 14	*	*
Geese	Nov. 19-Jan. 27	*	*
(East Zone)		*	*

*The daily bag limit is five in the aggregate of Blue, Snow, or White-fronted geese of which not more than two may be white-fronted. Possession limit is twice the daily bag limit.

Shooting Hours:

Dove: One-half hour before sunrise to sunset; EXCEPT on the opening weekend of each split (Sept. 3-4, Oct. 15-16, and Dec. 10-11) when shooting hours will be 12 Noon until sunset.

Woodcock and Snipe: One-half hour before sunrise to sunset.

All other migratory birds: Sunrise to sunset.

Virginia Van Sickle
Secretary

DECLARATION OF EMERGENCY

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

In accordance with the emergency provisions of R.S. 49:953(B), the Administrative Procedure Act, R.S. 49:967 which allows the Wildlife and Fisheries Commission to use emer-gency procedures to set the oyster season and pursuant to R.S. 56:433 does:

1. hereby set the 1988/89 Oyster Season on the "Public Oyster Ground" to open one-half hour before sunrise September 7, 1988, and

2. closes the "Bay Junop Oyster Seed Reservation" for the 88/89 Oyster Season.

3. hereby sets the 1988/89 Oyster Season for the "Bay Gardene and the Sister Lake Oyster Seed Reservations" to open one-half hour before sunrise on September 7 and remain open until one-half hour after sunset September 12 for bedding only, then it will close and re-open one-half hour before sunrise on September 21 for both bedding and sacking, and

4. hereby sets the 1988/89 Oyster Season for the "Hack-berry Bay Oyster Seed Reservation" to open one-half hour be-fore sunrise September 7, 1988, for both bedding and sacking.

Dr. Donald Hines
Vice-Chairman

Kell McInnis
Deputy Secretary

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

In accordance with the emergency provisions of R.S. 49:953(b), the Administrative Procedure Act, R.S. 49:967 which allows the Wildlife and Fisheries Commission to use emergency procedures to set shrimp seasons and pursuant to R.S. 56:497 and Act 1988 No. 893, the Louisiana Wildlife and Fisheries Commission does hereby set the 1988 Fall Inshore White Shrimp Season to open in Shrimp Management Zones 1, 2 and 3 at 6 a.m. on August 15, 1988.

Donald Hines
Vice-Chairman

Kell McInnis
Deputy Secretary

Rules

RULE

Department of Agriculture and Forestry Office of Agricultural and Environmental Sciences Quarantine Program

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 3:1732, and pursuant to the notice of intent published on June 20, 1988, the Louisiana Department of Agriculture and Forestry hereby adopts the following amendments to the Plant Quarantine Regulations, LAC 7:XV, Chapter 95:

§9537. Issuance of Certificate Permits, Fumigation Certificates and Certificate Permit Tags for the Movement of Restricted Material

A. From Pest-free Areas

1. Green certificate permit tags will be issued to persons in the pest-free areas who possess a Sweet Potato Dealer's Certificate Permit as required under the provisions of LAC 7:9547 hereof, upon request to the state entomologist.

2. Certificate permits authorizing the movement of restricted material from the pest-free area to points within and outside of Louisiana will be issued by the state entomologist under the following conditions:

a. The person desiring such movement has a Sweet Potato Dealer's Certificate Permit if required to possess such permit under the provisions of LAC 7:9547 hereof.

b. A platform inspection of the restricted material indicates that the restricted material is free of the sweet potato weevil.

c. Green certificate permit tags are properly dated and attached to or within each container in a load or shipment of

sweet potatoes, if moved within Louisiana or to any other state which may require such.

B. From Quarantined Areas

1. Pink certificate permit tags will be issued to persons in the quarantined areas who possess a Sweet Potato Dealer's Certificate Permit as required under the provisions of LAC 7:9547 hereof, upon request to the state entomologist.

2. Certificate permits authorizing the movement of restricted material from or within the quarantined areas will be issued by the state entomologist under the following conditions:

a. The person desiring such movement has a Sweet Potato Dealer's Certificate Permit if required to possess such permit under the provisions of LAC 7:9547 hereof.

b. A platform inspection of the restricted material indicates that the restricted material is apparently free of the sweet potato weevil.

c. Pink certificate permit tags are properly dated and attached to or within each container in a load or shipment of sweet potatoes, if moved within Louisiana or to any other state which may require such.

d. The regulated material is not moved from a quarantined area into a pest-free area, unless fumigated, or to any state which may prohibit entry of such restricted material.

e. The lot of sweet potatoes, if moving by truck to an area which permits entry of restricted material, is sealed in the truck body by the use of not more than two seals.

Tarpaulins or other means used to seal the truck body must be approved by the department in advance of moving sweet potatoes. The seal shall not be broken until the truck reaches the destination shown in the certified permit authorizing the movement of the sweet potatoes. If the truck load is comprised of mixed produce including one or more containers of sweet potatoes, the entire load of produce must be sealed in the truck before leaving the loading point; a permit covering the sweet potatoes must be issued.

f. Fumigation certificate permits authorizing the movement of restricted material from quarantined areas will be issued when such restricted material is inspected, found apparently free of the sweet potato weevil and fumigated with an approved fumigant in such dosages and at such temperature and time of exposure as prescribed by and under the immediate supervision of a representative of the department.

C. No sweet potatoes may be moved or shipped within or out of Louisiana unless a valid certificate permit is issued for each shipment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1732.

HISTORICAL NOTE: Promulgated by the Department of Agriculture LR 11:321 (April 1985), amended LR 14: (August 1988).

Bob Odom
Commissioner

RULE

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

In accordance with the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 3:3405, the Department of Agri-

culture and Forestry, Agricultural Commodities Commission, amended the rules and regulations detailed below for the implementation of fees for travel time during performance of grain grading services.

Title 7

AGRICULTURE AND ANIMALS

Part XXVII. Agricultural Commodity Dealer and Warehouse

Chapter 147. Agricultural Commodities Commission

Subchapter E. Assessments and Fees

§14728. Fees: Amount, Time of Payment

- A. ...
- B. ...
- C. Schedule of Fees

1. The regular hours shall be 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. Holidays and all other hours shall be considered as overtime. The following shall be designated as holidays: New Year's Day, Mardi Gras, Good Friday, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, Christmas Day, Election Day (every two years), and any other day the governor proclaims as a legal holiday.

2. The hourly rate shall be \$25 per hour, including travel time. Overtime hours shall be billed at \$15 per hour plus inspection fee assessed in quarter-hour increments.

3. Mileage shall be billed at the rate of 20.5 cents per mile traveled.

4. Official Services (Including sampling except as indicated):

- Online D/T sampling inspection service (sampling, grading and certification), per regular hour . . . \$25.00
- Overtime hourly rate, per hour \$40.00

Unit Inspection Fees:

- Hopper car, per car \$20.00
- Boxcar, per car \$15.00
- Truck/trailer, per carrier \$10.00
- Barge, per 1,000 bushels \$ 2.50

Submitted sample inspection \$ 6.00

Reinspection, same as original inspection when based on new sample.

Reinspection, based on file sample:

- Truck/trailer, per sample \$ 5.00
- Boxcar, per sample \$ 7.50
- Hopper car, per sample \$10.00
- Barge, per sample \$25.00

Factor determination, per factor (not to exceed full grade fee) \$ 5.00

Class X weighing hourly rate, regular hours . . . \$18.50

Class X weighing hourly rate, overtime hours . . \$33.50

Class Y weighing, barge, per 1,000 bushels . . . \$ 2.00

No charge if grade change from original inspection.

Service requests not covered by above fees will be assessed the applicable hourly rate stated herein.

The following FGIS supervision fees will be assessed in addition to other fees:

Factor only, max. 2 factors \$.30

Factor only, excess 2, the applicable carrier or sample fee applies:

- Railcars, inspect or weigh \$ 1.60
- Truck/trailer, inspect or weigh \$.50
- Barge, inspect or weigh \$10.25
- Warehouseman's sample \$.50
- Submitted sample \$.50

- Reinspection \$.50
- Other, i.e., sample only \$.50
- Stowage, other than vessel \$.30
- Class X \$10.25
- Class Y None

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3405.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Agricultural Commodities Commission, LR 12:287 (May 1986), amended by the Department of Agriculture and Forestry, Agricultural Commodities Commission, LR 14: (August 1988).

Bob Odum
Commissioner

RULE

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

In accordance with the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 3:3405, the Department of Agriculture and Forestry, Agricultural Commodities Commission, adopted the rules and regulations detailed below for the implementation of Moisture Meter Registration and Inspection Fee.

Title 7

Agriculture and Animals

Part XXVII. Agricultural Commodity Dealer and Warehouse

Chapter 147. Agricultural Commodities Commission

Subchapter E. Assessments and Fees

§14728. Fees: Amount, Time of Payment

- A. ...
- B. ...
- C. ...
- D. Moisture Meter Registration and Inspection Fee

1. There is hereby established and henceforth there shall be a registration fee of \$10 per meter and an inspection fee of \$20 per meter to be paid by the owner or user of every moisture measuring device used or held for use at any commercial facility which receives, holds, dries, stores, mills, processes or otherwise deals in agricultural commodities in the state, when such use or intended use is for the purpose of determining discounts or other price variances in connection with the purchase or sale of such commodity, said device shall be registered with the Louisiana Department of Agriculture and Forestry.

2. Registration shall be required on or before May 15, 1988 and thereafter within two business days of acquisition of a new or additional unregistered moisture measuring device for the purpose set forth in Paragraph 1 of this Section. Such registration shall be on forms provided by the department and shall at a minimum disclose the name and address of the commercial facility which owns or uses the device, the number of devices used and held for use, the brand name(s) of the device(s), and such other information as may be deemed necessary to carry out the provisions of this Subchapter.

AUTHORITY NOTE: Promulgated in accordance with R. S. 3:3405.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Agricultural Commodities Commission, LR 12:287 (May 1986), amended by the Department of Agriculture and Forestry, Agricultural Commodities Commission. LR 14: (August 1988).

Bob Odom
Commissioner

RULE

**Department of Agriculture and Forestry
Office of Management and Finance
Central Registry**

In accordance with the provisions of R.S. 49:950 et seq., the Administrative Procedure Act, and R.S. 3:3660, R.S. 3:3654 and Public Law 99-198 (Food Security Act of 1985), the Department of Agriculture and Forestry, Central Registry, adopted the following amendments:

Title 7

AGRICULTURE AND ANIMALS

Part XXXVII. Security Devices

Chapter 181. Central Registry

§18117. Farm Products List and Codes

A. In accordance with R.S. 3:3654 (B) and Section 1324 of the Food Security Act of 1985, Public Law 99-198 as amended, and regulations issued thereunder as applicable, only those products listed below shall be deemed farm products by the Central Registry.

CODE	PRODUCT	CODE	PRODUCT
1005	Broccoli	1220	Pecans
1010	Cabbage	1230	Peppers
1020	Cantaloupes	1240	Rice
1030	Cauliflower	1250	Rye Grass Seed
1040	Corn	1260	Sorghum Grain
1050	Cotton	1270	Soybeans
1060	Cucumbers	1280	Squash
1070	Cushaw	1290	Strawberries
1080	Flowers, Shrubs and Ornamentals	1300	Sugarcane
1090	Garlic	1310	Sunflower Seed
1100	Grapes	1320	Sweet Potatoes (Yams)
1110	Grass	1330	Sweet Sorghum
1130	Hay	1340	Tomatoes
		1350	Watermelons
1150	Mushrooms	1360	Wheat
1160	Oats		
1170	Onions		
1180	Oranges		
1190	Peaches	2020	Eggs
1200	Peanuts	2030	Honey
1210	Peas	2040	Milk
3010	Alligators	3090	Horses
3020	Catfish	3100	Mink
3030	Cattle	3110	Oysters
3040	Chickens	3120	Quail
3050	Crawfish	3130	Prawns

3060	Goats	3140	Sheep (Lamb)
3070	Hogs	3150	Shrimp
3080	Honeybees	3160	Turkeys
		4000	Timber

B. Louisiana shall be deemed to be a state that has established a Central Registry as to those farm products listed above and shall be deemed not to be such a state as to all other farm products.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3654, R.S. 3:3660 and Public Law 99-198 (Food Security Act of 1985).

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Management and Finance, Central Registry, LR 12:826 (December 1986), amended LR 13:159 (March 1987), amended LR 14: (August 1988).

§18119. Fees

A. In accordance with R.S. 3:3657, the commissioner is authorized to establish fees for the operation of the Central Registry. The fees are as follows:

1. Filing fee (for effective financing statements, amendments, assignments and extensions of effective financing statements and security devices accompanied by a related EFS) - \$8. NOTE: This includes \$5 filing fee and \$3 prepaid cancellation fee.
2. Encumbrance certificates - \$5 per encumbrance certificate.
3. Certified copies of security devices - \$2 plus \$.25 per page of the security device.
4. Registration (initial and renewal) - all registrations are for one calendar year.

FARM PRODUCTS	1 - 3	4 - 7	Over 7
1 - 10 parishes	\$40	\$80	\$125
11 - 30 parishes	\$80	\$175	\$250
31 - 45 parishes	\$125	\$250	\$325
46 - 64 parishes	\$175	\$325	\$500

5. NSF fee - \$10 per check returned due to insufficient funds.

B. Failure by any person to pay any fee as required shall result in termination of service by the Central Registry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3654, R.S. 3:3656 and Public Law 99 - 198 (Food Security Act of 1985).

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Management and Finance, Central Registry, LR 12:826 (December 1986), amended LR 14: (August 1988).

Bob Odom
Commissioner

RULE

**Department of Economic Development
Board of Examiners of Certified Shorthand Reporters**

The Louisiana Board of Examiners of Certified Shorthand Reporters is hereby amending Part XXI, Chapters 1, 3, 7 and 9 of the Louisiana Administrative Code as follows:

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XXI. Certified Shorthand Reporters

Chapter 1. Certification

§101. Application for Certification

An applicant for a certificate shall file an application on a form provided by the board (Board of Examiners of Certified Shorthand Reporters), accompanied by any applicable fees, and such evidence, statements or documents required by said form. If an examination is required, said application must be filed with the board at least 10 days prior to an examination date. A new application is required for each examination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2554.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Examiners of Certified Shorthand Reporters in LR 9:678 (October 1983), amended LR 14: (August 1988).

Chapter 3. Examinations

§301. Applications for Examinations

A. Examinations shall be held at such times and places as the board may designate.

B. Applications must be received by the board at least 10 days prior to the examination date.

C. Applicants who have been found to be qualified for the examination shall be notified in writing of the time and place of their assigned examination.

D. An applicant who fails to timely appear for examination after being notified of his eligibility shall be deemed to have abandoned his application. In order again to become eligible for an examination, such person shall file a new application, and otherwise comply in all respects with the provisions of the Act and these regulations in the same manner as required of an original applicant.

E. An applicant who commences but does not finish his assigned examination, or who otherwise fails such examination, shall not be eligible for any future examination except upon filing a new application and otherwise complying in all respects with the provisions of the Act and these regulations in the same manner as required of the original applicant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2554.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Examiners of Certified Shorthand Reporters in LR 9:678 (October 1983), amended LR 14: (August 1988).

§303. Examinations to be Under Direction of the Board

A. The examination shall be under the direction and control of the board, but the board may employ assistants to prepare the questions, conduct the examination and submit recommended grades.

B. Examination questions, together with the answers or keys, shall not be disclosed prior to the announced results of the examination.

C. The identity of each candidate shall be and remain unknown to the board until after final results are announced. Before the commencement of the examination an identifying number shall be assigned to each candidate. The candidate shall enter such number on each group of papers used in the examination and shall not enter his name at any place on the examination papers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2554.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Examiners of Certified Shorthand Reporters in LR 9:678 (October 1983), amended LR 14: (August 1988).

§307. Content of Examination

A. The examination shall consist of:

1. general knowledge test;
2. dictated tests at the following speeds:
 - a. five minutes at 180 WPM (Literary, one voice)
 - b. five minutes at 200 WPM (Jury charge, one voice)
 - c. five minutes at 225 WPM (Q and A, two voices)

B. The general knowledge test will consist of 100 multiple choice questions which will include 50 questions on English grammar, spelling and word comprehension, 25 questions on medical terms and 25 questions on legal terms. The use of reference material will not be allowed.

C. Completion time for the written general knowledge test is one and one-half hours. Four hours are allowed for transcribing the three segments of the dictated test. Transcripts must be typed.

D. Candidates may be required to read aloud any part of the dictated matter required by the board.

E. No candidate will be allowed to use electronic recording equipment, except stenomask, during the examination.

F. Upon completion of the examination all shorthand notes, transcripts, and other examination papers shall become the property of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2554.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Examiners of Certified Shorthand Reporters in LR 9:678 (October 1983), amended LR 14: (August 1988).

§309. Grading of Examination

A. Each candidate's examination will be graded on the basis of his ability to accurately transcribe his notes, the time occupied in the transcription; his knowledge of court reporting procedure and its related terminology, spelling, and punctuation; and the general style of the transcript.

B. Seventy-five percent accuracy is required on the general knowledge test.

C. Ninety-five percent accuracy is required on the dictated and transcribed portions of the test.

D. If an examinee passes one portion of the examination (general knowledge portion or dictated portion) but fails the other, he will be exempt from taking the passed portion at all subsequent tests.

E. For the purpose of grading, errors will be assessed in accordance with the guidelines accepted by the National Shorthand Reporters Association.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2554.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Examiners of Certified Shorthand Reporters in LR 9:678 (October 1983), amended LR 14: (August 1988).

§311. Review of Examination

Examinees will have a period of 90 days from the release of the test results to review examinations in the offices of the

board. Written notification of an examinee's intent to review his examination must be received at the board's office five days prior to the review of the examination. Examinations may be reviewed only during normal working hours.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2554.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Examiners of Certified Shorthand Reporters in LR 9:678 (October 1983), amended LR 14: (August 1988).

§317. NSRA Examinations

The board will accept as an examination under Section 2554A an NSRA-RPR and/or CM examination or an NSVRA examination with the equivalent or higher standards than the CSR examination given in January 1983. Upon proper application, and upon satisfactory proof that applicant has passed such an examination, a certificate shall be issued.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2554.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Examiners of Certified Shorthand Reporters in LR 9:678 (October 1983), amended LR 14: (August 1988).

Chapter 5. Certificates

§501. Expiration of Certificate

All certificates shall be suspended as of 12 p.m. on December 31 of each year if not, in each instance, renewed. To renew a certificate, the certificate holder shall, on or before the date on which the certificate would otherwise be suspended, pay the renewal fee established by the board. A suspension under this Section shall be effective until all delinquent fees have been paid in full.

If renewal fees are not paid within two years of suspension, certificate holder must sit for an examination in order to be recertified.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2554.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Examiners of Certified Shorthand Reporters in LR 9:678 (October 1983), amended LR 14: (August 1988).

§503. Temporary Certificates

A. Upon proper application, those persons who are practicing general reporting or free lance reporting and who hold a valid C.S.R. Certificate from another state, will be issued a seven-month temporary certificate.

B. Upon a proper application, those persons who present satisfactory proof of passing a qualifying examination will be issued a temporary certificate which shall expire upon receipt of the results of the next C.S.R. examination. Provided, however, that if such an application is received 30 days preceding a C.S.R. examination, such temporary certificate will expire on release of the test results from the second CSR examination given subsequent to the filing of the application.

The qualifying certificate must be from a licensed court reporting school certifying that the applicant has passed a qualifying examination. The qualifying examination must consist of five minutes of two-voice testimony, new material, at 225 words per minute, standard word count, with 95 percent accuracy. The qualifying examination must be taken within one year of the board examination date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2554.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Examiners of Certified Shorthand Reporters in LR 9:678 (October 1983), amended LR 14: (August 1988).

Chapter 9. Fees

§901. Fees

The following fees shall be paid to the board:

A. The fee to be paid by an applicant for an examination to determine his fitness to receive a certificate as a certified shorthand reporter shall be \$35 for the written examination and \$50 for the dictated portion.

B. The fee to be paid for the issuance of a certificate or registration without board examination is \$50.

C. The fee to be paid upon the renewal of the certificate or registration is \$75.

D. The fee to be paid for the issuance of a temporary certificate is \$50.

E. The fee to be paid for the reinstatement of a certificate shall be the payment of all delinquent fees, plus \$15.

F. The fee to be paid for regrading an examination shall be \$30.

G. The fee to be paid for a C.S.R. seal is \$30.

H. The fee to be paid for the purchase of examination materials is \$10 for cassettes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2554.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Examiners of Certified Shorthand Reporters in LR 9:678 (October 1983), amended LR 14: (August 1988).

James L. Dennis
Chairman

RULE

Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published January 20, 1988 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:

Rule 3.01.51.wv

The Board adopted an amendment to Bulletin 741 to add Standard 2.076.07 as follows:

Each school shall develop a written plan for community/parental involvement.

Em Tampke
Executive Director

RULE

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

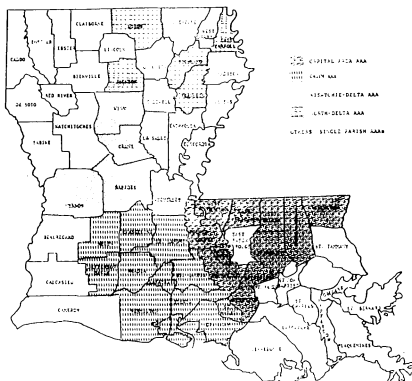
In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Governor's Office of Elderly Affairs has adopted as a final rule the emergency rule which was published in the June 20, 1988 issue of the *Louisiana Register*. The purpose of the rule is to amend the FY 1988 - FY 1991 State Plan on Aging to incorporate Allen Parish into the planning and service area (PSA) formerly served by Cajun Area Agency on Aging. The PSA includes Acadia, Iberia, Jefferson Davis, Lafayette, St. Landry, St. Martin, St. Mary, and Vermilion parishes.

§1313. LOUISIANA'S PLANNING AND SERVICE AREAS (PSA's)

<u>Single Parish PSA's</u>	<u>Multi-parish PSA's</u>
Beauregard Bienville Bossier Caddo Calcasieu Caldwell Cameron Claiborne DeSoto East Baton Rouge Jefferson Lafourche Lincoln Madison Morehouse Natchitoches Orleans Ouachita Plaquemines Red River Sabine St. Bernard St. Charles St. James St. John the Baptist St. Tammany Tensas Terrebonne Webster West Carroll	<p>Capital Area (includes): Ascension Assumption East Feliciana Iberville Livingston Pointe Coupee St. Helena Tangipahoa Washington West Baton Rouge West Feliciana</p> <p>Cajun (includes): Acadia Allen Evangeline Iberia Jefferson Davis Lafayette St. Landry St. Martin St. Mary Vermilion</p> <p>Kisatchie-Delta (includes): Avoyelles Catahoula Concordia Grant LaSalle Rapides Vernon Winn</p> <p>North Delta (includes): East Carroll Franklin Jackson Richland Union</p>

§1315. MAPS

A. Planning and Service Areas



Vicky Hunt
Director

RULE

**Department of Health and Hospitals
Board of Nursing**

The Louisiana State Board of Nursing amended the standards and requirements for educational programs in nursing as follows.

**Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part XLVII. Nurses
Subpart 2. Registered Nurses
Chapter 35. Nursing Educational Programs
§3509. Types of Approval (Amend)**

A. Initial

1. Initial approval is granted to a new program which upon application by the parent institution and after survey and board evaluation, is determined by the board to be eligible to admit students to the nursing educational program. (See §3533)

2. Initial approval shall not be continued for more than two consecutive one-year periods following the nursing program's eligibility to apply for full approval.

B. Full

Full approval is granted to a program that meets all standards established by the board. (See §3535)

C. Conditional

A nursing education program shall be placed on conditional approval when the board has determined that it fails to meet one or more of the established standards. (See §3535).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 3:185 (April 1977), amended LR 8:65 (February 1982), LR 10:1024 (December 1984), amended by the Department of Health and Hospitals, Board of Nursing, LR 14: (August 1988).

§3533. Procedure for Establishing a New Program

A. Step 1

1. A parent institution wishing to establish a new program in nursing shall submit, at least one year in advance of anticipated date for admission of students, 12 copies of the following:

- a. a written notice of intent to establish a new program in nursing stating the purpose and type of program;
- b. documented evidence of approval from the parent institution to award the appropriate degree or diploma and a copy of the current bulletin or catalog;
- c. a report of a feasibility study documenting a need for the program. The study shall include evidence of:
 - i. nurse manpower studies which validate need for the program as it relates to total state resources and nursing education in the state, and the potential impact on other nursing education programs within a geographical area of 100 miles;
 - ii. availability of qualified nurse faculty and support faculty;
 - iii. adequate academic and clinical facilities to meet the needs of the program;
 - iv. adequate financial resources for planning, implementing and continuing the program;
 - v. commitment of administration to support the program;
 - vi. community support;
 - vii. a proposed time schedule for initiating and expanding

the program;

viii. an available pool of potential students.

2. Representative of the parent institution shall meet with the board at a regularly scheduled board meeting to review the notice of intent, the report of the feasibility study and any other information submitted. Based on its review the board shall give written notification to the parent institution that:

a. supplementary information is needed, or that

b. the notice of intent to establish a new program is sanctioned and the parent institution may continue with the plan to establish the program; or

c. public announcements of the opening of the proposed program and pre-admission of students shall not occur prior to the receipt of initial board approval;

d. the application is not sanctioned, the reasons thereof, and all planning must cease.

B. Step II

1. If the parent institution is granted sanction by the board to proceed with the development of the program a qualified program head shall be employed a minimum of 12 months prior to the admission of the first class of students.

2. The program head shall have the authority and responsibility to develop:

a. an organizational structure for the program;

b. an organizational chart;

c. a constitution and bylaws;

d. administrative policies and procedures;

e. policies for screening and recommending candidates for faculty appointments and for retention and promotion of faculty (See §3515);

f. a budget;

g. a plan for the use of clinical and cooperating agencies;

h. a sample contractual agreement with clinical and cooperating agencies;

i. a plan for the use of academic facilities and resources.

3. The program head shall appoint a minimum of four full-time nurse faculty whose background includes:

a. experience in curriculum design;

b. previous teaching experience in a nursing education program of the same academic level as the proposed program;

c. clinical nursing practice for a minimum of two years.

4. Faculty shall be appointed at least six months prior to admission of students.

5. The nurse faculty shall develop the proposed program and plan for its implementation. They shall write:

a. philosophy, purpose and objectives;

b. curriculum plan;

c. course objectives;

d. course outlines;

e. evaluation plan and methods;

f. admission, progression and graduation criteria;

g. policies for protecting students' rights, their safety and welfare, and for guidance and counseling;

h. plan for utilization of clinical facilities and cooperating agencies.

6. Upon completion of this phase of the development of the proposed program, the program head may petition the board for an initial survey visit.

C. Step III

1. Initial approval may be requested after an on-site survey by a representative of the board.

2. After initial approval is granted, students may be admitted to the program.

D. Step IV

Within the first academic year, a representative of the board shall conduct an on-site survey of the program.

E. Step V

1. Full approval shall be requested after members of the first class of graduates write and receive the results of the first licensing examination. Additionally, an on-site survey shall be requested and upon presentation of evidence that standards of the board have been met, full approval may be granted to the program.

2. Initial approval shall not be continued for more than two consecutive one-year periods following the nursing program's eligibility to apply for full approval.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 3:190 (April 1977), amended by the Department of Health and Hospitals, Board of Nursing, LR 14: (August 1988).

Marjorie M. Luc, RN
Interim Executive Director

RULE

Department of Health and Hospitals Board of Nursing

The Louisiana State Board of Nursing amended LAC 46:XLVII. 3361 as follows.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XLVII. Nurses

Subpart 2. Registered Nurses

Chapter 33. General Rules

Subchapter D. Registration and Licensure

§3361. Fees for Registration and Licensure

The board shall collect in advance fees for registration and licensure services as follows:

A. Examination, registration and initial licensure . . .	\$35
B. Renewal of license	25
C. Late renewal of license	50
D. Verification to other states	15
E. Repeat examination	35
F. Qualifying examination	35
G. Proctor service (for other state)	35
H. Endorsement	50

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918 and R.S. 37:927.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 8:417 (August 1982), amended by the Department of Health and Hospitals, Board of Nursing, LR 14: (August 1988).

Marjorie M. Luc, RN
Interim Executive Director

RULE

**Department of Health and Hospitals
Office of Public Health**

The Louisiana Cancer and Lung Trust Fund Board has amended its Procedural Regulations as follows:

Title 48

PUBLIC HEALTH - GENERAL

Part V. Public Health

Subpart 31. Louisiana Tumor Registry (LTR)

Chapter 83. Cancer and Lung Trust Fund Board

§ 8303. Membership

A. Membership of the board is determined by R.S. 40:1299.88(D) and consists of members appointed and reappointed by the governor, to serve at his pleasure, upon recommendation of each institution and organization represented: (1) a representative from Tulane University School of Medicine, (2) a representative from the Louisiana State University School of Medicine, New Orleans, (3) a representative from the Louisiana State University School of Medicine, Shreveport, (4) a representative from the Alton Ochsner Medical Foundation, (5) a representative of the American Cancer Society, Louisiana Division, (6) a representative of the Leukemia Society of America, Inc.,

Louisiana Chapter, (7) a representative of the Mary Bird Perkins Cancer, Radiation and Research Foundation, Inc., (8) a representative of the Flint Goodridge Hospital, (9) a representative of the Louisiana State Medical Society, (10) a representative of the American Lung Association of Louisiana and (11) a representative of the Acadiana Medical Research Foundation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.88(D).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, *Louisiana Register* (August, 1988).

and

§8305. Board Officers

B. Officers shall serve two-year terms, beginning on the first day of October. No officer shall hold the same office more than two consecutive terms.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299 88(E)1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 14: (August, 1988).

David L. Ramsey
Secretary

RULE

**Department of Health and Hospitals
Office of Public Health**

The Department of Health and Hospitals, Office of Public Health has amended the Fee Adjustment Schedule as contained in the regulations for the Family Planning Program found in the *Louisiana Register*, Vol. 13, No. 9, page 500 (September 20, 1987).

Title 48

PUBLIC HEALTH - GENERAL

Part V. Preventive Health Services

Subpart 13. Family Planning Services

Chapter 37. Fees

§3703. Fee Adjustment Schedule

B. Persons whose adjusted income in accordance with family size is at or below 100 percent of poverty as is defined by the United States Community Services Administration poverty guidelines shall not be responsible for payment of services. Persons whose gross family income is at or above 250 percent poverty as is defined by the United States Community Services Administration poverty guidelines shall be charged the full cost of services provided. Between these two levels, fees shall be adjusted in accordance with the formula included in the "Schedule of Charges". Effective August 20, 1988 the current fee schedule is replaced by the following:

Family Size	I	II	III	IV	V	Family Size	VI	VII	VIII	IX	X	XI
	%Poverty Income Less Charge	100% or 101%- 115% of Cost	116%- 130% of Cost	131%- 145% of Cost	146%- 160% of Cost		%Poverty Income 50% of Cost	161% - 175% of Cost	176%- 190% of Cost	191%- 205% of Cost	206%- 220% of Cost	221%- 235% of Cost
1	5.770	6.347	6.924	7.501	8.078	1	8.655	9.232	9.809	10.386	10.963	11.540
2	7.730	8.503	9.276	10.049	10.822	2	11.595	12.368	13.141	13.914	14.687	15.460
3	9.690	10.659	11.628	12.597	13.566	3	14.535	15.504	16.473	17.442	18.411	19.380
4	11.650	12.815	13.980	15.145	16.310	4	17.475	18.640	19.805	20.970	22.135	23.300
5	13.610	14.971	16.332	17.693	19.054	5	20.415	21.776	23.137	24.498	25.859	27.220
6	15.570	17.127	18.684	20.241	21.798	6	23.355	24.912	26.469	28.026	29.583	31.140
7	17.530	19.283	21.036	22.789	24.542	7	26.295	28.048	29.801	31.554	33.307	35.060
8	19.490	21.439	23.388	25.337	27.286	8	29.235	31.184	33.133	35.082	37.031	38.980
9	21.450	23.595	25.740	27.885	30.030	9	32.175	34.320	36.465	38.610	40.755	42.900
10	23.410	25.751	28.092	30.433	32.774	10	35.115	37.456	39.797	42.138	44.479	46.820
11	25.370	27.907	30.444	32.981	35.518	11	38.055	40.592	43.129	45.666	48.203	50.740
12	27.330	30.063	32.796	35.529	38.262	12	40.995	43.728	46.461	49.194	51.927	54.660
13	29.290	32.219	35.148	38.077	41.006	13	43.935	46.864	49.793	52.722	55.651	58.580
14	31.250	34.375	37.500	40.625	43.750	14	46.875	50.000	53.125	56.250	59.375	62.500
15	33.210	36.531	39.852	43.173	46.494	15	49.815	53.136	56.457	59.778	63.099	66.420
16	35.170	38.687	42.204	45.721	49.238	16	52.755	56.272	59.789	63.306	66.823	70.340
17	37.130	40.843	44.556	48.269	51.982	17	55.695	59.408	63.121	66.834	70.547	74.260

AUTHORITY NOTE: Promulgated in accordance with 42 USC 300: 42 CFR Subpart A, Part 59.5A5.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health Services LR 14: (August 1988).

David L. Ramsey
Secretary

RULE

Department of Health and Hospitals Office of the Secretary Gary W. Project Office

Effective August 20, 1988, the Department of Health and Hospitals, Office of the Secretary, Gary W. Project Office is implementing policy to amend LAC 48:I. Chapter 13, the DHH policy on reporting alleged abuse, neglect, mistreatment and/or deaths of Gary W. classmembers. This revision is necessary to comply with the Court Order issued by Judge Robert Collins on May 4, 1988, in the matter of *Gary W. et. al., vs. State of Louisiana, et. al.*. Chapter 13 is being amended to read as follows.

Title 48

PUBLIC HEALTH – GENERAL

Part I. General Administration

Subpart 1. General

Chapter 13. DHH Policy on Reporting Alleged Abuse, Neglect, Mistreatment and/or Deaths of Gary W. Classmembers.

§1301. Policy Statement

This document is a revision to 13:299 (May, 1987), DHH Policy on Reporting Alleged Abuse, Neglect, Mistreatment and/or Deaths of Gary W. Classmembers. The primary purpose of this document is to ensure a more effective, efficient and responsive system of reporting incidents involving Gary W. classmembers. Additional purposes include:

- A. to differentiate types of incident;
- B. to differentiate allegations of abuse/neglect from unusual occurrences which are reported directly to the Gary W. Project Office and unusual occurrences which are reported to the designated agency representative;
- C. to provide procedures for reporting unusual occurrences, abuse/neglect allegations and the death of a class member;
- D. to outline the responsibilities of significant parties;
- E. to explain corrective action and note the consequences for failure to implement corrective action.

AUTHORITY NOTE: Promulgated in accordance with Gary W., et al., vs. State of Louisiana, Civil Action 74-2412.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April, 1987), amended LR 13:299 (May, 1987), amended LR 14: (August 1988).

§1303. Definitions

- A. *Incident* means the occurrence or suspected occurrence of any of the following: abuse, neglect, or unusual occurrence.
- B. *Abuse* is any act which would endanger the well-being

of a class member through the action of any individual, whether or not the class member is or appears to be injured or harmed. Abuse is categorized as follows:

1. **Physical Abuse** - physical contact including, but not limited to, hitting, slapping, pinching, kicking, hurling, strangling, shoving or otherwise mishandling of a class member. Physical contact that endangers the safety of the class member as well as handling of a class member with more force than is reasonably necessary also constitutes physical abuse.

2. **Sexual Abuse** - any sexual activity between the class member and educators, day care providers, employees, consultants, contractors and class members. Additionally, sexual abuse is any sexual activity between class members and others, or among class members unless the class member(s) involved is a consenting adult. Sexual abuse includes any touching or fondling of a class member directly or through clothing for the arousal or gratification of sexual desires of the perpetrator. It also includes encouraging a class member to touch or engage in any sexual activity with another person for the purpose of arousing or gratifying sexual desires.

3. **Psychological (Emotional) Abuse** - the use of verbal or non-verbal expressions in a tone of voice or in such a manner that subjects a class member to ridicule, humiliation, scorn or contempt.

4. **Seclusion** - the placement of a class member alone in a secured room from which he or she cannot leave at will. Seclusion is considered to be a form of abuse and is prohibited. Time out is not to be confused with seclusion. Time out, when used in accordance with the procedures set forth in Appendix A to this policy, is permissible.

- C. The term **NEGLECT** means a negligent act or omission by any individual responsible for providing services or supervision to a class member which caused or may have caused injury to the class member or which placed the class member at risk or injury, and includes an act or omission such as the failure to provide adequate nutrition, supervision, clothing, or health care, or the failure to provide a safe environment for the class member.

D. Unusual Occurrences

1. **Elopement** - any absence of a class member from a program or placement which constitutes a danger to the well-being of that class member.

2. **Restraint** - any device which prevents the free movement of either/or both arms or legs, totally immobilizes a class member, or any medication ordered by a physician which renders the class member unable to participate in therapeutic, programmatic, or leisure activities.

3. **Medication Error** - the administration of medication in an incorrect form, not as prescribed or ordered, to the wrong class member, the failure to administer a prescribed medication, or the failure to correctly record (i.e. chart) a prescribed medication where such failure produces one of the aforementioned.

4. **Criminal Acts** - alleged actions by a class member such as homicide, attempted homicide, rape, public lewdness, robbery, theft, or any violations of the law.

5. **Accidents** - any injury to a class member which was caused accidentally or unintentionally.

6. **Fights Involving Class Members** - any use of physical force between or including one or more class members, whether or not injury occurs, in which staff were not involved except for purposes of stopping the fight.

7. Injuries Whose Cause Cannot Be Determined - any suspected or confirmed wound or harm to a class member whose cause cannot be determined, which results in a class member requiring medical attention by a physician, dentist, nurse, or any health care provider.

8. Sensitive Situations - delicate situations, not included in the aforementioned, which may have the potential to affect adversely the care, safety and/or well-being of a class member.

E. *Corrective Action Plan* is a specific plan of action to minimize the harmful impact or rectify incidents and to eliminate and control the potential for abuse/neglect. The plan outlines specific action to be taken by specific parties with target dates for completion.

F. *Facility* means any place, however named, that provides: 1) any form of residential services, or 2) any form of day program services to class members.

G. *Facility Administrator* means the individual with ultimate responsibility for the daily operations of a facility.

H. *Responsible Individual* means the individual such as a foster parent, substitute family parent or staff person ultimately responsible for a supervised apartment, who is responsible for the care and program of a class member who is residing in a small facility.

I. *Small Facility* means any facility which has no employees and/or any facility which serves three or fewer class members, including, but not limited to, foster care, substitute family care and supervised apartment (but not including community class members).

J. *State Investigation Report* is any investigation report prepared by a State agency.

K. *Multiple Incidents* - the occurrence of three or more incidents to a class member in any six-month period shall constitute a multiple incident.

AUTHORITY NOTE: Promulgated in accordance with Gary W., et al., vs. State of Louisiana, Civil Action 74-2412.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April, 1987), amended LR 13:299 (May, 1987), amended LR 14: (August 1988).

§1305. Where to Report Incidents

A. Incidents which must be Reported to the Gary W. Project Office

All incidents of:

1. physical abuse, sexual abuse, seclusion, unauthorized or inappropriate use of restraint, and neglect must be reported to the Gary W. Project Office;

2. any injury to a class member, no matter what the cause, which requires more than first aid (for example, any injury which requires: treatment by a physician, hospitalization, stitches, or more than one visit by a health care provider); or

3. elopement of class members whose absence constitutes a recognized danger to the possible well being of that class member or others would be reported immediately to the project office. For class members not in this category, the decision for reporting the absence shall be based on reasoned judgment, by taking into consideration the client's habits, deficits, mental status, capabilities, health problems, and similar considerations, but shall in no instance exceed 72 hours.

4. the occurrence of any of the above incidents shall be reported by the project office to the Quality Assurance Monitoring Group/Independent Monitoring Unit within 24 hours of their

receipt of the report.

B. Incidents which must be Reported to the Designated Representative of the Local Oversight Committee

All incidents involving psychological abuse, all elopements in excess of 24 hours, and all unusual occurrences must be reported to the Local Oversight Committee, except those noted above in paragraph A (2) - (3). In case of reasonable doubt about whether an incident should be reported to the Gary W. Project Office or to the local oversight committee, the incident must be reported to the Gary W. Project Office with a comment or notation that the person who is reporting the incident is in doubt as to whom the incident should be reported.

C. How and When to Report an Incident

1. Each facility shall at all times have two designated representatives who are available to receive incident reports from employees at any time.

2. Every employee of a facility must report any incident both in writing and by telephone to either the Gary W. Project Office or to the designated representative in accordance with (A) - (B) of this Section of this policy whenever the employee becomes aware of or has reason to believe that an incident has occurred.

3. The written report shall be filed on a Standard Incident Report Form and must be filed (or mailed) immediately, but in no event later than 24 hours following the incident. A copy of the incident report must also be sent to the class member's casemanager. The telephone report, containing all available information regarding the incident, must be made immediately, but in no event later than 12 hours following the incident.

4. Any employee who reports an incident to the Gary W. Project Office shall also report the incident to a designated representative and the facility administrator. If the employee believes that the designated representatives are involved in the incident, the employee shall report the incident to the Gary W. Project Office and to the facility administrator, his or her designee, or some other member of management of the facility and note his or her belief regarding the involvement of the designated representative.

5. The designated representative shall immediately review the incident report to ensure that it has been properly reported in accordance with this recommendation. If further reporting is required, the designated representative shall immediately (i.e. not later than 24 hours after receiving the employee's report) forward the report to the Gary W. Project Office and/or the casemanager. In addition, the designated representative shall send a copy of each incident report to the local oversight committee.

6. In the event that a verbal or telephone report of an incident involving a community class member is received by DHH from any individual, the DHH employee who receives the report will immediately communicate the information by telephone to the Gary W. Project Office. The project office will immediately communicate the report by telephone to the class member's casemanager. The casemanager will take appropriate action to prepare and file a standard incident report form immediately, but in no event later than 24 hours from the time the casemanager was notified by the project office of the incident.

D. Casemanager

Whenever a casemanager has reason to believe that an incident has occurred, he/she shall immediately determine whether an incident report has been filed under these rules. If an incident report has not been filed, the casemanager shall imme-

diately report both the suspected incident and the failure of the facility to file an incident report to the Gary W. Project Office.

E. Special Rules for Small Facilities

1. Any person associated with a small facility who has responsibility to provide care and/or service to one or more Gary W. classmembers must report any incident both in writing and by telephone to the Gary W. Project Office whenever that person becomes aware of or has reason to believe that an incident has occurred.

2. The written report shall be filed on a standard incident report form and must be filed immediately, but in no event later than 24 hours following the incident. A copy of the incident report must also be sent to the class member's casemanager. The telephone report, containing all available information regarding the incident, must be made immediately, but in no event later than 24 hours following the incident.

3. Responsibility for investigation of allegations of incidents in small facilities shall be as follows: The state will investigate all incidents of abuse and neglect and the following unusual occurrences: restraint, medication error, injuries whose cause cannot be determined, and elopement of the kind described in A.3 of this Section. For all other incidents, the Gary W. Project office may, in its discretion, request the responsible individual to conduct the investigation, but the state *must* conduct the investigation if: a) there is any reason to believe that the responsible individual or any member of his/her family or staff were involved in the incident, and b) this is a multiple incident.

4. Investigation of all incidents in small facilities shall commence within 12 hours of the receipt of the telephone report of the incident. During this 12-hour period, the investigator shall visit the facility and meet with the class member. The investigation shall be completed as soon as possible but, in any event, no later than 30 days after it was started.

5. The provision of this policy contained in (A) - (C) of this Section and §1307. and any references to the local oversight committee shall not apply to small facilities.

6. All other provisions of this policy shall apply to small facilities.

F. Special Rules for Community Class Members

The following rules govern investigations of incidents involving community class members:

1. The OHD investigative unit will investigate all incidents of abuse and neglect and the following unusual occurrences: restraint and injuries whose cause cannot be determined. For all other incidents, the casemanager shall conduct the investigation.

2. Investigation of all incidents involving community class members shall commence within 12 hours of the receipt by the Gary W. Project Office of a telephone report of an incident. During the 12-hour period, the investigator shall visit with the class member. The investigation shall be completed as soon as possible but, in any event, no later than 30 days after it was started.

3. The provision of this policy contained in (A) - (C) of this Section and §1307. and any references to the local oversight committee shall not apply to community class members.

4. All other provisions of this policy shall apply in small facilities.

AUTHORITY NOTE: Promulgated in accordance with Gary W., et al., vs. State of Louisiana, Civil Action 74-2412.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary. LR

13:246 (April, 1987), amended LR 13:299 (May, 1987), amended LR 14: (August 1988).

§1307. Responsibility for Investigations at Facilities Other Than Small Facilities and Other Than for Community Class Members

A. Except as otherwise provided in the following subsection, the state is responsible for investigating all incidents which are reported to the Gary W. Project Office.

B. In its discretion, the Gary W. Project Office may instruct the facility to investigate any incident which is reported to the Gary W. Project Office, except that the state *must* investigate all incidents listed in §1305. A (1) and (3) of this policy. In addition, the state *must* investigate any injury to a class member which requires more than first aid whose cause cannot be determined or which occurs at the facility and *may* investigate any other injury which, in the discretion of the Gary W. Project Office, should be investigated by the state.

C. The facility shall be responsible for investigating all incidents which are reported exclusively to a designated representative under §1305.B. of this policy. The designated representative who receives the incident report shall conduct the investigation.

D. If the Gary W. Project Office makes a decision to have the facility conduct an investigation of an incident reported to the project office, it shall communicate that instruction by telephone to a designated representative within 12 hours of receipt of the incident report.

E. Investigation of all incidents shall commence within 12 hours of the receipt of the phone report of the incident. During this 12-hour period, the investigator will visit the facility and meet with the class member. The investigation shall be completed as soon as possible but, in any event, no later than 30 days after it was started.

AUTHORITY NOTE: Promulgated in accordance with Gary W., et al., vs. State of Louisiana, Civil Action 74-2412.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April, 1987), amended LR 13:299 (May, 1987), amended LR 14: (August 1988).

§1309. Format for Investigation

A. Purpose and Standard of Proof

The purpose of the investigation is to determine if the allegation of abuse, neglect or other unusual occurrence can be substantiated by a fair preponderance of the credible evidence. That means that based upon a review of the believable evidence, an incident is more likely than not to have either occurred or not occurred. The investigator is to determine whether or not an incident occurred, even if the investigator cannot determine the cause or perpetrator of the incident. All investigations must use the standard form entitled Investigation Report.

B. Content of Investigation

Each investigation shall contain:

1. a summary description of any allegations, including the name and job title (or address) of the person making the allegation;
2. a summary of any injuries or other harm to the class member;
3. summaries or verbatim transcripts of any statements made by witnesses;
4. an evaluation by the investigator of the credibility of any witnesses, including any reasons for conclusions about the

witnesses' credibility (e.g. personal involvement, bias);

5. a summary of any statements made by experts concerning their opinions as to the cause of any incident (e.g. statements by a physician whether an injury is likely to have been accidental);

6. an evaluation of the evidence by the investigator and his/her conclusion whether the allegation is valid, invalid, or invalid with concerns (listing the concerns);

7. any recommendations for corrective action;

8. steps taken to protect class member(s) during pendency of investigation.

C. Method of Proceeding

As a minimum, each investigator must:

1. review all medical reports connected with the alleged incident;

2. interview all witnesses to the incident;

3. interview all staff who were responsible for the class member at the time of the incident;

4. take notes or record each interview and prepare a summary of each interview;

5. where appropriate, take photographs of any injuries;

6. where appropriate, seek an evaluation of the incident from professionals who either work with the class member or who treated any injuries associated with an alleged incident.

D. Filing of Investigation Report

Upon completion of the investigation and preparation of the investigation report, the person responsible for conducting the investigation shall immediately send a copy to the Gary W. Project Office, the local oversight committee, the casemanager for the class member(s) involved in the incident and the facility administrator. The Gary W. Project Office shall immediately send a copy of the investigation report to the Quality Assurance Monitoring Group/Independent Monitoring Unit, and plaintiff's counsel. In addition, the investigator shall conduct an exit interview with the facility administrator or his/her designee to outline findings and to cite recommendations.

AUTHORITY NOTE: Promulgated in accordance with Gary W., et al., vs. State of Louisiana, Civil Action 74-2412.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April, 1987), amended LR 13:299 (May, 1987), amended LR 14: (August 1988).

§1311. Employee Discipline

A. Responsibility and authority for imposition of discipline rests with the facility administrator.

B. Each facility shall maintain and disseminate to its employees a written policy which shall include the following:

1. a clear prohibition of abuse/neglect of residents as those terms are defined herein;

2. the concept of progressive discipline. This means that except in instances of extremely serious or repeated misconduct, discipline should focus on providing additional training or support for staff along with disciplinary measures short of termination (e.g. probation, suspension) rather than seeking termination of the employee as the first option;

3. measures to protect class members from an employee suspected of abuse/neglect during the pendency of any investigation. Such measures may include suspension, removing the employee from contact with and/or responsibility for the class member, transferring the employee to another facility or other measures as may be appropriate for the circumstance;

4. a requirement that final disciplinary action, if any, be taken within 48 hours of receipt of the investigation report, unless an employee admits responsibility for an incident of abuse/neglect or other compelling circumstances warrant immediate final action. Final disciplinary action should generally await the receipt of the investigation report.

AUTHORITY NOTE: Promulgated in accordance with Gary W., et al., vs. State of Louisiana, Civil Action 74-2412.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April, 1987), amended LR 13:299 (May, 1987), amended LR 14: (August 1988).

§1313. Local Oversight Committee

A. Responsibility

1. Each facility shall have a local oversight committee whose responsibility it is to:

a. review all reported incidents,

b. monitor, review and analyze investigations of incidents,

c. make recommendations to the facility administrator regarding corrective actions which are designed to reduce the risk of future incidents, including but not limited to recommendations regarding: staff training and orientation programs; personnel policies regarding employee discipline; staffing patterns; pre-employment screening procedures; staff recruitment, and criteria for hiring,

d. make recommendations to the facility administrator regarding any corrective action plan which may be requested by the Gary W. Project Office.

2. The minutes of all meetings of the Local Oversight Committee along with any recommendations issued by the committee shall be forwarded within three days of the Committee's meeting to a) the facility administrator and b) the Gary W. Project Office.

B. Composition of Local Oversight Committee

1. The Local Oversight Committee shall include, at a minimum:

a. the facility administrator/or designee

b. a direct care staff member

c. at least two of the following:

i. a relative

ii. consumer

iii. advocacy group representative

iv. consultant (nurse, social worker, etc.) not employed by the facility or the DHH.

2. Meetings of the local oversight committee cannot proceed until the representative of each of the above groups is present.

3. The Human Rights Committee of any facility may perform the functions of the local oversight committee so long as the Human Rights Committee contains representatives from each of the groups designated in this Paragraph. Where the facility's Human Rights Committee is composed of a majority of facility personnel, a subcommittee reflecting the composition in B1., 2., and 3. shall serve as local oversight committee.

4. There shall be equal representation on the local oversight committee between non-facility representatives (B.3.) and the combined number of facility representatives (B.1. and B.2.). Further, no meeting of the local oversight committee may proceed unless there are at least as many non-facility representatives present at the meeting as facility representatives.

AUTHORITY NOTE: Promulgated in accordance with Gary W., et al., vs. State of Louisiana, Civil Action 74-2412.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April, 1987), amended LR 13:299 (May, 1987), amended LR 14: (August 1988).

§1315. Procedures Following Receipt of Investigation Report

A. Within 24 hours of its completion, copies of the investigation report shall be sent to (1) the facility administrator; (2) the Local Oversight Committee; and (3) the Gary W. Project Office. Within 24 hours of receipt of the Investigation Report, the Gary W. Project Office will send a copy of the investigation report to the Quality Assurance Monitoring Group/Independent Monitoring Unit and plaintiff's counsel.

B. The facility administrator shall take final disciplinary action, if any, in accordance with §1311.

C. The local oversight committee shall review all investigation reports of any incident which was investigated by a designated representative.

D. Within seven business days of receipt of a state investigation report the Gary W. Project Office, either directly or upon request of a program office, shall request a corrective action plan from a facility in any of the following instances: (a) in the case of death (when deemed appropriate or when requested by the Quality Assurance Monitoring Group/Independent Monitoring Unit) or serious injury to a class member; (b) in any instance in which there appears to be a pattern of abuse or neglect within a facility; (c) in any instance in which there appears to be inadequate supervision of staff within a facility; (d) in any other instances in which the Gary W. Project Office or a program office determines that such a corrective action plan is necessary or desirable to protect class members.

E. The Gary W. Project Office may include certain minimum actions which must be included in the corrective action plan. All corrective action plans shall state what disciplinary action, if any, was taken relative to the incident.

F. All corrective action plans shall be implemented within 15 days unless the Gary W. Project Office agrees to an extension of not more than 30 additional days.

G. Copies of the corrective action plan shall be sent to those persons and entities listed in A. of this Section.

H. The secretary and appropriate program offices of DHH shall be responsible for ensuring that corrective action plans have been implemented. The Gary W. Project Office shall be responsible for monitoring and tracking corrective action plans and shall request documentation from the facility for this purpose. In addition, the Gary W. Project Office, through the case-manager, shall conduct at least two on-site inspections of the facility in the six-month period following the preparation of the corrective action plan to ensure that the plan is being implemented. Deficiencies in the implementation of the plan shall be called to the attention of the facility administrator and corrected within 30 days. Verification of the corrections shall take place within 30 days thereafter by an on-site inspection by the case-manager. A certification of correction will be issued by the Gary W. Project Office upon verification of all corrections. Copies of the certification of corrections shall be sent to those persons and entities listed in A. of this Section.

I. Technical assistance in the development and implementation of corrective action plans will be available to a facility at

any time, upon request, through the Gary W. Project Office. In addition, a facility may be required to accept technical assistance as part of a corrective action plan.

AUTHORITY NOTE: Promulgated in accordance with Gary W., et al., vs. State of Louisiana, Civil Action 74-2412.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April, 1987), amended LR 13:299 (May, 1987), amended LR 14: (August 1988).

§1317. Death

In addition to the other requirements of this policy, in the case of death of a class member, the casemanager will submit as soon as available to the Gary W. Project Office, the Quality Assurance Monitoring Group/Independent Monitoring Unit, and plaintiff's counsel, a summary, inclusive of the following:

A. the incident report;

B. a copy of the death certificate;

C. the date and time of day parents/guardians were notified and how they were notified;

D. an autopsy report (if performed);

E. a copy of social summary inclusive of class member's legal status and placement history;

F. a copy of the investigation prepared or arranged by the Attorney General's office, as mandated by law. DHH shall request such an investigation; and

G. other information as may be requested by the external oversight committee or Quality Assurance Monitoring Group/Independent Monitoring Unit.

AUTHORITY NOTE: Promulgated in accordance with Gary W., et al., vs. State of Louisiana, Civil Action 74-2412.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April, 1987), amended LR 13:299 (May, 1987), amended LR 14: (August 1988).

§1319. Responsibilities of State Program Offices

The primary responsibility of a state program office (Office of Community Services; Office of Mental Health, Mental Retardation and Prevention and Recovery from Alcohol and Drug Abuse - Mental Health; Office of Mental Health, Mental Retardation and Prevention and Recovery from Alcohol and Drug Abuse - Mental Retardation; and the Office of Eligibility Determinations) relative to abuse/neglect is to provide assistance and information to the Gary W. Project Office and to casemanagers. Additional responsibilities include:

A. providing direction, information and technical assistance to providers and facility administrators as needed and directed;

B. serving as consultant to service providers on specific issues pertinent to enhancing services and eliminating and/or controlling problems, as directed;

C. serving as a consultant to the Gary W. Project Office with respect to requests for corrective action plans;

D. making recommendations to the secretary of DHH regarding sanctions and ensuring implementation of corrective action plans.

AUTHORITY NOTE: Promulgated in accordance with Gary W., et al., vs. State of Louisiana, Civil Action 74-2412.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April, 1987), amended LR 13:299 (May, 1987), amended LR 14: (August 1988).

§1321. Responsibilities of Gary W. Project Office

The primary responsibility of the Gary W. Project Office is to serve as the initial contact to facilities on incidents and abuse/neglect allegations. In addition to other responsibilities, the Gary W. Project Office will:

A. collect and analyze data generated by incident and abuse/neglect allegation reporting;

B. draw inferences from this data to make recommendations to enhance the delivery of services and to eliminate and/or control incidents and abuse/neglect allegations;

C. identify trends in incidents and/or allegations of abuse/neglect and recommend action if needed;

D. arrange the initial training on incident and abuse/neglect policy and procedures as needed and as directed;

E. provide facilities with updated information pertinent to abuse/neglect;

F. forward pertinent information to casemanagers, the state program offices, the Quality Assurance Monitoring Group/Independent Monitoring Unit; the Investigative Unit; facilities, DHH's Executive Management and significant others deemed appropriate;

G. serve as liaison to the Quality Assurance Monitoring Group/Independent Monitoring Unit;

H. consult with the appropriate state program office regarding the need for and/or content of a corrective action plan in cases involving serious incidents of abuse/neglect or a pattern of abuse/neglect;

I. review the minutes and recommendations prepared by local oversight committees;

J. prepare a summary report every six months which includes the following information:

1. data related to the circumstances of allegations — when and where the allegation reportedly occurred, specific precipitating factors and repeated alleged victims or perpetrators;

2. timeframe within which investigations were reported, investigated, and reviewed for follow-up of recommendations;

3. whether allegations were found to be sustained;

4. the degree of employee/agency supervisory culpability;

5. type of discipline imposed and corrective actions;

6. narrative summation statements identifying trends and corresponding preventive/corrective actions;

7. regional and provider trends vis-à-vis abuse-neglect incidents.

The Gary W. Project Office has responsibility for determining the presence of multiple incidents for all class members on a monthly basis. If a class member is involved in a multiple incident, the Project Office shall immediately notify that class member's casemanager as well as plaintiff's counsel and the Quality Assurance Monitoring Group/Independent Monitoring Unit and/or external oversight committee. The casemanager shall convene an interdisciplinary team meeting to review the cause of the incidents and to discuss any action which may be appropriate to reduce the risk of further incidents. Such actions may include technical assistance to the facility, a modification of the client's program or living arrangements or a change in placement. The casemanager shall ensure that any such needed actions are in fact implemented.

AUTHORITY NOTE: Promulgated in accordance with Gary W., et al., vs. State of Louisiana, Civil Action 74-2412.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April, 1987), amended LR 13:299 (May, 1987), amended LR 14: (August 1988).

§1323. External Oversight Committee

A. DHH will ensure the development and maintenance of an External Oversight Committee. The function of the committee is to review and monitor the entire system of abuse/neglect reporting, investigation and correction, and all issues associated with the operation of the DHH policy on reporting abuse, neglect, death and/or mistreatment of Gary W. classmembers.

B. In addition to the other reporting requirements established in this policy, the Gary W. Project Office will send the committee copies of its six-month summary reports. The committee will review these reports to determine compliance with state policies and procedures and to make recommendations for preventive/corrective action. The committee may recommend new policies, legislation or administrative rules to further reduce the risk of abuse/neglect of class members. Recommendations prepared by the external oversight committee shall be sent to the secretary of DHH; the Gary W. Project Office; the state program office and plaintiff's counsel.

C. DHH shall assure that the external oversight committee has access to technical expertise in the administration of programs for persons with developmental disabilities to carry out its responsibilities under this policy.

D. As long as the Office of the Special Master and/or the Quality Assurance Monitoring Group exists, it shall perform all the functions of the committee set out above. Upon the termination of the order relating to the Independent Monitoring Unit, the parties shall submit recommendations for an independent monitoring unit to the court and the court will select and appoint a unit to undertake these activities and serve as the external oversight committee.

AUTHORITY NOTE: Promulgated in accordance with Gary W., et al., vs. State of Louisiana, Civil Action 74-2412.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April, 1987), amended LR 13:299 (May, 1987), amended LR 14: (August 1988).

§1325. Sanctions

A. The provider will be subject to sanctions, penalties, or possible withdrawal of client for failure to comply with this policy or with requests issued by DHH pursuant to this policy. The severity of such action will depend on:

1. the nature of the violation (degree to which a class member's safety, well-being and care have been jeopardized);

2. the frequency of the violation;

3. the persistent failure to follow DHH/facility policy and procedure.

B. Penalties and/or sanctions include:

1. loss of funding

2. closure

3. cancellation of contract

4. criminal charges

5. fines up to \$1,000 a day.

C. The state program office and/or the Gary W. Project Office will recommend sanctions to the secretary of DHH as appropriate.

AUTHORITY NOTE: Promulgated in accordance with Gary W., et al., vs. State of Louisiana, Civil Action 74-2412.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April, 1987), amended LR 13:299 (May, 1987), amended LR 14: (August 1988).

§1327. Confidentiality

A. In accordance with R.S. 46:56 and 14:403, the identity of a reporter of an abuse/neglect allegation cannot be revealed.

B. All state and federal laws as well as DHH's policy on confidentiality apply to this policy.

AUTHORITY NOTE: Promulgated in accordance with Gary W., et al., vs. State of Louisiana, Civil Action 74-2412.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April, 1987), amended LR 13:299 (May, 1987), amended LR 14: (August 1988).

§1329. Training

Coordination of training for the policy shall be the responsibility of DHH.

AUTHORITY NOTE: Promulgated in accordance with Gary W., et al., vs. State of Louisiana, Civil Action 74-2412.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April, 1987), amended LR 13:299 (May, 1987), amended LR 14: (August 1988).

§1331. Provider Contracts/Agreements

All contracts/agreements between DHH and providers of day and residential services to class members shall state that the provider agrees to be bound by the terms and provisions of this policy.

AUTHORITY NOTE: Promulgated in accordance with Gary W., et al., vs. State of Louisiana, Civil Action 74-2412.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April, 1987), amended LR 13:299 (May, 1987), amended LR 14: (August 1988).

§1333. General

None of the above is intended to replace, modify or otherwise change existing office/departmental procedures regarding the investigation of deaths or allegations of abuse, neglect or mistreatment. This procedure is solely for the purpose of ensuring that Gary W. classmembers are protected from harm and are provided safe environments.

AUTHORITY NOTE: Promulgated in accordance with Gary W., et al., vs. State of Louisiana, Civil Action 74-2412.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April, 1987), amended LR 13:299 (May, 1987), amended LR 14: (August 1988).

APPENDIX A

Procedures Governing Time Out

No class member shall be placed alone in a locked room, either as punishment or for any other purpose; Legitimate "time

out" procedures may be utilized under close and direct professional supervision.

These standards shall apply to "time out" procedures:

1) They are to be imposed only when less restrictive measures are not feasible;

2) Placement shall be in an unlocked room with a staff member constantly nearby in a place where the staff member can supervise the class member;

3) The class member shall have access to bathroom facilities as needed;

4) The period of isolation or segregation shall not exceed 12 hours unless renewed by a qualified professional;

5) Except in an emergency situation in which it is likely that a class member would harm himself or others, the decision to place a class member in "time out" shall be made pursuant to a written order by a qualified professional, following a personal interview with the class member, and an evaluation of the episode or situation said to require isolation or segregation. Any such order must specify the terms and conditions of "time out" and the rationale for the decision; and

6) Emergency use of "time out" shall be authorized only by the facility administrator, shall be limited to a period of not more than one hour and shall conform to all of the provisions set forth in subparagraphs 1 - 3 of this Appendix.

APPENDIX B

Procedures Governing Use of Physical Restraints

Physical restraints shall be employed only when absolutely necessary to protect the class member from injury to himself or to prevent injury to others. Restraints shall not be employed as punishment, for the convenience of staff, or as a substitute for a treatment program. A class member shall be restrained only if alternative techniques have failed and only if such restraint imposes the least possible restriction consistent with its purpose; and then only in accordance with the following standards:

1) An order for restraint shall be in writing and shall not be in force for longer than 12 hours.

2) Except in an emergency situation, only qualified professionals may authorize the use of restraints.

3) A class member placed in restraint shall be checked at least every 30 minutes by staff trained in the use of restraints, and a record of such checks shall be made.

4) Mechanical restraints shall be designed and used so as not to cause physical injury to the class member and so as to cause the least possible discomfort.

5) Opportunity for motion and exercise shall be provided for a period of not less than ten minutes during each two hours in which restraint is employed.

6) Daily reports shall be made to the facility administrator by those qualified professionals ordering the use of restraints, summarizing all such use of restraint, the types used, the duration, and the reasons therefor.

7) Emergency use of restraints shall be authorized only by the facility administrator, shall be limited to a period of not more than one hour, and shall conform to all of the provisions set forth in subparagraphs 3 - 5 of this Appendix.

APPENDIX C

Procedures Governing the Use of Medications

- 1) No medication shall be administered unless a written order of a physician prescribes it in writing.
- 2) The medication prescribed for each class member shall be noted in his records. At least monthly the attending physician shall review the drug regimen of each class member under his care. All prescriptions shall be written with a termination date, which shall not exceed 30 days. The class member's records shall state the effects of psychoactive medication on the class member. Unnecessary or excessive medication shall not be administered to any class member.
- 3) Medication shall not be used as punishment, for the convenience of staff, as a substitute for a treatment program, or in quantities that interfere with the class member's treatment program.
- 4) No medication shall be administered except by persons who have been appropriately trained.

David L. Ramsey
Secretary

RULE

**Department of Health and Hospitals
Office of the Secretary**

The Department of Health and Hospitals, Office of the Secretary, has amended the rules for establishment of reimbursement rates, effective August 20, 1988 as follows:

The current rate setting methodology has been changed to one which consists of the three components of level of care - environment in which the service is delivered, supervision required in the service, and treatment required in the service. Costs associated with the environment will reflect average basic costs. Costs associated with supervision will reflect direct care costs, along with administrative salary costs. Costs associated with treatment will reflect professional intervention costs. The rate will be the sum of the three components appropriate to the care being delivered to the client. This methodology is an interim methodology and will be reviewed for changes throughout the fiscal year, but no later than June 30, 1989. This rule is applicable to residential facilities funded by Office of Eligibility Determinations, Office of Community Services, Office of Mental Health and Mental Retardation, Division of Mental Health, and Office of Mental Health and Mental Retardation, Division of Prevention and Recovery from Alcohol and Drug Abuse and is based upon the level of care of persons receiving the services.

David L. Ramsey
Secretary

RULE

**Department of Health and Hospitals
Radiologic Technology Board of Examiners**

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.), the Radiologic Technology

Board of Examiners has amended §103 of the rules and regulations regarding those persons required to be in compliance with R.S. 37:3200-3219 as follows:

**Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part LXVI. Radiologic Technologists
Chapter 1. Implementation of the Medical Radiation
Health and Safety Act**

§103. Applicability

All persons using radioactive materials or equipment emitting or detecting ionizing radiation on humans for diagnostic or therapeutic purposes shall be responsible for compliance in accordance with the provisions of this Chapter (refers to R.S. 37:3200-3219) and the provisions of these rules and regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3207.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Radiologic Technology Board of Examiners, LR 11:868 (September 1985), amended by the Department of Health and Hospitals, Radiologic Technology Board of Examiners, LR 14: (August 1988).

Alice Dausat
Chairman

RULE

**Department of Natural Resources
Office of Conservation**

STATEWIDE ORDER NUMBER 29-Q

(Editor's Note: This rule did not appear as a Notice of Intent in the Louisiana Register.)

Order amending and establishing application, permitting, monitoring, and maintenance fees to be assessed operations and activities within the regulatory jurisdiction of the Office of Conservation.

* * * *

Pursuant to power delegated under the laws of the state of Louisiana including but not limited to Act No. 13 of the 1988 First Extraordinary Session of the Legislature, and after a public hearing was held in Baton Rouge, Louisiana on June 16, 1988 under Docket No. 88-324, the following rules, regulations, fees, and schedules are promulgated by the commissioner of conservation as being reasonably necessary to govern the applications, permitting, monitoring, and maintaining of operations and activities within the regulatory jurisdiction of the Office of Conservation, and to otherwise carry out the laws of this state.
Section I. Definitions

Application for Unit Termination - an application for unit termination as authorized by Statewide Order 29-L.

Application for Substitute Unit Well - an application for a substitute unit well as authorized by Statewide Order 29-K.

Application for Public Hearing - an application for a public hearing as authorized by R.S. 30.

Application for Multiple Completion - an application to multiply complete a new or existing well in separate common sources of supply, as authorized by Statewide Order 29-C.

Application to Commingle - an application for authority to commingle production of gas and/or liquid hydrocarbons and to use methods other than gauge tanks for allocation, as authorized by Statewide Order 29-D.

Application for Automatic Custody Transfer - an application for authority to measure and transfer custody of liquid hydrocarbons by the use of methods other than customary gauge tanks, as authorized by Statewide Order 29-G.

Application for Noncommercial Injection Well - an application to construct a Class I, II, III, or V noncommercial injection well, as authorized by Statewide Orders 29-B, 29-M, and 29-N-1.

Application for Commercial Class I Injection Well - an application to construct a commercial Class I injection well, as authorized by Statewide Order 29-N-1.

Application for Commercial Class I Injection Well (Additional Wells) - an application to construct additional Class I injection wells within the same filing, as authorized by Statewide Order 29-N-1.

Application for Commercial Class II Injection Well - an application to construct a commercial Class II or Class V injection well, as authorized by Statewide Order 29-B.

Application for Commercial Class II Injection Well (Additional Wells) - an application to construct additional Class II or Class V injection wells within the same filing, as authorized by Statewide Order 29-B.

Annual "Inspection" Fee - an annual regulatory fee for inspection, monitoring and regulatory maintenance of all production wells, as authorized by R.S. 30:21. Stripper crude oil wells certified by the Severance Tax Division of the Department of Revenue and Taxation on January 1 of each year are exempt from this requirement.

Application for Permit to Drill (Minerals) - an application to drill in search of minerals, as authorized by R.S. 30:204.

Application to Amend Permit to Drill (Minerals) - an application to alter, amend, or change a permit to drill for minerals after its initial issuance, as authorized by R.S. 30:204.

Application to Renew Permit to Drill (Minerals) - an application to renew a permit to drill for minerals, as authorized by R.S. 30:204.

Application for a Work Permit - an application to work over an existing oil, gas, injection, or other well, as authorized by Statewide Order 29-B, 29-M, 29-N-1, or 29-P.

Application to Amend Permit to Drill (Injection or Other) - an application to alter, amend, or change a permit to drill an injection, or other well after its initial issuance, as authorized by R.S. 30:21.

Application to Renew Permit to Drill (Injection or Other) - an application to renew a permit to drill an injection, or other well, as authorized by R.S. 30:21.

Application for Well Classification (NGPA) - an application requesting the classification of a well, as authorized by § 503 of the Natural Gas Policy Act of 1978.

Application for Surface Mining Exploration Permit - an application to drill test holes or core holes for the purpose of determining the location, quantity, or quality of a coal or lignite deposit, as authorized in Statewide Order 29-0-1.

Application for Surface Mining Development Operations Permit - an application to remove coal, lignite, or overburden for

the purpose of determining coal or lignite quality or quantity or coal or lignite mining feasibility, as authorized by Statewide Order 29-0-1.

Application for Surface Mining Permit - an application for a permit to conduct surface coal or lignite mining and reclamation operations, as authorized by Statewide Order 29-0-1.

Application for R-4 Authority - authorization to transport oil, as authorized by Statewide Order No. 25.

Class I Injection Well - Class I injection wells within the state used to inject hazardous, industrial, or municipal wastes into the subsurface, which fall within the regulatory purview of Statewide Order No. 29-N-1, or successor regulations.

Type A Facility - commercial oilfield waste disposal facilities within the state that utilize technologies appropriate for the receipt, treatment, storage, or disposal of oilfield waste solids and liquids for a fee or other consideration, and fall within the regulatory purview of Statewide Order No. 29-B, XV, or successor regulations. Such facilities may include not more than three underground injection wells at the permitted facility.

Type B Facility - commercial oilfield waste disposal facilities within the state that utilize underground injection technology for the receipt, treatment, storage, or disposal of only produced saltwater, oilfield brine, or other oilfield waste liquids for a fee or other consideration, and fall within the regulatory purview of Statewide Order No. 29-B, XV, or successor regulations. Such facilities may include not more than three underground injection wells at the permitted facility.

Application Fee - an amount payable to the Office of Conservation for processing, reviewing, and administering an application requesting authority to conduct an activity or operation within the regulatory jurisdiction of the Office of Conservation.

Regulatory Fee - an amount payable annually, or otherwise, to the Office of Conservation for a particular operation or activity within the regulatory jurisdiction of the Office of Conservation, for the purpose of permitting, monitoring, and maintaining regulatory control of the particular operation or activity by the Office of Conservation.

Section II. Fee Schedule

	Amount
1. Application Fees	Generated Annually
A. For Unit Termination - \$200	17,000
B. For Substitute Unit Well - \$150	3,750
C. For Public Hearing - \$600	540,000
D. For Multiple Completion - \$100	6,500
E. To Commingle - \$200	25,000
F. For Automatic Custody Transfer - \$100	1,500
G. For Noncommercial Injection Well - \$200	60,000
H. For Commercial Class I Injection Well - \$1,000	1,000
I. For Commercial Class I Injection Well (Additional Wells) - \$500	500
J. For Commercial Class II Injection Well - \$500	2,500
K. For Commercial Class II Injection Well (Additional Wells) - \$250	1,250
L. For Permit to Drill (Minerals) - \$500	1,200,000
M. To Amend Permit to Drill (Minerals) - \$150	592,500
N. To Renew Permit to Drill (Minerals) - \$100	12,500
O. To Amend Permit to Drill (Injection or Other) - \$150	7,500
P. To Renew Permit to Drill (Injection or Other) - \$100	7,500
Q. For Well Classification (NGPA) - \$200	140,000
R. For Surface Mining Exploration Permit - \$50	50

Application Fees	Amount Generated Annually
S. For Surface Mining Development Operations Permit - \$75	75
T. For Surface Mining Permit - \$1,750	1,750
U. To Process Form R-4 - \$25	75,000
V. For Reinstating Suspended Form R-4 - \$50	60,000
W. For Emergency Clearance Form R-4 - \$50	75,000
X. Fines and Penalties - 0	50,000

2. Regulatory Fees
 A. Operators of each permitted Class I Injection Well are required to pay an annual regulatory fee of \$7,000 per Class I Injection Well. Such payments are due May 1, 1989 and annually on May 1 thereafter. 476,000

B. Operators of each permitted Type A Facility are required to pay an annual regulatory fee of \$5,000 per facility. Such payments are due May 1, 1989 and annually on May 1 thereafter. 65,000

C. Operators of each permitted Type B Facility are required to pay an annual regulatory fee of \$2,500 per facility. Such payments are due May 1, 1989 and annually on May 1 thereafter. 60,000

D. Operators of all production wells are required to pay an annual regulatory fee ("Inspection Fee") of \$50 per well. Such payments are due within 30 days of receipt of invoice from the Office of Conservation. Stripper crude oil wells certified by the Severance Tax Division of the Department of Revenue and Taxation on January 1 of each year are exempt from this requirement. 2,250,000

E. Operators of each Class II Injection Well are required to pay an annual regulatory fee of \$250 per well. Such payments are due May 1, 1989 and on May 1 annually thereafter. Class II Injection Wells are exempt from the \$50 per well fee provided in Section II.D. of this Order. 880,000

TOTAL ANNUAL AMOUNT \$6,611,875

Section III. Failure to Comply
 A. Operators of operations or activities defined in Section I are required to timely comply with this Order. Failure to comply within 30 days past the due date of any required regulatory fee payment may subject the operator to civil penalties under R.S. 30:18, and may be cause to immediately suspend operations of the particular operations or activities and schedule a public hearing to show cause why the permit for the particular operations or activities should not be revoked.

B. Failure to timely submit the required application fee payment will result in application denial.

Section IV - Kinds of Anticipated Costs

The kinds of anticipated costs to be offset and the revenues anticipated to be generated by the above application and regulatory fees are as follows:

	Revenue Generated: Order 29-Q Fees	Office of Conservation Proposed Budget FY 88-89
Personal Services	\$3,549,042	\$4,262,645
Travel	285,566	343,011
Operating Services	955,854	1,148,065
Other Charges	1,821,413	2,187,663
TOTAL	\$6,611,875	\$7,941,384

The fees derived from Statewide Order No. 29-Q comprise approximately 83 percent of the Office of Conservation's

FY 88-89 proposed budget, with the balance (\$1,329,509) to be funded from other sources.

Section V. Severability and Effective Date

1. The fees set forth in Section II are hereby adopted as individual and independent rules comprising this body of rules designated as Statewide Order 29-Q, and if any such individual fee is held to be unacceptable, pursuant to La. R.S. 49:968(H)(2), or held invalid by a court of law, then such unacceptability or invalidity shall not affect the other provisions of this Order which can be given effect without the unacceptable or invalid provisions, and to that end the provisions of this Order are severable.

2. This Order shall be effective on July 1, 1988 and shall remain in effect until July 1, 1998 unless sooner modified or rescinded.

3. I hereby certify that written approval was received on May 26, 1988, from the commissioner of administration to adopt the rules establishing the charges and fees described above.

J. Patrick Batchelor
 Commissioner

RULE

**Department of Natural Resources
 Office of Mineral Resources**

The Department of Natural Resources, pursuant to the Authority of Act 13 of the 1988 First Extraordinary Session of the Louisiana Legislature, has adopted the following fees commensurate with costs incurred in administration of state oil, gas or mineral leases and geophysical and geological permits on state-owned lands and waterbottoms.

A. Fee for new mineral leases equal to 10 percent of cash payment to be submitted at time of execution of lease.

Fee of \$100 for processing assignments affecting state mineral leases.

Fee of \$500 for processing unitization agreements and other advertised instruments.

Fee of \$120 annually (\$10 per month) for subscription to Notice of Publication.

Fee for conducting geophysical surveys on state-owned lands and waterbottoms in the amount of \$1,000 to \$4,000 depending on the area of the state involved.

These fees shall be in effect from June 24, 1988 until July 1, 1992, except for the \$120 annual subscription fee which became effective July 13, 1988, and the fee for geophysical surveys which became effective June 28, 1988.

B. The revenues projected to be generated by fees are:
 Fees for new leases equal to 10 percent of cash payment to be submitted at time of execution of lease.

\$10% x \$22,600,000 (average of last two years bids) = \$2,260,000

Fee of \$100 for processing assignments affecting state leases

\$100 x 866 (assignments processed, 1987) = \$86,600

Fee of \$500 processing unitization agreements and other advertised instruments

\$500 x 104 (instruments processed, 1987) = \$52,000

Fee of \$120 annually (\$10 per month) for subscription to Notice of Publication (\$120 × 2,300) = \$276,000

Fee for geophysical permits = \$98,500

TOTAL: \$2,773,100

C. Kinds and anticipated amounts of costs are:

Personal Services \$ 1,311,941

Operating Expenses 149,026

Other Charges 1,312,133

TOTAL: \$ 2,773,100

D. I certify that written approval to adopt these rules was received from the Commissioner of Administration on June 7 and June 14, 1988.

Raymond W. Stephens, Jr.
Secretary

RULE

Department of Natural Resources Office of the Secretary

In accordance with the Administrative Procedure Act, the Department of Natural Resources has adopted the following rules and regulations, effective August 20, 1988.

Regulations for Administration of the Fishermen's Gear Compensation Fund

Section 1. DEFINITIONS, is amended as follows:

(3) "Satisfactory Proof", as it relates to demonstrating a primary source of income, means state and federal income tax returns, together with related financial data.

Raymond W. Stephens, Jr.
Secretary

RULE

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

The Louisiana Department of the Treasury, Board of Trustees of the State Employees Group Benefits Program amended its rules relative to health maintenance organizations as follows.

1. Any health maintenance organization (HMO) or other prepaid medical benefits plan seeking to solicit the membership of employees of the state, its agencies or political subdivisions shall be subject to the regulations and requirements as set forth below, unless:

a. the HMO provides evidence of federal qualification under Section 1301 of P.L. 93-222 (Health Maintenance Organization Act of 1973, as amended), and unless

b. the HMO has activated the dual-choice mandate as provided for in Section 1310 of the Act.

2. For purposes of these regulations the term *HMO* is defined as any legal entity which has received a certificate of authority from the Louisiana commissioner of insurance to operate as a health maintenance organization in Louisiana.

3. The Board of Trustees of the State Employees Group

Benefits Program specifically reserves the right to disapprove the application of any HMO if, in the opinion of the board, the approval of the application would not serve the best interests of state employees, retirees, and their dependents.

4. In the event the HMO seeks to solicit the membership of employees of the state, its agencies or political subdivisions who reside in a service area other than one previously approved by the Board of Trustees, a separate application for the additional service area shall be required.

GENERAL INFORMATION

The HMO shall furnish the following information:

1. proof that it has received a certificate of authority from the Louisiana commissioner of insurance to operate as an HMO in the state of Louisiana, together with a copy of its application to the commissioner for this certificate;

2. a copy of the form of each booklet or certificate of coverage to be issued to the members, and any changes or amendments as may be made from time to time;

3. an accurate comparison of benefits offered by the HMO and the State Employees Group Benefits Plan;

4. a statement describing the HMO's service area by zip code;

5. a participating HMO shall be required to notify the Board of Trustees of its intent to renew its agreement with the program not less than 120 days prior to January 1. The board may require actuarial justification of the HMO's renewal rate and benefit structure. In any event, the Board of Trustees shall advise the HMO of its intent to accept or reject these rates and benefits no less than 60 days prior to January 1.

The Board of Trustees of the State Employees Group Benefits Program shall not be held liable for claims for damages relating to any treatment rendered or arranged for by the HMO.

The HMO shall agree to hold the Board of Trustees of the State Employees Group Benefits Program harmless from all claims for damages relating to any act or omission by the HMO, including any claims relating to failure of the HMO to provide services as specified in its agreement due to financial hardship or insolvency.

The HMO shall agree to hold any plan member or dependent harmless from any liability or cost for health maintenance services rendered during enrollment in the HMO, except as may be specifically provided for in the group contract and individual certificates of coverage.

INITIAL ENROLLMENT AND EFFECTIVE DATE

1. The initial enrollment period shall be the month of November following the approval of the HMO by the board. The initial effective date shall be the January 1 next following the completion of this enrollment period.

2. The state shall furnish the HMO with a list of agency personnel officers and their addresses to facilitate agency contact.

3. The state shall provide a letter of introduction by the executive director to the personnel officers encouraging their cooperation with the HMO in scheduling meetings and making the offer to eligible employees.

4. The state shall permit the HMO to use its enrollment form to enroll employees who are currently members of the State Employees Group Benefits Program.

5. The HMO shall use the State Employees Group Benefits Enrollment Document if the employee is not a member of the state plan at the time he elects HMO membership.

6. All documents shall be processed at the State Employees Group Benefits office, including data entry into the billing and eligibility system.

7. During the time an HMO has access to state employees, all marketing material, including written communications, published advertisements, radio and television commercials, etc., shall be submitted to and approved by the State Employees Group Benefits Program prior to issue.

COMPUTER INTERFACING

1. The state shall provide the HMO with a monthly exception tape, detailing by agency: additions, deletions, and changes.

2. The HMO shall maintain all billing records by agency billing codes as established by the State Employees Group Benefits Program.

PREMIUM BILLING AND TRANSFER

1. The HMO shall bill membership fees in a regular monthly invoice, detailed by agency billing codes as established by the State Employees Group Benefits Program.

2. The state shall transfer the reconciled membership fees to the HMO by the fifteenth of each month for the previous month's billing. Remittance will be itemized by agency.

3. The state shall retain a monthly administrative fee for each individual contract, which fee shall be negotiated prior to the initial effective date of the agreement between the state and the HMO. Adjustment of the administrative fee will be made no more often than once a year and only on the annual re-enrollment date (January 1).

RATES

1. The HMO shall charge membership fees that are divisible by a number as shall be set forth by the Group Benefits Program.

2. Rates shall be guaranteed for no less than a 12-month period following initial effective date and thereafter shall be changed no more often than once a year and only on the annual re-enrollment date.

3. Notice of premium adjustments shall be given the state at least 120 days prior to the proposed effective date of such adjustment.

4. The HMO shall use a rate structure with classifications compatible with those used by the State Employees Group Benefits Program. The HMO shall provide justification, if required by the board, for board approval, of the rate differential between classes of contracts.

ELIGIBILITY

1. The HMO shall maintain identical eligibility regulations as the State Employees Group Benefits Program with the exception of sponsored adult dependents, who need not be eligible for membership.

2. The HMO shall enroll new employees who choose membership during their initial period of eligibility for an effective date that is compatible with the eligibility requirements of the state program.

3. The HMO shall provide for continuation of membership for surviving spouses and dependents of deceased employees who are HMO members at the time of death. Such continuation provisions shall be identical to those of the Group Benefits Program. Such continuation shall be provided at the benefit level of the group contract and at a cost no greater than comparable monthly premiums charged by the HMO for like classes of group membership. The HMO shall also provide for

continuation of coverage under other circumstances as may be required by the program's eligibility provisions or as may be required by state or federal regulations.

4. During initial enrollment and each subsequent annual re-enrollment, the HMO shall offer membership to eligible active employees and eligible retirees on an equal basis.

PRE-EXISTING CONDITIONS

1. The HMO shall impose no limits on coverage for pre-existing conditions for state employees electing membership during their initial period of eligibility.

2. If a state employee fails to elect HMO membership for himself or his dependents during his initial period of eligibility, the HMO, unless prohibited by federal law or regulation, shall impose limitations on coverage for pre-existing conditions as a requirement for membership, in accordance with the existing regulations of the State Employees Group Benefits Program.

TRANSFERS AND TERMINATIONS

1. The HMO shall hold an annual re-enrollment each November for an effective date of January 1 for employees electing to enter or leave HMO membership. This shall include both active and retired employees.

2. Transfer of coverage from the State Employees Group Benefits Program to the HMO or vice-versa shall be allowed only during the annual re-enrollment period, for an effective date of January 1. Transfer of coverage shall also be allowed as a consequence of the employee's being transferred into or out of the HMO service area, with an effective date of the first of the month following transfer.

3. The HMO shall provide benefits up to but not beyond date of discharge in the event a member or his dependents are hospital confined at the time his membership terminates.

4. The HMO shall allow individual conversions for a 30-day period following the end of the month during which an employee terminates his group membership. The conversion may be an individual HMO membership or fully-insured health contract, but shall be offered without regard to existing medical conditions and at the then-current rate for all other similar conversions. Terminations of the agreement shall not constitute individual termination for purpose of conversion.

5. No individual membership shall be terminated by the HMO except for just cause.

6. Should the HMO discontinue services for all of its membership in general or for state employees and their dependents in specific, notification shall be given to the Board of Trustees by the HMO not less than 90 days prior to the discontinuance of service. All plan members participating in that HMO will be automatically transferred into the State Employees Group Benefits Program's indemnity plan. There will be no pre-existing condition limitation unless the plan member or dependents had a pre-existing condition limitation with the State Employees Group Benefits Program at the time of the transfer to the HMO. The program shall not be responsible for costs for medical services incurred prior to the effective date of transfer. Should a plan member or dependent be confined in a hospital on the effective date of their transfer from the HMO to the state program, the HMO shall remain responsible for that confinement until the discharge.

7. The Board of Trustees specifically reserves the right to cancel any agreement between the board and the HMO, with or without cause, with notification to be furnished the HMO not less than 60 days prior to cancellation.

NONDUPLICATION OF COVERAGE

1. If a husband and wife are both state employees and both are eligible for family coverage under the State Employees Group Benefits Program, both must elect membership in the HMO or the state program. Dual coverage shall not be allowed.

2. If a husband and wife are both state employees and have elected single coverage, each may choose membership in either the HMO or the state program.

3. Regardless of any provision of the State Employees Group Benefits Program contract to the contrary, the following apply to any state employee or dependent enrolled in an HMO:

a. The person shall neither be a member of the state program nor a qualified dependent covered under the state program.

b. No benefits will be payable under the state program with respect to charges for services and supplies furnished while the person is enrolled in the HMO.

DISCLOSURE

1. The HMO shall issue to each employee a description of benefits to which he is entitled under the agreement between the HMO and the state of Louisiana.

2. The evidence of coverage shall contain a clear, concise and complete statement of:

a. the health care services and the insurance or other benefits, if any, to which the member is entitled;

b. any exclusions or limitations on the services as benefits to be provided, including any deductibles and/or copayment provisions;

c. where and in what manner information is available as how services, including emergency and out-of-area services, may be obtained;

d. the HMO's method for resolving enrollee complaints;

e. conditions of eligibility for employees and their dependents;

f. conditions under which an individual's membership may be terminated.

James D. McElveen
Executive Director

RULE

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

The Louisiana Wildlife and Fisheries Commission has adopted a rule prohibiting a method of taking geese known as "goose creeping". The Rule shall be designated as LAC 76:V.307 and read as follows:

Title 76

WILDLIFE AND FISHERIES

Part V. Wild Quadrupeds and Wild Birds

Chapter 3. Wild Birds

§307. Goose Creeping

It shall be unlawful to approach geese by creeping, crawling, or stalking for the purpose of taking geese or thereafter causing geese to be taken. "Take" means, in its different tenses,

the attempt or act of hooking, pursuing, netting, capturing, snaring, trapping, shooting, hunting, wounding or killing by any means or devise.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 14: (August 1988.)

Virginia Van Sickle
Secretary

RULE

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

MENHADEN SEASON

Adopted by the Louisiana Wildlife and Fisheries Commission at its regular meeting on August 5, 1988.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fish

§307. Menhaden Season

A. The season for the taking of menhaden as well as processing of menhaden shall be from the third Monday in April through the Friday following the second Tuesday in October.

B. No menhaden may be landed in Louisiana ports except during the menhaden season as described in L.A.C. 76:VII-307.A.

C. The menhaden season shall apply to all waters seaward of the inside-outside line described in R.S. 56:495 including waters in the Federal Exclusive Economic Zone (EEZ), and in Breton and Chandeleur Sounds as described in Paragraph D. All other inside waters and passes are permanently closed to menhaden fishing.

D. For purposes of the menhaden season, Breton and Chandeleur Sounds are described as that portion of the statutorily described inside waters beginning at the most northerly point on the south side of Taylor Pass at Lat. 89 23'18" 476 N. (Y-268,131.65), Long. 89 19'00" 803 W. (X-2,642,161.69). Thence run N. 32 32' W. for 8³/₄ miles to a horizontal tank battery located in the vicinity of Battledore Reef and east of Little Battledore Island; thence run N. 30 47' E. for 11 miles to the Mississippi River Gulf Outlet Channel at a lighted privately maintained marker known as Station "69-A" and "70-A"; thence N. 16 10' E. for 8-1/2 miles to Point Chicot Light; then N. 20 10' E. for 13-1/2 miles to Mitchell Key Light; thence N. 35 47' E. for 19 miles to a point intersecting the Lower Mississippi Valley Division Line Lat. 30 06' N., Long. 80 52' W., thence southerly 71 E. for 5 miles to Chandeleur Light, thence southeasterly running along the present inside-outside water line as described in R.S. 56:495 to the point of origin.

Virginia Van Sickle
Secretary

RULE

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The following rule was adopted by the Louisiana Wildlife and Fisheries Commission at its regular meeting held in Baton Rouge, Louisiana on July 7, 1988.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 1. Freshwater Sport and Commercial Fishing

§110. Toledo Bend Reciprocal Agreement

The Louisiana Wildlife and Fisheries Commission hereby ratifies a reciprocal agreement with the state of Texas to establish uniform creel limits and minimum length limits for black bass and uniform creel limits for crappie on the border lake waters of Toledo Bend Reservoir and Caddo Lake. The reciprocal agreement shall establish a 12-inch minimum size and a 10-fish daily creel limit for black bass, and 50-fish daily creel limit for crappie.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:673.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 14: (August 1988).

Virginia Van Sickle
Secretary

Notices of Intent

NOTICE OF INTENT

Department of Economic Development Auctioneers Licensing Board

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 37:3111 et seq., the Department of Economic Development, Louisiana Auctioneers Licensing Board, is hereby giving notice of its intention to amend LAC 46:III.101 et seq.

Persons who wish to view these proposed rules in their entirety or who wish to submit comments should contact Keith Babb, Chairman, Louisiana Auctioneers Licensing Board, 8017 Jefferson Highway, Suite B-3, Baton Rouge, LA 70809 (504) 925-3921. Comments will be accepted through 4:30 p.m.

Keith Babb
Chairman

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Auctioneer Licensing Upon approval

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

The rules contemplate helping local governments to enforce their local sales tax collection and auctioneer licensing. Specifically, the rules contemplate that an auctioneer's license will be revoked if he does not comply with state and local tax collection statutes. Additional workload from the new business licenses proposed by these rules can be absorbed by the board. The rule changes pertaining to penalties for advertising violations will not impose a significant additional workload because they simplify the disciplinary procedure for this type of violation.

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

The total increase in board revenues from the fee increases imposed by these rules are \$33,051. Several existing fees are increased to the maximum level allowed by statute. Based on 361 currently licensed auctioneers, these increases will generate an additional \$18,051. The rules also impose a new license fee on auction businesses. Some 50 auction houses will be required to pay this \$300 fee annually, generating an additional \$15,000. The rules also impose a monetary fine of at least \$50 for advertising rule violations. The amounts that may be generated from these fines cannot be estimated.

The rules should help the state and local governments enforce their sales tax laws and local fee requirements by providing that the state auctioneering license may be revoked for failure to pay any state or municipal tax, fee or commission after a judgment has been entered against the auctioneer. The potential sales tax or other revenue gains to the state or local entities resulting from this new provision cannot be estimated.

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

The fee increases and new fees described above will increase business costs for auctioneers and auction houses. Auction houses will for the first time be subject to the rules currently applied to auctioneers. Fines imposed may also increase costs for auctioneers which violate rules governing advertising. The rules governing apprentice auctioneers impose significant restrictions on the activities of apprentices and mandate more intensive supervision by the sponsoring auctioneer. These restrictions may reduce the willingness of existing auctioneers to sponsor apprentices. Out-of-state schools would be the only other alternative for auctioneer training for persons unable to enter apprenticeships due to these restrictions. This would significantly increase the cost of becoming an auctioneer.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

See answer to No. III above. An auction house will be directly affected by these rules, in that it cannot operate without a business license. An auctioneer will be affected, because he will have increased costs of operation. Apprentice auctioneers also will have to comply with rules which bind

them to their supervisors for one year.

The restrictions imposed on apprenticeships may reduce opportunities for entry level employment. To the extent that this reduces the number of new auctioneers being licensed, competition may also be reduced.

Mary Norton
Executive Assistant

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Department of Economic Development Office of Commerce and Industry Finance Division

Financial Incentive Fee

The Department of Economic Development, Office of Commerce and Industry, Finance Division, in accordance with the Administrative Procedure Act, R.S. 49:950 et seq. advertises its intent to adopt the following rules regarding the financial incentive fees for the Office of Commerce and Industry.

The Office of Commerce and Industry does hereby give notice that it will conduct a public hearing on: Thursday, September 1, 1988, 10 a.m., second floor conference room, One Maritime Plaza, 101 France Street, Baton Rouge, Louisiana, for the purpose of affording all interested persons the opportunity to submit orally, or in writing, their views or information to the Office of Commerce and Industry.

The following rules will adopt the emergency regulations and the emergency amendment and repeal of existing regulations pursuant to House Bill Number 1 of the First Extraordinary Session, 1988, and Executive Order BR-88-5. The following rules will be in effect through July 1, 1989. The rules pertain to the establishment of or increase in fees to provide for the cost of services performed by the Department of Economic Development, Office of Commerce and Industry, Finance Division as set forth below:

Title 13 ECONOMIC DEVELOPMENT

Part I. Office of Commerce and Industry Subpart 1. Finance

Chapter 3. Fees

§301. Advance Notification Fee

Advance notification fee of \$100 per advance notification, which shall be due 90 days prior to the beginning of construction, to be submitted with the advance notification form.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104B(7).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, LR 12: 659-666 (October, 1986), amended LR 14:

§303. Application Fee for all Programs

To amend each fee that is submitted with each application for the following programs administered by the Department of Economic Development, Office of Commerce and Industry, Finance Division: Industrial Tax Exemption Program, Article VII, Part II, Section 21 (F) of the Louisiana Constitution of 1974; Enterprise Zone Programs R.S. 51:1781-1790, et seq.; Energy

Conservation Program R.S. 47:305.30; Restoration Tax Abatement Program, Article VII, Part II, Section 21 (H) of the Louisiana Constitution and R.S. 47:4311-4319, Louisiana Capital companies (Venture Capital) R.S. 51:1921-1932; Industrial Tax Equalization Program R.S. 47:3201-3206; Corporate Headquarters Tax Equalization Program R.S. 47:3201-3206; Industrial Assistance Program, R.S. 47:4301-4306; Warehousing and Distribution Tax Equalization, R.S. 47:3201-3206; and Transportation Equalization, R.S. 51:941-946. The fee shall be .2 percent of the estimated total amount of taxes to be exempted. The fee shall be submitted with each application received for all the programs administered by the Department of Economic Development, Office of Commerce and Industry. In no case shall an application fee be smaller than \$200 and in no case shall a fee exceed \$5000 per project.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104B(7).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, LR 12: 659-666 (October, 1986), amended LR 14:

§305. Inspection Fee

Inspection fees of \$100 for each plant inspection shall be submitted with each affidavit of final cost/energy saved.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104B(7).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, LR 12: 659-666 (October, 1986), amended LR 14:

§307. Renewals

A fee of \$50 shall be charged for the renewal of a contract for the benefits of the Industrial Tax Exemption Program Article VII, Part II, Section 21 (F) of the Louisiana Constitution of 1974; Enterprise Zone exemptions (where applicable), R.S. 51:1781-1790, et seq., Corporation Headquarters (where applicable), R.S. 47:3201-3206; Industrial Tax Equalization (where applicable), R.S. 47:3201-3206, Industry Assistance (where applicable), R.S. 47:4301-4306; and Warehousing and Distribution Establishment Tax Equalization Program (where applicable), R.S. 47:3201-3206.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104B(7).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, LR 12: 659-666 (October, 1986), amended LR 14:

§309. Collection Procedure

To adopt a regulation that provides for the implementation of new fees to be collected from all businesses submitting advance notifications, applications, affidavits, and/or contract renewals for programs referenced in §303, on or after May 4, 1988. No documents will be processed until such time as the fee is received in the Office of Commerce and Industry, Finance Division.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104B(7).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, LR 12: 659-666 (October, 1986), amended LR 14:

Interested persons may comment on the proposed rules, in writing, until 4:30 p.m., September 1, 1988 at the following

address: Robert Paul Adams, Director, Finance Division, Office of Commerce and Industry, Box 94185, Baton Rouge, LA 70804-9185.

Robert Paul Adams
Director

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

Rule Title: Ten Year, Enterprise Zone Restoration Tax Abatement, Energy Conservation, Tax Equalization, Industry Assistance, etc.

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

There will be no implementation costs to state or to local governments.

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

State revenue will increase by approximately \$140,000; and no impact to local governments.

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

Application fees will increase for businesses applying for the various financial incentive programs administered by the state, by approximately \$140,000.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

None.

Arnold M. Lincove
Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Economic Development
Racing Commission**

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to adopt the following rule.

**Title 35
HORSE RACING**

Part I. General Provisions

Chapter 15. Permitted Medications

§1507. Bleeder Medication (PROPOSED FOR AMENDMENT)

AMENDED VERSION TO READ:

A. - D. . . .

E. A bleeder shall be eligible to enter and run as follows, but only after a recorded workout.

1. First time, after the expiration of the 18th day he is placed on the bleeder list.

2. Second time, after the expiration of the 90th day he is placed on the bleeder list.

3. Third time, after the expiration of the 365th day he is

placed on the bleeder list.

F. Should a horse which is on the bleeder list race three times within 365 days without bleeding, it shall be considered a first-time bleeder when next it is observed bleeding by a commission or association veterinarian or an endoscopic examination, conducted within one hour of a race, reveals blood in the trachea and/or upper respiratory tract.

The office of the Racing Commission is open from 9 a.m. to 4 p.m. and interested parties may contact Alan J. LeVasseur, Executive Director or Tom Trenchard, Administrative Services Assistant at (504) 483-4000 or LINC 635-4000 holidays and weekends excluded, for more information. All interested persons may submit written comments relative to this rule through Monday, September 5, 1988, to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Alan J. LeVasseur
Executive Director

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

Rule Title: LAC 35:1507 "Bleeder Medication"

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

There are no costs to implement this rule change.

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

There is no effect on revenue collections.

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

The rule essentially benefits the horse (bleeder) by allowing additional time to recover from upper respiratory bleeding. Owners may be affected financially during the period of time in which their horse(s) are not able to race (while on the bleeders' list).

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on competition nor employment.

Alan J. LeVasseur
Executive Director

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Economic Development
Racing Commission**

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to adopt the following rule.

**Title 35
HORSE RACING**

Part III. Personnel, Registration and Licensing

Chapter 21. Stewards

§2105. Duration of Term

PROPOSED FOR REPEAL IN ITS ENTIRETY. RULE NOW READS:

Stewards shall serve from the seventh day before the first racing day until one minute before midnight on the day after the last racing day of the race meeting for which they are appointed. Provided, in the event a dispute or controversy arises during a race meeting which is not settled at the conclusion of the race meeting, then the power of the stewards shall be extended for the period necessary to resolve the matter, or until the matter is referred or appealed to the commission.

The office of the Racing Commission is open from 9 a.m. to 4 p.m. and interested parties may contact Alan J. LeVasseur, Executive Director or Tom Trenchard, Administrative Services Assistant at (504) 483-4000 or LINC 635-4000 holidays and weekends excluded, for more information. All interested persons may submit written comments relative to this rule through Monday, September 5, 1988 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Alan J. LeVasseur
Executive Director

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

Rule Title: LAC 35:2105 "Duration of Term"

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no costs to implement this rule change.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is a positive effect on revenue collections. A racing association reimburses the state for the state steward's salary for a specific period of time. If the state steward works outside of this time limit, the state is not reimbursed for that portion. Repeal of this rule would eliminate such specific period of time, allowing for full reimbursement.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
The rule benefits the commission (state) by requiring all racing associations to reimburse it in FULL for state stewards' salaries.
 $5 \text{ stewards} \times \$190/\text{day} \times 14 \text{ extra days (est)} = \$13,300.$
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no effect on competition nor employment.

Alan J. LeVasseur
Executive Director

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Economic Development
Racing Commission**

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to amend the following rule.

**Title 35
Horse Racing**

Part V. Racing Procedures

Chapter 63. Entries

§6311. Registration of Horse

AMENDED VERSION TO READ:

No horse shall be allowed to enter or start in any race conducted by any licensee unless the horse is a quarter horse, thoroughbred or Appaloosa. Registration of a thoroughbred horse by the Jockey Club of New York, a quarter horse by the American Quarter Horse Association and an Appaloosa horse by the Appaloosa Horse Club, Inc. shall be prima facie evidence that such horse is a thoroughbred, quarter horse or an Appaloosa. However such registry shall not be conclusive evidence, nor binding on the commission. The foal certificate and Coggins test must be filed in the office of the racing secretary before starting. The stewards may, at their discretion, waive this rule in the case of the horses shipped in to start in stakes races.

The office of the Racing Commission is open from 9 a.m. to 4 p.m. and interested parties may contact Alan J. LeVasseur, Executive Director or Tom Trenchard, Administrative Services Assistant at (504) 483-4000 or LINC 635-4000 holidays and weekends excluded, for more information. All interested persons may submit written comments relative to this rule through Monday, September 5, 1988, to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Alan J. LeVasseur
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: LAC 35:6311 "Registration of Horse"**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no costs to implement this rule change.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
The proposed rule change would benefit the associations and horsemen by requiring all foal certificates and Coggins tests be filed in the racing secretary's office before starting (present rule does not provide for Coggins test). The rule no longer specifically requires the registration certificate from the Jockey Club of New York (thoroughbred) nor the American Quarter Horse Association to be presented to the racing sec-

retary at either time of entry or starting.
IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no effect on competition nor employment.

Alan J. LeVasseur
Executive Director

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Economic Development
Racing Commission**

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to adopt the following rule.

**Title 35
HORSE RACING
Part XIII. Wagering**

**Chapter 109. Super Six
§10901. Super Six**

AMENDED VERSION TO READ:

A. - F. . . .

1. . . .

2. Thirty percent of the net amount in the pari-mutuel pool subject to distribution among winning ticket holders, plus any carryover resulting from provisions of Subsection F.4, shall be distributed among the holders of pari-mutuel tickets which correctly designate the official winner in each of the six races comprising the Super Six.

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

4. . . .

a. Seventy percent of the net amount in the pari-mutuel pool shall be retained by the association as distributable amounts and shall be carried over to the next succeeding racing day as an additional net amount to be distributed as provided in Subsection F.2.

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

5. . . .

G. - K. . . .

The office of the Racing Commission is open from 9 a.m. to 4 p.m. and interested parties may contact Alan J. LeVasseur, Executive Director or Tom Trenchard, Administrative Services Assistant at (504) 483-4000 or LINC 635-4000 holidays and weekends excluded, for more information. All interested persons may submit written comments relative to this rule through Monday, September 5, 1988 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Alan J. LeVasseur
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: LAC 35-10901 "Super Six"**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no costs to implement this rule change.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is a positive effect on revenue collections, as a result of anticipated increase in patrons and wagering, however, it is not measurable.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
The proposed rule change would benefit the commission, associations, horesmen and patrons by attracting additional patrons with an ultimately larger payoff in the end. More patrons, proportionately more wagering, revenue, as well as purses, etc.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no effect on competition nor employment.

Alan J. LeVasseur
Executive Director

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

Revision of Board Policy 5.00.21.c

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the State Board of Elementary and Secondary Education approved the revision of Board Policy 5.00.21.c as follows:

5.00.21.c - Budget Adjustments

All changes to any budget submitted under policy number 5.00.20, General Policy on Budgets, must first be submitted for review and approval by the board prior to incorporation of any such change within a budget. Excluded from review of such changes shall be the state Department of Education in its day-to-day operations and staffing excepting budget changes which implement a budget reduction, which shall be approved by the board prior to submission to the Division of Administration.

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., October 10, 1988 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804.

Em Tampke
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Revision to Policy 5.00.21.c Budget
Adjustments**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO

STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The revision of State Board of Elementary and Secondary Education Policy 5.00.21.c will have no implementation costs or savings to state or local governmental units.

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

There will be no effect on revenue collections of state or local governmental units resulting from this policy revision.

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

There will be no costs or benefits to directly affected persons or non-governmental groups resulting from this policy revision.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment resulting from this policy revision.

Em Tampke
Executive Director

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

Amendment to Bulletin 746 - Montessori Training Course

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved as an amendment to Bulletin 746, Louisiana Standards for State Certification of School Personnel, pages 77 and 78, the Montessori training course offered by the Southwestern Montessori Training Center as recommended by the Louisiana Montessori Association.

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., October 10, 1988 at the following address: State Board of Elementary and Secondary Education, Box 9064, Capitol Station, Baton Rouge, LA.

Em Tampke
Executive Director

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

**Rule Title: The Addition of the Southwestern
Montessori Training Center as an Approved Training
Course**

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

It is anticipated that it will cost approximately \$50 to print and disseminate the revised page in Bulletin 746, Louisiana Standards for State Certification of School Personnel.

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

The rule will have no effect on revenue collection or state or local governmental units.

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

There will be no additional cost to affected groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition or employment.

Graig A. Luscombe
Interim Deputy Superintendent

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

NTE Score Required for Certification as School Principal

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved an addition to Bulletin 746, Louisiana Standards for State Certification of School Personnel the following NTE score required for initial certification as principal since August 16, 1986:

A score of 620 on the Educational Administration and Supervision Area Exam of the NTE is required (Mandatory for individuals seeking initial certification as a principal on or after August 16, 1986)

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., October 10, 1988 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA.

Em Tampke
Executive Director

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

Rule Title: Listing of NTE Score in Bulletin 746

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

It is anticipated that the cost of printing and postage associated with this rule change will be approximately \$50 for the Education Department.

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

There will be no effect on revenue collections.

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

This proposed action will have no effect on individual or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No effect on competition and employment is anticipated as a result of this proposed action.

Graig A. Luscombe
Interim Deputy Superintendent

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

Amendment to Bulletin 1213

In accordance with R. S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved an addition to Bulletin 1213, *Minimum Standards for School Buses in Louisiana*, for a new type school bus as follows:

Section VIII

Motor and Chassis Specifications

Type "D" Mid-Range Buses

Front Engine: The chassis shall be equipped with a diesel engine that meets the specifications established by the state Department of Education. (Table of specifications may be seen in the Office of School Transportation in the state Department of Education, the Office of the State Board of Elementary and Secondary Education or the Office of the Louisiana Register.) The engine must be a truck type engine. Diesel powered vehicles with hydraulically assisted hydraulic brakes shall have a chassis air or vacuum for stop arm operation. The vehicle shall also be equipped with power steering, dual electric horns, batteries with 860 CCA, and front and rear shock absorbers. Dual belts or equivalent single poly V drive belts shall be used with the alternator or generator.

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., October 10, 1988 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA.

Em Tampke
Executive Director

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Amendment to Bulletin 1213

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Local school boards may experience cost savings to the extent that heavy duty transit buses are replaced with these mid-range transit buses. They may experience cost increases to the extent that conventional buses are replaced with these mid-range transit buses. It is not known to what extent these replacements will occur.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Contract school bus drivers may experience cost savings to the extent that heavy duty transit buses are replaced with these mid-range transit buses. They may experience cost increases to the extent that conventional buses are replaced with these mid-range transit buses. It is not known to what extent these replacements will occur. In addition the Notice of Intent contains two errors. First, the highlighted word "trunk should be the word "truck". Second, between the highlighted words "chassis or" should be the word "air". That

phrase would then be "chassis air or". Correction of these errors would insure that the language in the Notice of Intent conformed with the language in the actual amendment to Bulletin 1213.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Graig A. Luscombe
Interim Deputy Superintendent

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

Deletion of Board Policy 5.00.20.b

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the State Board of Elementary and Secondary Education approved the deletion of Board Policy 5.00.20.b relative to certification of budgetary allocations, grants, etc.

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., October 10, 1988 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804.

Em Tampke
Executive Director

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Elimination of Board Policy 5.00.20.b

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The elimination of State Board of Elementary and Secondary Education Policy 5.00.20.b will have no impact on costs or savings to state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The policy change will have no effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
The policy change will have no costs or benefits to directly affected persons or non-governmental units. Because State Board of Elementary and Secondary Education Policy 5.00.20.b is obsolete, its elimination will have no impact.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There will be no effect on competition and employment.

Em Tampke
Executive Director

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

\$15,000,000 Equalization Grant in the MFP Formula

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the board approved the procedure for allocating the \$15,000,000 equalization grant contained in the MFP formula as recommended by the Parish Superintendents' Advisory Council. This procedure was also adopted as an emergency rule. For complete text of the procedure, see the Emergency Rule Section of this issue.

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m. October 10, 1988 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Em Tampke
Executive Director

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

Rule Title: Distribution of the \$15 million equalizing grant contained in HCR 187 of 1988--the Minimum Foundation Formula

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

This rule allows for the expenditure of the \$15,000,000 equalizing grant to local parish and city school systems as provided by House Concurrent Resolution Number 187 of the 1988 Regular Session. The appropriation of \$15,000,000 for this purpose was provided by the Legislature from the State General Fund. Therefore, the implementation of this rule will cost \$15,000,000. In turn, the local school systems will expend, in the aggregate, the \$15,000,000 received by implementation of this rule.

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

Local city and parish school systems will collect, in the aggregate, \$15,000,000 of state funds through the implementation of the rule.

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

Benefits to be achieved by the implementation of this rule will accrue to students being educated by the local parish and city school districts throughout Louisiana.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Local school systems will be enabled to provide additional services contained in the non-instructional portion of the Minimum Foundation Program. It will be the option of these local school systems to retain employees that may have been terminated without the additional \$15,000,000 allocation. The impact upon each individual school system cannot be determined at the present time.

Graig A. Luscombe
Interim Deputy Superintendent

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

Fee Schedule for Maritime Instruction

In accordance with R.S. 49:950 et seq., The Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the fee schedule for maritime instruction currently conducted at Louisiana Marine and Petroleum Institute Branch of South Louisiana Vocational Technical Institute as listed below. (This was adopted as an emergency rule in the July, 1988 issue of the *Louisiana Register*.)

**PROPOSED TUITION AND FEES FOR TRAINING AT
SOUTH LOUISIANA VO-TECH INSTITUTE**

Core Program - Same tuition and fees as other programs in the vocational-technical schools of this state. Due to the OJT training, fees are collected initially for a minimum of one full school quarter.

License Renewal Assistance \$25

Upgrading Courses:

Annual Registration Fee \$25

Additional Course Registration \$10

Re-entry \$10

Non-Resident Surcharge 50% of tuition

Tuition is based upon volume of material covered, the depth of knowledge required and estimated time to complete course:

Deck License Modules (score to pass)

Unlimited Oceans Navigation (90%) \$200

Rules of the Road (90%) 80

Coastal/Inland Navigation (90%) 80

All C.G. Partial Examinations 80

All other deck modules (70%) 40 each

Thus the Deck License courses tuition becomes:

	Residents	Others
M/M 500/1600 NC	\$ 280	\$ 420
M/M 1600 Inland	240	360
M/M 200	240	360
OUTV NC/Inland	240	360
M/M 100	200	300
OUTV WR	200	300
OUPV	200	300
Other Deck Department Courses tuition:		
Unlimited Oceans Endorsement	\$ 200	\$ 300
Able Seaman/Lifeboat	100	150
Able Seaman (OSV)	60	90
Lifeboatman	40	60
Signalling	60	90
FCC Marine Operator	20	30
Radar Unlimited	150	225
Radar Renewal	60	90
Firefighting (pending)	140	210
Engineering Courses tuition:		
Chief Engineer - Limited	\$ 240	\$ 360
Assistant Engineer - Limited	200	300
D.D.E., Any HP	200	300
D.D.E., 1000/4000 HP	150	225
Crossover-DDE to Asst. Eng.	50	75
Oiler-Diesel Only	80	120
Tankerman, All Grades	100	150
LFG Endorsement	40	60

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., October 10, 1988 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA.

Em Tampke
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Maritime Instruction Fees**

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

There are no implementation costs to state or local governmental units.

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

The implementation of this tuition and fee schedule is expected to generate \$106,129 annually. This represents an increase of \$79,978 over revenue collected under the previous schedule.

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

The fee schedule will drastically increase fees charged to individuals employed in the marine industry. Effective June 30, 1988, all funding from the state general fund was discontinued for marine training according to recommendations contained in the governor's executive budget. This new tuition and fee schedule will generate sufficient funds to provide the instructors' salaries and other expenses, thereby providing for the continuation of instruction for individuals employed in the marine industry. Since federal regulations require that individuals engaged in the operation of vessels be licensed, this training will facilitate continuing education, licensing, and continued employment for career watermen.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no substantive effect on competition; however, the training which will be supported by this tuition and fee schedule will insure opportunity for continuing education for this specialized group of individuals engaged in vessel operations.

Graig A. Luscombe
Interim Deputy Superintendent

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

Tuition Exemption Continuing Education Program for Teachers

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the revised Tuition Exemption Continuing Education Program for Teachers (Also adopted as an emergency rule. Effective date of emergency rule

is August 20, 1988.)

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., October 10, 1988 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804.

Em Tampke
Executive Director

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

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

Fewer courses may be selected for the tuition exemption program which could result in a cost reduction unless more teachers apply for the program. There are insufficient data to estimate the change, if any, in program cost. This program has been appropriated \$2,000,000 in 8(g) funds for 1988-89.

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

Although fewer courses may be selected, an increase in the number of teachers eligible for the program may cause payments to higher education institutions to remain the same.

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

Public and nonpublic elementary and secondary classroom teachers would be eligible for a tuition waiver at colleges and universities.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on competition or employment.

Em Tampke
Executive Director

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Environmental Quality
Hazardous Waste**

(Editor's Note: This proposed rule which appeared in the July issue of the Louisiana Register is being reprinted in order to publish the intended fee increases in their entirety.)

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental Quality -- Hazardous Waste

Chapter 51. Fee Schedules

§5113. Provision for Collection of Additional Fees Should Application Fees Paid be Less Than Program Costs

Operators who paid an application fee of \$15,000 will be assessed an additional fee equalling the deficit, apportioned

equally, provided that no operator pays more than the calculated fee of LAC 33:V.5111.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1051 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 11:533 (May 1985), LR 12:676 (October 1986), LR 14:

§5115. Provision of Funds Collected in Excess of Program Costs

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1051 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 11:533 (May 1985), LR 12:676 (October 1986), LR 14:

§5117. Annual Maintenance Fees - Treaters, Storers, and/or Disposers

All annual fees provided by this Chapter shall be paid within 30 days from receipt of billing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1052 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 11:533 (May 1985), LR 12:676 (October 1986), LR 13:433 (August 1987), LR 14:

§5119. Calculation of Annual Maintenance Fees

A. Formula to apportion fees:

Annual Fee = fee per site + fee per facility + fee based on volume + annual research and development fee + administrative cost fee

Off-site Disposer (Commercial)	\$48,800
Off-site Disposer (Non-commercial)	\$ 9,760
On-site Disposer	\$ 4,880

B. Fee Per Hazardous Waste Facility Type

Unit Type	New Fee
Container/Storage Tanks	\$1,273
Incinerators	2,270
Landfills/Treatment, etc.	3,270

C. Fee Based on Volume:

Less than	1,000 tons	\$1,952
Less than	10,000 tons	\$3,904
Less than	100,000 tons	\$5,856
Less than	1,000,000 tons	\$7,808
More than	1,000,000 tons	\$9,760

D. Annual Research and Development Fee

(Fee per site + fee per facility + fee based on volume)
× 0.25 = Annual Research and Development Fee

E. Administrative Cost Fee

(Fee per site + fee per facility + fee based on volume) ×
0.30 = Administrative Cost Fee

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1051 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste,

Hazardous Waste Division, LR 10:200 (March 1984), amended LR 11:533 (May 1985), LR 12:318 (May 1986), LR 12:676 (October 1986), LR 13:433 (August 1987), LR 14:

§5121. Generators of Hazardous Waste

A. All generators of hazardous waste must file or have on file a notification of that facility, using Notification Form HW-1 available from the administrative authority (See LAC 33:303.A) >

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1051 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 11:533 (May 1985), LR 12:676 (October 1986), LR 14:

§5123. Registration Fees - Generators

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

Initial Fee \$9.46

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1051 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 11:533 (May 1985), LR 12:319 (May 1986), LR 12:676 (October 1986), LR 13:433 (August 1987), LR 14:

§5135. Transporter Fee

A. All transporters of hazardous waste with a facility in Louisiana shall pay a fee of \$200 per year to the department. There will be only one fee regardless of the number of vehicles in the service of the transporter.

B. All transporters of hazardous waste which do not have a facility in Louisiana shall pay a fee of \$10 per vehicle when traveling through or into the state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1051.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 14:

§5137. Small Quantity Generator Fee

Small quantity generators (see §3901) shall pay a fee of \$50 per year to the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1051.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 14:

Interested persons may submit views or comments to Vince Sagnibene, Department of Environmental Quality, Office of Hazardous Waste, Box 94381, Baton Rouge, LA 70804. (504) 342-4677.

Paul H. Templet, Ph.D.
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Fee Increase**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no estimated implementation costs associated with the adoption of the proposed rule because a collection program is already in place.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
State revenue collections by the Department of Environmental Quality will be increased by approximately \$1,562,823.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
The estimated cost to non-governmental groups (the industrial regulated community) is estimated at \$1,562,823.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
No additional effects on competition and employment should be experienced as everyone subject to the fee structure change will be affected equally.

Cyril A. Buchert, Jr.
Undersecretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Health and Hospitals
Board of Dentistry**

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq. and the Dental Practice Act, R.S. 37:760(8), notice is hereby given that the Louisiana State Board of Dentistry intends to adopt the following rules:

Title 46

**PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part XXXIII. Dental Health Profession
Chapter 7. Dental Hygienists
§705. Prohibition Against Illegal Conduct by Dental Hygienists**

Dental hygienists are prohibited from engaging in any conduct, in connection with their practice of dental hygiene, which is prohibited by law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, LR 14:

Interested persons may comment on the proposed rule in writing until 5 p.m. on August 29, 1988 at the following address: Gerri Willes, Louisiana State Board of Dentistry, Suite 2240, 1515 Poydras Street, New Orleans, LA 70112. Oral comments may be offered at a hearing to be held on August 31, 1988 at 6 p.m. at the Fifth Floor Auditorium, 1515 Poydras Street, New Orleans, LA.

David Simmons
President

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Prohibition Against Illegal Conduct by
Dental Hygienists**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no estimated cost or saving to state funds. The proposed rule merely restricts dental hygienists from engaging in illegal conduct in the course of the practice of their profession.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The revenue collections of state or local governmental units will not be affected by the proposed rule.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
There are no estimated costs to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
To the extent that the proposed rule has any economic impact at all, it will raise the standard of competition in the dental hygienist employment market.

Dr. David Simmons
President

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Health and Hospitals
Board of Dentistry**

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq. and the Dental Practice Act, R.S. 37:760(8), notice is hereby given that the Louisiana State Board of Dentistry intends to adopt the following rules:

Title 46

**PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part XXXIII. Dental Health Profession
Chapter 4. Fees and Costs
Subchapter A. General Provisions
§401. Scope of Chapter**

The rules of this Chapter prescribe the fees and costs payable to and recoverable by the board with respect to the various services and functions performed by the board for or on behalf of the applicants for licensure, certification or registration, the holders of licenses and certificates issued by the board and the public.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:769.

§403. Form of Payment Required

Payment to the board of any fees or costs in excess of \$200, shall be made in the form of a certified check, cashier's check or money order. Other payments to the board of fees or costs shall be made in the form of a check drawn on an account located in Louisiana, a certified check, a cashiers check or a money order.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:769.

§405. Payments Nonrefundable

Except as may be expressly provided by these rules, all fees and costs paid to the board shall be nonrefundable in their entirety.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:769.

§407. Dishonored Checks

In addition to the amount of fees and costs elsewhere prescribed in this Chapter, a handling fee of \$50 shall be payable to the board by any person who, in payment of fees or costs, tenders to the board any check or other instrument which is dishonored or marked as an NSF check by the financial institution against which it is written or drawn. The handling fee shall be paid to the board within the notified period of time.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:769.

§409. Term of License; Renewal

All licenses shall be renewed annually and will expire on December 31 of each year. All renewal license applications are to be mailed by the board to licensed dentists and dental hygienists.

Subchapter B. General Fees and Costs

§411. Miscellaneous Fees and Costs

For providing the services indicated, the following fees shall be payable in advance to the board:

- A. Photocopies of documents, per page \$.50
- B. Certification of document as true copy \$ 5.00
- C. Certification of document as official record . \$ 5.00
- D. Certification of good standing for licensee . \$ 25.00
- E. Official list of all licensed dentists \$500.00
- F. Official list of all licensed dental hygienists . \$500.00
- G. Handling and mailing costs, per page \$ 1.00

Subchapter C. Fees for Dentists

§413. Scope of Subchapter

The rules of this Subchapter prescribe the fees and costs applicable to the licensing, certification and registration of dentists.

§415. Licenses, Permits and Examination

For processing applications for licensure, permits and examination, the following fees shall be payable in advance to the board:

- A. Examination and licensing of dental applicant . \$400
- B. Temporary dental license \$100
- C. Issuance of a restricted dental license \$200
- D. Annual renewal fee for dental license \$150
- E. Annual renewal fee for restricted dental license \$150
- F. Replacement or duplicate dental license, certificate, temporary permit \$ 50
- G. Delinquency fee in addition to renewal fee for any dental license \$250
- H. Reinstatement of a license which has been suspended, revoked or which has lapsed by non-renewal \$500

Subchapter D. Fees for Dental Hygienists

§417. Scope of Subchapter

The rules of this Subchapter prescribe the fees and costs applicable to the licensing, certification and registration of dental hygienists.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:769.

§419. Licenses, Permits and Examination

For processing applications for licensure, permits and examination, the following fees shall be payable in advance to the board:

- A. Examination and licensing of dental hygienist applicant \$200
- B. Temporary dental hygienist permit \$100
- C. Annual renewal fee for dental hygienist license . \$ 50
- D. Replacement or duplicate dental hygienist license, certificate, temporary permit \$ 50
- E. Delinquency fee in addition to renewal fee for any dental hygienist license \$100
- F. Reinstatement of a dental hygienist license which has been suspended, revoked or which has lapsed by non-renewal \$250

Subchapter E. Adjudication Proceedings Costs

§421. Subpoenas

For issuance and service of a subpoena or subpoena duces tecum with respect to an administrative hearing, a fee of \$15 shall be payable to the board in addition to the witness fees prescribed by law (see R.S. 49:956(5)).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:769.

Interested persons may comment on the proposed rule in writing until 5 p.m. on August 29, 1988 at the following address: Gerri Willes, Louisiana State Board of Dentistry, Suite 2240, 1515 Poydras Street, New Orleans, LA 70112. Oral comments may be offered at a hearing to be held on August 31, 1988 at 6 p.m. at the Fifth Floor Auditorium, 1515 Poydras Street, New Orleans, LA.

David Simmons
President

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Fees and Costs**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no estimated implementation cost or savings to the Louisiana State Board of Dentistry. The proposed rule increases the fees of a board which generates its own funds.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
It is estimated that the proposed rule will increase the revenue collections of the board by \$311,850 annually.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
The proposed rule will cost each dentist \$100 annually, and each hygienist \$25 annually. Persons who do not have full licenses will incur lesser costs. Licensees who are penalized for late payment will pay greater costs. Users of clerical and copying services provided by the board will pay a fee designed to recoup such costs.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
No effects on competition and employment are anticipated.

Dr. David Simmons
President

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Department of Health and Hospitals Board of Pharmacy

In accordance with R.S. 49:950, et seq., the Administrative Procedure Act, notice is hereby given that under R.S. 37:1178 the Louisiana Board of Pharmacy proposes Regulations Chapter 31, entitled Pharmaceutical Manufacturer, and Chapter 35, entitled Pharmacy Drugs.

Chapter 31 encompasses the manufacturing of legend pharmaceuticals in the state of Louisiana, and Chapter 35 covers prescription legend drugs in all instances, such as dispensing, ordering, storing, inventorying, sampling, corresponding responsibility, records, filing, security, reporting, transfer, disposal, and adulteration. Interested persons may submit comments and/or view the proposed rules in their entirety by contacting Howard B. Bolton, Executive Director, Louisiana Board of Pharmacy, 5615 Corporate Boulevard, Suite 8-E, Baton Rouge, LA 70808.

A public hearing will be held commencing at 10 a.m., Thursday, September 1, 1988, in the Conference Room of the Louisiana Board of Pharmacy, 5615 Corporate Boulevard, Suite 8-E, Baton Rouge, LA.

Howard B. Bolton
Executive Director

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Professional and Occupational Standards Part LIII, Pharmacists

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

This rule will be effective January 1, 1989, and, during the initial implementation in fiscal year 1988-89, it is anticipated that the costs will be \$21,600. The projected costs for fiscal year 1989-90 will be \$10,450.

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

During the initial implementation fiscal year 1988-89 and for fiscal year 1989-90, it is anticipated that this proposed rule will increase collections by \$14,750 annually.

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

Out-of-state pharmacies dispensing prescription drugs and/or devices to patients in Louisiana and pharmaceutical manufacturers and wholesalers manufacturing and/or distributing prescription legend drugs and/or devices in Louisiana will be required to register and pay the appropriate fee.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is estimated there will be little or no effect on competition. No effect on employment in Louisiana is expected.

Howard B. Bolton
Executive Director

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Department of Health and Hospitals Board of Practical Nurse Examiners

Notice is hereby given that the Louisiana State Board of Practical Nurse Examiners plans to amend the administrative rules and minimum requirements relating to practical nursing education and licensure to practice in the state of Louisiana. LAC 46:XLVII.703.A.. at its annual meeting in September, 1988, to read as follows:

§703. Initial Requirements

A. Programs in practical nursing shall be established in an educational institution that meets the requirements of the Louisiana State Board of Practical Nurse Examiners.

Interested persons may direct inquiries to the Louisiana State Board of Practical Nurse Examiners, 1440 Canal Street, Suite 2010, New Orleans, Louisiana, 70112, (504) 568-6480. Written comments on the proposed change will be received through August 31, 1988.

Terry L. DeMarca, RN
Executive Director

David W. Hood
Legislative Fiscal Analyst

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Practical Nursing Education And Licensure

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

There will be no implementation costs to state or local governmental units.

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

There will be no effect on revenue collections of state or local governmental units.

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

Currently all practical nurse education is conducted by vo-tech schools under the auspices of the Board of Elementary and Secondary Education. The proposed rule would allow private/proprietary institutions to be permitted to apply to the Board of Practical Nurse Examiners for approval to establish programs in practical nurse education. The effect of this measure on the quality of existing and future programs and on the availability of instructional personnel cannot be determined.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule may increase the number of jobs for instructional personnel. The effect of this on the availability of such personnel for existing programs cannot be determined.

Terry L. DeMarca, RN
Executive Director

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Department of Health and Hospitals Office of Eligibility Determinations

The Department of Health and Hospitals, Office of Eligibility Determinations, has adopted the following rule in the Food Stamp Program.

This revision is mandated by federal regulations published in the *Federal Register*, Vol. 53, No. 115, Wednesday, June 15, 1988 pages 22291-22292. It was necessary to adopt this as an emergency rule as federal regulations mandated an immediate implementation date.

PROPOSED RULE

Effective immediately, cash charitable contributions based on need, which are received from private nonprofit charitable organizations, not in excess of \$300 total per federal fiscal year quarter, shall be excluded as food stamp household income.

Affected households are entitled to the income exclusion beginning with the second federal fiscal year quarter of 1988 (January, 1988 through March, 1988) but not prior to February 1, 1988. Consequently a household which received \$100 in January, 1988, another \$100 in February and \$250 in March from private nonprofit charitable organizations would be entitled to an income exclusion for the \$100 received in February and \$200 of the \$250 received in March for a total income exclusion of \$300 in that quarter.

Affected households which were denied benefits because the household's eligibility or benefit calculation during the second federal fiscal year quarter of 1988 (but not prior to February 1, 1988) did not include this income exclusion shall be entitled to restored benefits, if otherwise eligible, at the time of recertification, whenever the household requests a review of its case, or when the OED otherwise becomes aware that a review of a particular case is needed. Restored benefits shall be paid to February 1, 1988, or the date of the food stamp application, whichever is later.

Interested persons may submit written comments to the following address: Howard L. Prejean, Deputy Assistant Secretary, Box 94065, Baton Rouge, LA, 70804-4065. He is the person responsible for responding to inquiries regarding this proposed rule. A copy of this proposed rule and its fiscal and economic impact statement is available for review from the local Office of Eligibility Determinations.

A public hearing on this proposed rule will be held on September 7, 1988, in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

David L. Ramsey
Secretary

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Cash Charitable Contributions

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

There are no costs or savings.

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

There is no effect on revenue collections.

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

Households who received or will receive certain cash charitable contributions not in excess of \$300 per Federal fiscal year quarter might receive an increase in food stamp benefits as these contributions will not be counted as income.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on competition and employment.

Howard L. Prejean
Deputy Assistant Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Department of Health and Hospitals Office of Public Health

In accordance with the laws of the State of Louisiana, R.S. 40:4, 40:5, and the provisions of Chapter XIII of the State Sanitary Code, the State Health Officer is proposing that the following amendment to the listing entitled "Mechanical Wastewater Treatment Plants for Individual Homes—Acceptable Units" be made:

1. Amend the listing to include an additional model/series for a currently listed manufacturer/plant, specified as follows:

MANUFACTURER	PLANT DESIGNATION	RATED CAPACITY
Delta Process Equipment, Inc. P. O. Box 969 Denham Springs, LA 70727-0969 (504) 665-1666	Models HU-0.5D HU-1.0D HU-1.5D	500 GPD 1000 GPD 1500 GPD

The specified change is in compliance with the requirements set forth in Section 6.6 of Appendix A of Chapter XIII of the State Sanitary Code.

Comments regarding the proposed rule should be addressed to Joseph D. Kimbrell, Deputy Assistant Secretary-Programs, Office of Public Health, Department of Health and Hospitals, Box 60630, New Orleans, LA 70160. A public review hearing will be held on September 6, 1988 at 10:00 a.m. at 325 Loyola Avenue, Room 511, New Orleans, to hear comments on the rule.

David L. Ramsey
Secretary

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

**Rule Title: "Mechanical Wastewater Treatment Plants
for Individual Homes – Acceptable Units;"
Amended Listing**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no implementation costs.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
The consumer will be afforded a wider selection of products - thus enhancing competition and possibly resulting in reduced costs for the related products and services to the consumer.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
Competition will be stimulated by the presence of the new product. Effect on employment cannot be estimated.

Joseph D. Kimbrell
Deputy Assistant Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Health and Hospitals
Office of Public Health**

The Department of Health and Hospitals, Office of Public Health, has proposed to repeal Title 48, Part V, Subpart 21, §7303 et seq. and to adopt the following rule in accordance with R.S. 49:950.

This notice of intent proposes to establish, supplement and clarify the policies and procedures to obtain a water or wastewater operator certificate as recommended by the Committee of Certification as monitored by the Operator Certification Program under the authority of R.S. 40:1141-1152 as amended.

Interested persons may contact Larry Fox, Department of Health and Hospitals, Office of Public Health at 325 Loyola Avenue, Room 403, Box 60630, New Orleans, LA 70160 (504-568-5108) to submit views and comments and/or view these proposed rules in their entirety.

David L. Ramsey
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Operator Certification Program**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no implementation costs or savings to state or local governmental units.

- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no additional effect upon collections of state or local government units.
(Note: The three dollar increase per certificate as included in the text of these procedures / rules is the same increase which was approved in writing by the Commissioner of Administration on June 7, 1988 and was implemented effective July 1, 1988.)
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
There is no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no estimated effect on competition and employment.

Joseph D. Kimbrell
Deputy Assistant Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Health and Hospitals
Office of Public Health**

CHAPTER IX
SEAFOOD
(MARINE FRESH WATER ANNUAL FOOD PRODUCTS)

The Department of Health and Hospitals, Office of Public Health pursuant to LSA-R.S. 40:5.3 as amended and reenacted by Act I of the First Regular Legislative Session of 1988 hereby proposes to adopt regulations to amend Chapter IX (Seafood) of the Sanitary Code of Louisiana. This rule pertains to molluscan shellfish growing areas, specifically regarding (1) Louisiana growing areas survey and classification rules, (2) laboratory analysis of shellfish growing waters-methods and techniques, (3) shellfish transplant permits. These regulations comply with said act and provide a proper foundation for law enforcement with regard to the illegal harvesting of molluscan shellfish. It is also anticipated that these amendments should reduce the incidence of shellfish-related disease outbreaks.

The Oyster Water Monitoring Program has adopted an emergency rule to implement the change effective July 20, 1988, as mandated by Act I of the First Extraordinary Legislative Session of 1988. The rule may be viewed in its entirety in the Emergency Rule Section of the *Louisiana Register*, Vol. 13, No. 7, dated July 20, 1988.

Interested persons may comment on the proposed rule by contacting Kenneth Hemphill, Department of Health and Hospitals, Office of Public Health, Box 60630, New Orleans, LA 70160, (504-568-5357).

David L. Ramsey
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Declaration of Emergency Rulemaking
Department of Health and Hospitals Chapter IX,
Seafood**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no estimated implementation cost to state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no estimated effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
There will be no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There will be no estimated effect on competition and employment.

Joseph D. Kimbrell
Deputy Assistant Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Health and Hospitals
Office of the Secretary**

The Department of Health and Hospitals, Office of the Secretary, proposes to adopt the following rule in the Medical Assistance Division.

Currently, when a change of ownership occurs, a minimum of 10 percent of the final vendor payment to the old legal entity is withheld pending the fulfillment of the following requirements:

- completion of a Limited Scope Audit of the facility;
- the facility's compliance with the recommendations of the Limited Scope Audit; and
- submittal of an acceptable cost report covering the period to the date of ownership change.

Once these requirements are met the portion of the payment withheld is released. However, if the new owners provide the Division of Medical Assistance with a notarized document attesting that they shall be responsible for compliance with the recommendations of the limited scope audit and the cost report, the portion of the payment withheld is released. In the past limited scope audits were performed by the department at no cost to the facility. However, beginning in FY 88/89 the department will no longer provide auditing services.

Under this rule, providers will be required to submit limited scope audit findings with recommendations of a CPA to the department. This rule is necessary to assure compliance with 42 CFR 442.14 which mandates procedures to be followed when a

change in ownership occurs. This rule has been implemented by declaration of an emergency rule under the provisions of the Administrative Procedure Act (R.S. 49:953B) effective for audits which have not begun by July 5, 1988.

PROPOSED RULE

When a change in ownership occurs, a minimum of ten percent of the final vendor payment to the old legal entity is withheld pending the fulfillment of the following requirements:

Completion of a limited scope audit of the facility, with findings and any recommendations of a certified public accountant of the old legal entity's choice submitted to the Division of Medical Assistance;

The facility's compliance with the recommendations of the limited scope audit with the following exception:

If the new legal entity disputes the finding of the limited scope audit, said entity may engage an independent auditor (CPA) and submit any findings and recommendations to the Division of Medical Assistance for review. In such instances, the independent auditor must certify his independence and submit a written opinion to the Division of Medical Assistance. Compliance with the findings and recommendations of the independent auditor shall be required.

Submittal of an acceptable cost report covering the period to the date of ownership change.

Once these requirements are met, the portion of the payment withheld shall be released.

Exception: New owners may provide the Division of Medical Assistance with a notarized document attesting that they shall be responsible for compliance with the limited scope audit findings submitted by the old legal entity. When this notarized statement and the cost report are received, the portion of the payment withheld shall be released.

Interested persons may submit written comments to the following address: J. Christopher Pilley, Acting Director, Division of Medical Assistance, Box 94065, Baton Rouge LA 70804-4065. He is the person responsible for responding to inquiries regarding this proposed rule.

A public hearing on this proposed rule will be held on September 7, 1988 in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

David L. Ramsey
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Long Term Care Program
Limited Scope Audits**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no projected impact resulting from this proposed rule. This rule is not expected to result in any increase in allowable costs for facilities. Administrative costs associated with this proposed rule for providing copies of this change in policy to providers and other interested persons is estimated at \$100.

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

There is no projected impact on revenues resulting from this proposed rule.

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

This rule will help maintain the quality of care now received by patients in Long Term Care facilities. This rule will have no effect on provider reimbursement.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition and employment.

David L. Ramsey
Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Health and Hospitals
Office of the Secretary**

The Department of Health and Hospitals, Office of the Secretary, proposes to adopt the following rule in the Medical Assistance Division.

Currently, the rights of Title XIX recipients in Long Term Care facilities are not secured by federal law. Federal regulations 42 CFR 405.1121(k), 442.202(c), and 442.311 currently contain patients' bills of rights which:

Safeguards patients' right to manage their personal financial affairs;

Require full disclosure to patients of the facility's charge structure, the facility's rates for services, and patient rights;

Designate the circumstances in which a patient may be transferred to another facility or discharged; and

Recognizes patients' rights of association and communication.

Under P.L. 100.203 long term care facilities will be statutorily required to assure basic patient rights. Patients must be informed orally and in writing of their rights, including but not limited to notice of the services available at the facility and attendant charges. Facilities must make prompt efforts to resolve grievances by patients. Patients shall be allowed to choose a personal attending physician, to participate freely in social, religious, and community activities that do not interfere with the rights of other patients, and to associate and communicate privately with persons of their choice. The statute goes beyond existing federal regulations, requiring that patients and their families be permitted to participate in patient advisory and family councils, and facilities provide private meeting space and the assistance of a

staff member for such meetings. In addition, the legislation imposes new requirements for patient transfers and discharges. Patients must be provided with 30 days advance notice of an involuntary transfer or discharge, except in the case of an improvement in health or the patient's urgent and documented medical needs. Facilities must establish identical policies with regard to transfer, discharge, and provision of services, regardless of the patient's source of payment.

Under this proposed rule recipient rights are being expanded to include those rights mandated under P.L. 100-203 which have not previously been adopted.

PROPOSED RULE

The rights of Title XIX (Medicaid) recipients in Long Term Care Facilities (SNF, ICF-I, ICF-II, and ICF-MR) shall include, but not be limited to all rights afforded under P.L. 100-203 effective November 1, 1988.

Interested persons may submit written comments to the following address: J. Christopher Pilley, Acting Director, Division of Medical Assistance, Box 94065, Baton Rouge LA 70804-4065. He is the person responsible for responding to inquiries regarding this proposed rule.

A public hearing on this proposed rule will be held on September 7, 1988 in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

David L. Ramsey
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Long Term Care Program Patient Rights**

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

There is no projected impact resulting from this proposed rule. This rule is not expected to result in any increase in allowable costs for facilities. Administrative costs associated with this proposed rule for providing copies of this change in policy to providers and other interested persons is estimated at \$100.

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

There is no projected impact on revenues resulting from this proposed rule.

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

This rule will help maintain the quality of care now received by patients in Long Term Care facilities. This rule will have no effect on provider reimbursement.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition and employment.

David L. Ramsey
Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Department of Revenue And Taxation Tax Commission

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950), notice is hereby given that the Louisiana Tax Commission intends to consider amendments to the following sections of the Louisiana Tax Commission real/personal property rules and regulations:

Loan and Finance Companies (LAC 61:V.503)
Watercraft (LAC 61:V.703)
Oil and Gas Properties (LAC 61:V.909)
Aircraft (LAC 61:V.1503)
Inventories (LAC 61:V.1705 and 1707, Appendix B)
General Business Assets (LAC 61:V.2503)
Use Value (LAC 61:V.2703; Appendix B, 2705, 2707, 2713 and 2717)

Pursuant to R.S. 49:953(2a), the Louisiana Tax Commission will hold a public hearing on Thursday, August 25, 1988, at 10 a.m., in the Mineral Board Hearing Room, Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA.

The proposed amendments are available in the office of the Louisiana Tax Commission, 923 Executive Park Avenue, Suite 12, Baton Rouge, LA between the hours of 8 a.m. and 4 p.m. Ed Leffel is the person responsible for responding to inquiries concerning the intended action.

Mary K. Zervigon
Chairman

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Rules and Regulations

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Implementation costs to the agency are the costs of reproduction and distribution of updated regulations. These costs are estimated at \$1,785 for the 1988-89 fiscal year.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
These revisions will generally lower 1989 personal property assessments for property of similar age and condition in comparison with equivalent assessments in 1988. Composite Multiplier Tables decline by an average of 0.5 percent, while specific value tables will generally increase by 5 percent to 20 percent.
It is anticipated that growth in the quantity of assessed personal property will supplement these valuations so that the overall growth of 1989 assessments will be 3 percent or a \$9.9 million increase in local property taxes for 1989.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
The primary benefits from these new rules will be to businesses with affected personal property. Assessments on equivalent property will generally be less in 1989 than in 1988. Specific savings will depend on the type, age and condition of property subject to assessment.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The impact on competition and employment cannot be quantified. Inasmuch as the proposed changes in assessments are relatively small, the impact is thought to be minimal.

Mary K. Zervigon
Chairman

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Department of Transportation and Development Maintenance

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq., notice is hereby given that the Louisiana Department of Transportation and Development intends to adopt this fee schedule that will apply to Driveway Permits issued by the department's Right-of-Way Permit Section, all in accordance with the provisions of Act 13 of the First Extraordinary Session of 1988.

Driveway Permits - per permit \$50

All interested persons so desiring shall submit oral or written data, views, comments or arguments no later than 30 days from the date of publication of this notice of intent to: P. J. Frederick, DOTD Construction Engineer Administrator, Department of Transportation and Development, Box 94245, Baton Rouge, LA 70804-9245.

Neil L. Wagoner
Secretary

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Driveway Permit Fee

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The implementation activities associated with the proposed driveway permit system can be performed by present staff at no additional cost to the department.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The department estimates that 2,500 driveway permits will be issued each year generating \$125,000 in self-generated revenues annually.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Individuals and businesses seeking additional driveway access to roads and highways on the state system will be required to pay a one-time fee of \$50 per driveway permit requested.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
The proposed rule will have no estimated effect on competition and employment.

Neil L. Wagoner
Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Department of Transportation and Development Office of Weights and Standards

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq., notice is hereby given that the Louisiana Department of Transportation and Development intends to adopt the proposed rule regarding implementation of the "Bridge Formula" as it applies to vehicles which operate on the interstate highways of the state of Louisiana. This action is taken pursuant to Act 686 of the 1987 session of the Louisiana Legislature.

PROPOSED RULE

This rule modifies the exceptions to the Bridge Formula outlined in Act 686 of 1987. It is promulgated in accordance with Section 2 of Act 686 of 1987, in order to comply with the mandate of the Federal Highway Administration.

The Bridge Formula set forth in 23 USCA 127 and in L.R.S. 32:386 applies to all vehicles except:

a. Type Six axle configuration (five axle combination with one single axle and two sets of tandem axles) carrying one of the commodities listed in Item d.

b. Type Eight axle configuration (six axle combination with one single axle, one tandem axle, and one tridem axle) carrying one of the commodities listed in Item d.

c. Type Ten axle configuration (double-bottom) carrying one of the commodities listed in Item d.

d. The above types of vehicles must be carrying the following commodities in their bulk or natural state: forest products, sand, gravel, agricultural products or lumber.

Also exempt from provisions of the Bridge Formula for a period to extend to September 1, 1989, are certain five axle vehicles comprised of tank trailers, dump trailers and ocean transport containers.

The following vehicles will have a phase-in period of five years (to commence upon promulgation of this rule) within which to comply with the axle spacing prescribed by the Bridge Formula:

3 axle vehicles which carry the following commodities in bulk or natural state: forest products, sand, gravel, agricultural products, lumber, loose or mixed concrete (including asphaltic or Portland cement), or bulk liquid commodities.

All interested persons so desiring shall submit oral or written data, views, comments or arguments no later than 30 days from the date of publication of this notice of intent to: Patrick A. Brown, Weights and Standards Enforcement and Vehicle Permits Administrator, Louisiana Department of Transportation and Development, Box 94042, Baton Rouge, LA 70804-9042.

Neil L. Wagoner
Secretary

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Implementation of the Bridge Formula

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

There will be minimal cost for Weights & Standards to

implement this law. The amount of savings in dollars that it will prevent in damage to interstate pavement and bridge structures will be significant. This Agency is unable to determine that amount with current available resources. There will be a sizable impact to the state if federal funds are withheld, which would occur if the Bridge Formula were not properly implemented.

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

This agency is unable to determine anticipated revenue at this juncture. Each violation ticket issued will represent a \$50 fine. The tickets will be issued by scale locations on the interstate system, mobile as well as stationary.

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

Industries affected by the proposed bridge formula rule are those that use type 2 (3 axles including 1 tandem axle configuration), type 18 (4 axles including 1 tridem axle configuration), or type 20 (5 axles including 1 quadrum axle configuration) trucks that haul concrete, hot mix, or garbage on the interstate system. Industries that operate the majority of these types of trucks in Louisiana and other states are the Redi-Mix Industry and the garbage hauling industry. There are an estimated 125 Redi-Mix companies operating approximately 1,900 trucks with these axle configurations in Louisiana, the majority of which are type 2 trucks.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

If DOTD were to begin concentrated enforcement of the type 2, 18 and 20 trucks hauling concrete and garbage, these industries would have to reduce their loads by roughly one to two yards per concrete truck. This would significantly increase operating costs per unit of concrete delivered on the job or garbage disposed of.

Neil L. Wagoner
Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Department of Transportation and Development Weights and Measures

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq., notice is hereby given that the Louisiana Department of Transportation and Development intends to adopt the following fee schedule that will apply to Bulk Meter Calibrations for Airport Fuel Vendors and Wholesale Fuel Distributors conducted by the Department's Materials and Testing Section, all in accordance with the provisions of Act 13 of the First Extraordinary Session of 1988.

Bulk Meter Calibrations for Airport Fuel Vendors and Wholesale Fuel Distributors	
Meter Calibration: 1 - 3 Meters	\$275
Each additional meter (At one location within State)	\$50
Truck Calibration - Per Truck (At one location within State)	\$275

All interested persons so desiring shall submit oral or written data, views, comments or arguments no later than 30 days from the date of publication of this notice of intent to: Jarvis J. Poche, DOTD Materials Engineer Administrator, Department of Transportation and Development, Materials and Testing Section, Box 94245, Baton Rouge, LA 70804-9245.

Neil L. Wagoner
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: DOTD Fee Schedule for Bulk Meter
Calibrations for Airport Fuel Vendors and Wholesale
Fuel Distributors**

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

No cost increase is anticipated if number of calibrations provided does not exceed 30 per year. DOTD Materials and Testing Section's Motor Fuels Unit presently does meter calibrations for 5-6 airport fuel serving companies and 6-10 bulk trucks per year as a free service and this does not disturb our normal work load.

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

Revenues for the state will increase by \$10,000 if 30 calibrations are performed in a year. DOTD presently charges nothing for the meter calibrating services it performs. Bulk meters calibrated on site at \$275 for 1-3 meters. Additional meters would be calibrated at the rate of \$50 each. Tank compartment calibration would be done for \$275 per truck.

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

By charging a fee for this service wholesales and distributors would not be getting a free service and private calibrating services are losing fee paying customers.

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

Since bulk calibration service are few, only three or four companies would possibly be affected. Presently the number of calibrations the Motor Fuels Laboratory performs is not considered important. Perhaps a larger volume of business using our service would be considered detrimental to the companies income.

Neil L. Wagoner
Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Transportation and Development
Weights and Measures**

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

hereby given that the Louisiana Department of Transportation and Development intends to adopt the following fee schedule that will apply to Department of Transportation and Development Evaluation of New Products conducted by the department's Materials and Testing Section, all in accordance with the provisions of Act 13 of the First Extraordinary Session of 1988.

**Proposed Fee Schedule for Evaluation
of New Products (Non-QPL)**

MATERIAL		LABORATORY EVALUATION COST	FIELD EVALUATION COST
Chemical Unit-Coatings	High Range	\$825	\$3150
	Low Range	\$575	\$1625
	Average	\$700	\$2375
Curing Compounds		\$150	
*Other Products			

NOTE: Other products will be evaluated at a rate of \$25/hr. The contractor will be given an estimate of cost prior to start of any evaluation. Once evaluation (laboratory and/or field) is complete contractor will be provided with a detailed invoice for actual services rendered.

All interested persons so desiring shall submit oral or written data, views, comments or arguments no later than 30 days from the date of publication of this notice of intent to: Jarvis J. Poche, DOTD Materials Engineer Administrator, Department of Transportation and Development, Materials and Testing Section, Box 94245, Baton Rouge, LA 70804-9245.

Neil L. Wagoner
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: DOTD Fee Schedule for Evaluation of New
Products (Non-QPL)**

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

The proposed rule proposes fees for the evaluation testing, and will have no implementation costs to state or local governmental units.

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

It is estimated that the requirement of materials manufacturers and suppliers pay for the testing involved in evaluating their products would generate \$10,000 per fiscal year.

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

The rule would be a disadvantage to materials manufacturers and suppliers since they will be required to pay a fee before the department decides whether or not they will be able to sell the product for use by the department.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition may be impaired since some materials manufacturers and suppliers may elect not to submit materials for evaluation due to the cost.

Neil L. Wagoner
Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Transportation and Development
Weights and Measures**

In accordance with the applicable provisions of the Administrative Procedure Act, R.S 49:950, et seq., notice is hereby given that the Louisiana Department of Transportation and Development intends to adopt the proposed fee schedule that will apply to manuals produced by the department's Materials and Testing Section, all in accordance with the provisions of Act 13 of the First Extraordinary Session of 1988.

		With Tax
Testing Procedures Manual (2 volume set)	\$40.40	\$40.40
Field Testing Procedures Manual	20.00	20.20
Qualified Products List Manual	20.00	20.20
Materials Sampling Manual	20.00	20.20

All interested persons so desiring shall submit oral or written data, views, comments or arguments no later than 30 days from the date of publication of this notice of intent to: Jarvis J. Poche, DOTD Materials Engineer Administrator, Department of Transportation and Development, Materials and Testing Section, Box 94245, Baton Rouge, LA 70804-9245.

Neil L. Wagoner
Secretary

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

**Rule Title: DOTD Revised Fee Schedule for Manuals
Produced by Materials Section**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
No implementation costs are involved.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Revenue collections for the sale of DOTD manuals will increase by approximately \$700 for F.Y. 1988-89.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
The estimated costs are negligible to any directly affected person or entity.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
This will have no effect on competition or employment.

Neil L. Wagoner
Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Transportation and Development
Weights and Measures**

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

hereby given that the Louisiana Department of Transportation and Development intends to adopt the following fee schedule that will apply to Project Related Inspections conducted by the Department's Materials and Testing Section, all in accordance with the provisions of Act 13 of the First Extraordinary Session of 1988.

Proposed Fee Schedule for Project
Related Inspections

- Item 1 - Weight certification of all haul trucks used on DOTD projects.
\$50 per certification - one time fee (unless altered)
All existing certifications to be grandfathered for one year.
- Item 2 - Certification of all Portland Cement Concrete and Asphaltic Concrete (Hot Mix) plants.
\$250 per plant - biannual fee
Applies for new and recertified plants
- Item 3 - Portland Cement Concrete Truck Performance Certification.
\$25 per truck - biannual fee
Applies for new and recertified trucks
- Item 4 - Certification of Asphaltic Concrete (Hot Mix) Laydown Equipment: Included are rollers, tack distributor trucks, power units, etc.
\$25 per unit - biannual fee
Applies for new and recertified equipment.
- Item 5 - Pit borings for Source Approval for Embankment used on DOTD Construction Projects.
\$10 per linear foot bored and tested
- Item 6 - Design Cylinders for Portland Cement Concrete for Project Information
\$5 per cylinder tested for compressive strength

NOTE: All testing and inspections will be performed by one of nine district laboratories.

All interested persons so desiring shall submit oral or written data, views, comments or arguments no later than 30 days from the date of publication of this Notice of Intent to: Jarvis J. Poche, DOTD Materials Engineer Administrator, Department of Transportation and Development, Materials and Testing Section, Box 94245, Baton Rouge, LA 70804-9245.

Neil L. Wagoner
Secretary

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

**Rule Title: Fee Schedule for Project Related Inspections
(Schedule 3)**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
No implementation costs are involved.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
It is estimated that the proposed fees will generate approximately \$240,000 in additional revenues.

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

These fees will be passed on to contractors, material suppliers, and truck owners. We feel that these expenses will have very little effect on receipts or income to these groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There would be no impact on competition or employment in the public or private sector.

Neil L. Wagoner
Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Transportation and Development
Weights and Measures**

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq., notice is hereby given that the Louisiana Department of Transportation and Development intends to adopt the following fee schedule that will apply to Evaluation of Products for the Department of Transportation and Development's Qualified Products List issued by the department's Materials and Testing Section, all in accordance with the provisions of Act 13 of the First Extraordinary Session of 1988.

Proposed Fee Schedule for Evaluation of Products for DOTD's Qualified Products List

QPL NUMBER	MATERIAL	LABORATORY EVALUATION COST	FIELD EVALUATION COST
QPL-2	Coarse Aggregate	\$375	\$400 out of state source
	Fine Aggregate	\$115	
QPL-3	Elastomeric Bridge Bearing Pads	\$225	
QPL-4	Flexible Plastic Gaskets & Sealants for Culvert Pipe	\$200	
QPL-5	Polyurethane Polymer Joint Sealers	\$150	\$450
QPL-6	Preformed Elastomeric Compression Joint Seals	\$175	\$200
QPL-7	Portland Cement & Portland-Pozzolan Cement	\$1175	\$200
QPL-8	Lubricant Adhesive for Preformed Elastomeric Bridge Seals	\$125	\$200
QPL-9	Raised Pavement Markers	\$100	\$450
QPL-10	Mineral Filler for Asphaltic Concrete	\$150	
QPL-11	2-Coat Inorganic Zinc Primer & Topcoat Paint Systems	\$675	
QPL-12	2-Coat Organic Zinc Primer & Topcoat Paint Systems	\$675	
QPL-13	Reflective Sheeting	\$1550	\$400
QPL-14	Special Surface Finish for Concrete	\$525	
QPL-15	Cantilever Type Load Transfer Devices	\$ 25	
QPL-16	Barricade Warning Lights	\$150	
QPL-17	Geotextile Fabrics (Plastic Filter Cloth)	\$150	
QPL-18	Preformed Closed Cell Polyethylene Joint Filler	\$ 50	\$300

Proposed Fee Schedule for Evaluation of Products for DOTD's Qualified Products List

QPL NUMBER	MATERIAL	LABORATORY EVALUATION COST	FIELD EVALUATION COST
QPL-22	Silicone Additive for Asphalt Cement		\$200
QPL-23	Cold Galvanizing Repair Compounds	\$ 525	
QPL-24	Rapid Setting Patching Materials for Concrete	\$ 200	\$300
QPL-25	Asphalt Mix Release Agents	\$ 50	\$100
QPL-26	Manhole Steps	\$ 175	
QPL-27	Paint, Activated Epoxy Primer & Topcoat	\$ 800	
QPL-29	Form Release Agents	\$ 50	
QPL-30	All Purpose Blasting Sand	\$ 100	
QPL-31	Paint-High Build Water Borne Traffic	\$ 100	\$400
QPL-32	Epoxy Resin Systems for Concrete	Multiple Types Type I \$800 Type II \$525 Type III \$650 Type V \$400	
QPL-33	PVC Extended Coal Tar Joint Sealers	\$ 100	\$450
QPL-34	Hydrated Lime & Quicklime	\$ 100	
QPL-35	Elastomeric Railroad Grade Crossing	\$ 225	\$200
QPL-36	Traffic Paint	\$ 100	\$800
QPL-37	3-Coat Organic Zinc Paint System	\$1350	
QPL-38	Plastic Durms for Traffic Warning or Channelization		\$150
QPL-39	Flexible Delineator Posts	\$ 25	\$400
QPL-40	Concrete Anchor Systems	\$ 225	
QPL-41	Asphaltic Materials	\$ 525	\$200
QPL-42	Silicone Joint Sealers	\$ 125	\$450

QPL NUMBER	MATERIAL	LABORATORY EVALUATION COST	FIELD EVALUATION COST
QPL-43	Polymeric Coated Steel & Repair Materials	\$650	
QPL-44	Mechanical Butt Splicing Devices	\$100	
QPL-47	Nonshrink Grout	\$125	
QPL-48	Dry-Batched Prepackaged Sacked Concrete Revetment	\$450	\$200
QPL-49	Patching Material for Precast or Prestressed Concrete Products		\$250
QPL-50	Fly Ash	\$3925	\$200
QPL-51	Epoxy Coatings for Reinforcing Bars	\$250	
QPL-52	Adhesive Anchor Systems for Deformed Tie Bars	\$225	
QPL-53	Lubricating Oil	\$75	
QPL-54	Gear Lubricants for Transmissions & Differentials	\$75	
QPL-55	Multi Purpose Grease	\$75	
QPL-56	Hydraulic Oil	\$75	
QPL-57	Anti-Stripping Additives	\$100	
QPL-58	Admixtures for Portland Cement Concrete	\$825	\$400
QPL-59	Bituminous Adhesive for Bonding Raised Pavement Markers	\$100	\$450
QPL-60	Temporary Pavement Markings	\$100	\$450

NOTE 1: Inspections and evaluations made out of state will require reimbursement by contractors for actual travel expenses at state rates.

NOTE 2: Field evaluation will not be run or charged for if lab evaluation fails.

NOTE 3: Any product currently on QPL list will remain on the list for a period of 2 calendar years from the date of initiation of the fee schedule. After this grace period all products currently on QPL will be required to be recertified.

All interested persons so desiring shall submit oral or written data, views, comments or arguments no later than 30 days from the date of publication of this notice of intent to: Jarvis J. Poche, DOTD Materials Engineer Administrator, Department of Transportation and Development, Materials and Testing Section, Box 94245, Baton Rouge, LA 70804-9245.

Neil L. Wagoner
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Fee for OPL Qualification**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no implementation costs.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
It is estimated that the proposed fees will produce \$38,500 per year in additional revenue.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
It is anticipated that the cost incurred by the affected companies will be passed on through increased bid prices (although percentage increase will be negligible). The companies' revenue will not be affected by the rule change.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
This rule may have a slight impact on competition. No reduction in employment is expected.

Neil L. Wagoner
Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Transportation and Development
Traffic and Planning**

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq., notice is hereby given that the Louisiana Department of Transportation and Development intends to adopt this fee schedule that will apply to Outdoor Advertising Permits issued by the department's Traffic and Planning Section, all in accordance with the provisions of Act 13 of the First Extraordinary Session of 1988.

Sign Size (Sq. Ft.)	Initial Permit	Effective 7/1/89 Annual Renewal Fee
300 +	\$125.00 Sign Face	\$25.00 Sign Face
101-300	62.50 Sign Face	12.50 Sign Face
0-100	37.50 Sign Face	7.50 Sign Face
	(No Charge)	

All interested persons so desiring shall submit oral or written data, views, comments or arguments no later than 30 days from the date of publication of this notice of intent to: Mitchell Lopez, Traffic and Planning Supervisor, Department of Transportation and Development, Box 94245, Baton Rouge, LA 70804-9245.

tion and Development, Box 94245, Baton Rouge, LA 70804-9245.

Neil L. Wagoner
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Change in Outdoor Advertising Sign Fee
Schedule**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
This rule change will have no implementation costs to state or local government units. Initial and annual fees are now assessed by the department.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
DOTD estimates that under the proposed rule change, the department would collect an additional \$33,500 annually for the administration of the Highway Beautification Program.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
The owners of billboards affected by the Highway Beautification Program would bear cost of the increased permit fees.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
The proposed rule change would have no estimated effect on competition and employment.

Neil L. Wagoner
Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

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

The alligator industry of Louisiana represents a renewable resource, valuable to the economy providing income to in excess of 1,000 participants for the 30-day harvesting season. The annual harvest of surplus and nuisance animals is in keeping with wise wildlife management techniques based upon scientific research and resulting management.

The regulations governing the taking, tagging, tag allotment, sale and shipment of alligators and products for the 1988 season may be viewed in their entirety in the Emergency Rule Section of this issue of the *Louisiana Register*.

The department secretary shall be authorized to close or extend the alligator season as biologically justifiable.

Interested persons may submit written comments on the proposed rule to Johnnie Tarver, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898.

Virginia Van Sickle
Secretary

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

Rule Title: 1988/89 Annual Alligator Harvest Program

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

Annual cost of implementation is approximately \$1,000 for tags and forms in compliance with CITES (Convention on International Trade in Endangered Species) and federal export regulations. This cost will be the same in 1988 as it was in 1987.

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

Severance tax (\$.25/skin) is collected by Department of Wildlife and Fisheries on each hide exported ($$.25 \times 23,000 = \$5,750$). A tag fee of \$2 per tag has been established by the Louisiana Wildlife and Fisheries Commission ($\$2 \times 35,000$ tags issued = \$70,000), to replace the \$5 flat fee charged each hunter for all tags used during the 1987 season ($\$5 \times 1,334$ hunters = \$6,670). The new fee revenues less the old fee revenues generate \$63,330 in additional revenues to the Conservation Fund in 1988/89 ($\$70,000 - \$6,670 = \$63,330$).

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

Annual harvest of alligators at the trapper level is approximately \$6,600,000 and is projected to increase as the harvesting allotment figures are adjusted to allow maximum utilization. This income may be multiplied as the skins move through commerce from the harvester landowner, fur buyer, fur dealer, tannery, fabricator, dresser, wholesaler and finally the retailer.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The alligator harvest program stimulates employment in the entire state especially in areas of largest harvest, i.e. coastal parishes. Approximately 23,000 hides and 50,000 pounds of meat enter commerce as a result of the Alligator Harvest Program. Temporary employment far in excess of 1,000 persons will result.

Bob Misso
Assistant Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

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

The fur industry of Louisiana is the result of a major wildlife resource and provides supplemental income for many of the citizens of our state, and as this resource is a renewable natural one, which has proven under wise management to increase in importance: annual harvest of the surplus animals is in keeping with sound wildlife management principles.

The creation of a north and south trapping zone continues to allow for the most efficient harvest of prime furbearers in these two diverse habitat types within the state. Therefore, the Department of Wildlife and Fisheries does hereby establish the 1988-89 furbearer trapping season for the south zone as being

December 1, 1988, through February 28, 1989. After carefully considering the market situation for some upland species, especially the raccoon, the department, in an attempt to provide more opportunity for trapping of bobcat and fox after deer hunting seasons are closed, does hereby establish the 1988-89 furbearer trapping season for the north zone as November 20, 1988, through February 15, 1989, with the addition of an experimental season from February 16, 1989, through March 15, 1989, with trapping techniques restricted to the use of soft-catch traps (padded jaw traps) or their equivalent. The department secretary shall be authorized to close or extend the trapping season in any portion of the state as biologically justifiable.

Federal restrictions imposed by the CITES Scientific Authority for otter and bobcat furs continue to require placement of an export tag prior to out-of-state shipment. The regulations governing the buying, tagging and shipment of bobcat and otter pelts adopted for the 1988-89 trapping season may be viewed at the Quail Drive office off Perkins Road, Baton Rouge, LA, phone (504)765-2344.

Interested persons may submit written comments on the proposed rule to Johnnie Tarver, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000.

Virginia Van Sickle
Secretary

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

Rule Title: 1988-89 Fur Harvest

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

Annual cost of implementation is approximately \$1,500 for tags to affix to bobcat and otter pelts in compliance with CITES and U. S. Fish and Wildlife Service regulations for movement into international commerce. Minimum expense for shipping tags is also required (R.S.56:254C) supplied by the department.

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

Severance tax (\$18,327 this past year) is collected by the department on each furbearer pelt exported (R.S.56:257B). Severance tax varies in amount depending upon the species.

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

Annual harvest of furbearing animals averaged approximately \$6,000,000 for the past 10 years at the trappers level. This income is important to trappers, landowners, fur buyers, fur dealers and trapper supply houses.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The annual trapping season stimulates employment in the entire state and provides a major source of income for several thousand families (approximately 6,000 trapping licenses sold). Preliminary value for sale of pelts and meat total almost \$4,000,000 (87/88). Louisiana leads the nation in wild caught fur production.

Bob Misso
Assistant Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) the Louisiana Wildlife and Fisheries Commission has adopted hunting seasons and bag limits for migratory birds by a declaration of emergency. A declaration of emergency was necessary to ensure that migratory bird seasons were set within time constraints established by the U. S. Fish and Wildlife Service. Provisions of the Administrative Procedure Act allow for a declaration of emergency to exist for 120 days. Since migratory bird hunting seasons run in excess of this time period, a notice of intent is required to ensure that the public has an opportunity to comment on this action.

This action was taken at a public hearing on August 4, 1988 at 2000 Quail Drive, Baton Rouge, LA. A subsequent hearing will be held in October to ratify these proposals. Authority to establish hunting seasons is vested in the commission by Section 115 of Title 56 of the Louisiana Revised Statutes of 1950 and this action is exempt from Legislative Oversight.

In general these proposals include dates for open hunting seasons, shooting hours and bag limits for all migratory game birds. A summary of the 1988-89 migratory hunting season can be viewed in the Emergency Rule Section of this issue of the *Louisiana Register*.

Interested parties may submit their views in writing to Hugh Bateman, Administrator, Game Division, Louisiana Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000.

Virginia Van Sickle
Secretary

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Migratory Birds Hunting Season

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no estimated implementation costs associated with the proposed rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The proposed rule will have no impact on the revenues of the department.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
There would be no additional costs and/or economic benefits directly affecting persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There would be no effect on competition or employment.

Hugh A. Bateman
Administrator

David W. Hood
Legislative Fiscal Analyst

Committee Reports

(Editor's Note: This referenced rule may be viewed in its entirety in the Rule Section of this issue of the *Louisiana Register*.)

COMMITTEE REPORT

House of Representatives House Natural Resources Subcommittee Oversight Review

Pursuant to the provisions of R.S. 49:968 and R.S. 39:55.2 of Act 13 of the First Extraordinary Session of 1988, the House of Representatives Natural Resources Subcommittee on Oversight met on July 29, 1988 and reviewed certain proposed rules by the Louisiana Department of Natural Resources, Office of Conservation to adopt Statewide Order 29-Q to impose and increase the regulatory fees of that office regarding application permitting, monitoring, and maintenance of operations and activities within the regulatory jurisdiction of the office with the following results:

1) Based on the testimony presented to the subcommittee and specifically the concern expressed regarding the disproportionate impact the fees would have on small oil and gas operators, the subcommittee determined that the fee increases were unacceptable.

Rejected by a vote of 6-0 (and one recusal)

In accordance with R.S. 49:968(F), copies of this report are being forwarded this date to the governor, the Department of Natural Resources, and the State Register.

Bruce M. Bolin
Chairman

GOVERNOR'S RESPONSE TO COMMITTEE REPORT

August 5, 1988

Dear Representative Bolin:

I am in receipt of a report of the House Natural Resources Subcommittee on Oversight of August 1, 1988 disapproving the fee increases proposed by the Office of Conservation, Department of Natural Resources in Statewide Order 29-Q pursuant to R.S. 39:55.2 of Act 13 of the First Extraordinary Session of 1988.

Aside and without respect to whether the House Subcommittee action to disapprove the rules was in fact timely and with full realization that the Senate Committee has not considered the fee increase or taken any action thereon, I am disapproving the action taken by the House Oversight Committee pursuant to the authority granted to me in R.S. 39:55.2d (1) (B) notwithstanding the apparent requirement that both Oversight Committees are required to act in disapproving a proposed rule in order for such disapproval to be effective.

I am doing so in order to resolve any claimed discrepancy which may arise in the interpretation of Act 13 of the 1988 Ex-

traordinary Session and the provisions of the Louisiana Administrative Procedure Act, R.S. 49:968 (I) and to place the issue at rest.

The purpose for my disapproval is primarily for budget reasons. These fees comprise 83 percent of the Office of Conservation's self-generated funds for fiscal year '88/'89 and the funding is necessary to allow continued operation of the regulatory programs within the Office of Conservation. These fees were included in the Office's budget for this current fiscal year and contained in the General Appropriations Act as self-generated funds for the current fiscal year.

The failure in approval of these fees would result in a loss of \$6.1 million annually and require personnel curtailment of 178 employees.

I consider this action necessary under the circumstances. Let me emphasize that I am sympathetic to the committee's view on this matter. Therefore, I am requesting that the Commissioner of Conservation meet with the affected parties, the regulatory industry and other interested persons to seek a more equitable distribution of the total amount of the fee increases. The commissioner is empowered to revise fees pursuant to authority granted to him in House Bill 1380 of the 1988 Regular Session. I would likewise urge the committee to consider possible alternatives and make recommendations to the commissioner in the exercise of this authority to arrive at an equitable allocation of the proposed fee increases.

However, at this point in time and considering the budgetary constraints, I am left with no alternative but to disapprove the Subcommittee action.

Sincerely,

Buddy Roemer
Governor

Potpourri

POTPOURRI

Department of Agriculture Horticulture Commission

The next retail floristry examinations will be given at 10 a.m. daily at Louisiana State University in Alexandria, Louisiana. The deadline for getting in application and fee is September 23, 1988. All applications must be in the Horticulture Commission office no later than 4:30 p.m. on that date. The test dates will be October 10-14, 1988.

Further information concerning examinations may be obtained from Craig M. Roussel, Director, Horticulture Commission, Box 44517, Capitol Station, Baton Rouge, LA 70804, phone (504) 925-7772.

Bob Odom
Commissioner of Agriculture

POTPOURRI

Department of Health and Human Resources Board of Embalmers and Funeral Directors

The Louisiana State Board of Embalmers and Funeral Directors will give the National Board Funeral Director and Embalmer/Funeral Director exams on Friday, August 12, 1988 at Delgado Community College, 615 City Park Avenue, New Orleans, LA.

Interested persons may obtain further information from the Louisiana State Board of Embalmers and Funeral Directors, Box 8757, Metairie, LA 70011, (504) 483-4684.

Dawn Scardino
Confidential Assistant

POTPOURRI

Department of Health and Hospitals Office of the Secretary

The public is hereby notified that in accordance with R.S. 40:2009.35, the Department of Health and Hospitals will no longer require a need review as part of the licensure process for home health agencies. This change will not otherwise affect the ability of the secretary of the department to promulgate and adopt rules and regulations governing the licensing and operation of home health agencies.

David Ramsey
Secretary

POTPOURRI

Department of Labor Office of Worker's Compensation

Pursuant to Act No. 583 of the Regular Session of the 1975 Louisiana Legislature, the state's average weekly wage upon which the maximum workmen's compensation weekly benefit amount will be based effective September 1, 1988 has been determined by the Louisiana Department of Labor to be \$356.40.

Phyllis C. Mouton
Secretary

POTPOURRI

Department of Natural Resources Fishermen's Gear Compensation Fund

Pursuant to the provisions of Act 33 of 1988, the following claims with the Fishermen's Gear Compensation Fund have been validated by the Fund's hearing examiner and the Secretary of DNR will approve payment, effective September 1, 1988.

Written comments from interested parties may be addressed to: Department of Natural Resources, Fishermen's Gear Compensation Fund, Box 94396, Baton Rouge, LA 70804, and must be received on or before August 31, 1988.

Claim No. 87-88-49

Lonie L. Malone, III, of 1500 Westwood Drive, Apt. 4-G, Marrero, LA 70072, Social Security No. 437-15-1571 Amount: \$943.49

Claim No. 87-88-233

Clarence R. Lovell, of 2508 Bartolo Dr., Meraux, LA 70075, Social Security No. 433-68-8756 Amount: \$3,534.25

Claim No. 87-88-271

George D. Eckerle, of P. O. Box 319, Lafitte, LA 70067, Social Security No. 433-72-7604 Amount: \$450

Claim No. 87-88-283

Herman Hebert, of 2160 Hwy. 55, Montegut, LA 70377, Social Security No. 437-58-3959 Amount: \$3,878.13

Claim No. 87-88-308

Albert J. Verdin, Jr., of Box 611, Oak St., Grand Isle, LA 70358, Social Security No. 438-09-9076 Amount: \$2,227.20

Claim No. 87-88-309

Albert J. Verdin, Jr., of Box 611, Oak St., Grand Isle, LA 70358, Social Security No. 438-09-9076 Amount: \$986.55

Claim No. 87-88-319

Louis M. Matherne, Sr., of Box 435-A, Barataria, LA 70036, Social Security No. 435-54-3935 Amount: \$1,111

Claim No. 87-88-356

Glenn A. Matherne, of Box 429-D, Barataria, LA 70036, Social Security No. 439-82-7845 Amount: \$5,000

Claim No. 87-88-364

August E. Despau, Jr., of Box 466-B, Barataria, LA 70036, Social Security No. 438-58-7743 Amount: \$783.76

Claim No. 87-88-368

Jimmie J. Dupre, Sr., of Rt. 2, Box 430, Erath, LA 70533, Social Security No. 437-64-0309, LORAN readings 27,532.9 and 46,987.3 Amount: \$953.08

Claim No. 87-88-376

Dwight Melerine, of Rt. 1, Box 778, St. Bernard, LA 70085, Social Security No. 434-78-0555 Amount: \$1,570.57

Claim No. 87-88-236

Jules J. Alexie, Jr., of Rt. 1, Box 614 Perrin St., Lafitte, LA 70067, Social Security No. 433-98-2107 Amount: \$3,188.52

Claim No. 87-88-269

Lawrence Plaisance, of Box 123, Touchard Lane, Lafitte, LA 70067, Social Security No. 438-74-9702 Amount: \$458

Claim No. 87-88-301

Louis J. Boullion, of P. O. Box 684, Ann St., Cameron, LA 70631, Social Security No. 438-26-4216 Amount: \$948.57

Claim No. 87-88-324

Gene P. Delaune, of 1405 Dogwood Drive, Harvey, LA 70058, Social Security No. 434-80-2475 Amount: \$475

Claim No. 87-88-335

Larry L. Matherne, Sr., of P. O. Box 219, Barataria, LA 70036, Social Security No. 439-58-1495, LORAN readings 28,641 and 46,648 Amount: \$2,060

Claim No. 87-88-347

Ralph J. Sandras, of 615 Third St. Harvey, LA 70058, Social Security No. 435-30-6608 Amount: \$605.94

Claim No. 87-88-367

Raleigh Lasseigne, of P. O. Box 83, Grand Isle, LA

70358, Social Security No. 435-62-3367 Amount: \$955.60

Claim No. 87-88-371

Tommy Cheramie, of Rt. 2, Box 485-D, Cut Off, LA 70345, Social Security No. 437-98-8486 Amount: \$913.66

Claim No. 87-88-372

Steven Charpentier, of Rt. 1, Box 226, East 161 St., Galliano, LA 70354, Social Security No. 436-48-6527, LORAN readings 28,159 and 46,824 Amount: \$1,375.98

Claim No. 87-88-373

Steven Charpentier, of Rt. 1, Box 226, East 161 St., Galliano, LA 70354, Social Security No. 436-48-6527, LORAN readings 28,246 and 46,818 Amount: \$1,375.98

Claim No. 87-88-378

Dean J. Arabie, of P. O. Box 188, Lafitte, LA 70067, Social Security No. 434-90-9429, LORAN readings 28,663 and 46,869 Amount: \$2,006.00

Claim No. 87-88-382

Carroll Erlinger, of P. O. Box 62, Lafitte, LA 70067, Social Security No. 435-35-1536 Amount: \$454.50

Claim No. 87-88-385

Emile J. Angelette, III, of Rt. 3, Box 1132, Cut Off, LA 70345, Social Security No. 439-32-2771 Amount: \$678.83

Claim No. 87-88-389

Paul A. Schmit, of 4632 Barnett St., Metairie, LA 70006, Social Security No. 437-23-2759, LORAN readings 28,724 and 47,044 Amount: \$899.91

Claim No. 87-88-397

Garrell S. Adam, of Box 534, Lafitte, LA 70067, Social Security No. 434-84-9866 Amount: \$486.42

Claim No. 87-88-398

James L. Cucurullo, of 1813 Manor Heights Dr., Marrero, LA, Social Security No. 436-66-4833 Amount: \$5,000

Claim No. 87-88-402

Norman Romero, of Box 210, Hazel Lane, Franklin, LA 70538, Social Security No. 439-52-9233 Amount: \$380

Claim No. 87-88-404

Lorne LeBouef, of 2516 Citrus Avenue, St. Bernard, LA 70085, Social Security No. 434-53-3377, LORAN readings 29,217 and 46,935 Amount: \$990.00

Claim No. 87-88-407

Harmon J. Bourque, of P. O. Box 242, Creole, LA 70632, Social Security No. 433-76-0026 Amount: \$5,000

Claim No. 87-88-412

Danny J. Duet, of Rt. 1, Box 59, Galliano, LA 70354, Social Security No. 438-80-2043 Amount: \$2,258.68

Claim No. 87-88-414

Ray Matherne, of Box 435-A, Barataria, LA 70036, Social Security No. 433-64-6321 Amount: \$1,119.28

Claim No. 87-88-421

Robert W. Guidry, of P. O. Box 654, Lake Arthur, LA 70549, Social Security No. 435-04-2394, LORAN readings 26,889 and 46,966 Amount: \$3,963.40

Claim No. 87-88-422

James J. Arabie, of P. O. Box 188, Lafitte, LA 70067, Social Security No. 439-58-2226 Amount: \$534.08

Claim No. 87-88-432

Wayne Clark Ohmer, of 811 Barbe St., Westwego, LA 70094, Social Security No. 438-64-9158 Amount: \$433.84

Claim No. 87-88-444

Gary R. Erlinger, of P. O. Box 62, Lafitte, LA 70067, Social Security No. 435-56-2658 Amount: \$454.50

Claim No. 87-88-445

Alan Cheramie, Sr., of P. O. Box 376, Lafitte, LA 70067, Social Security No. 436-72-7784, LORAN readings 28,663 and 46,869 Amount: \$1,709.90

Claim No. 87-88-446

Herbert Schultz, Jr., of Rt. 1, Box 512-H, Lafitte, LA 70067, Social Security No. 437-56-2983 Amount: \$555.50

Claim No. 87-88-450

Livia Crosby, of 205 Palmetto St., Golden Meadow, LA 70357, Social Security No. 435-54-6192 Amount: \$480

Raymond W. Stephens, Jr.
Secretary

POTPOURRI

Department of Natural Resources Fishermen's Gear Compensation Fund

In accordance with the provisions of the Fishermen's Gear Compensation Fund, R.S. 56:700.1 through 56:700.5, and regulations adopted for the fund published in the Louisiana Register on August 20, 1980, notice is given that 27 claims amounting to \$44,714.34 were received during the month of July 1988. During the same month, 35 claims amounting to \$47,045.96 were paid, and 22 claims were denied.

Raymond W. Stephens, Jr.
Secretary

CUMULATIVE INDEX
(Volume 14, Number 8)

1988

<i>Pages</i>	<i>Issue</i>
3— 63	January
69— 133	February
137— 194	March
201— 271	April
277— 325	May
333— 396	June
405— 501	July
513— 575	August

Livestock Dealer, 43N, 217R

Poultry, 44N, 217R

Forestry, Office of

Timber stumpage, 9R

Timberland fire protection, 456N

Livestock Sanitary Board

Brucellosis vaccine fee, 457N

Management and Finance, Office of

Central Registry, 214ER

Farm product additions, 339ER, 368N, 529R

Fees, 368N, 529R

Meat, poultry, seafood fee, 458N

Market Commission

Market bulletin, 459N

Seed Commission

Field certification, 191E

AGRICULTURE AND FORESTRY DEPARTMENT

Agricultural and Environmental Sciences, Office of

Advisory Commission on Pesticides, 450N

Ag Chemistry Lab Fees, 451N

Crop Pests and Diseases

Quarantine, 268P, 452N

Sweet potato, fee, 453N

Sweet potato weevil, 365N, 527R

Feed Commission

Registrant probation, 231N, 347R

Horticulture Commission

Citrus Canker quarantine, 213ER, 324P

Exam notice, 62P

Examination, licensure or permitting, 7R

Floristry exam, 127P, 324P, 573P

Seed Commission

Fees, 453N

Irish potato, 232N

Noxious weeds, 232N

Rice certification, 232N

Tomato, certification, 455N

Agro-Consumer Services, Office of

Agricultural Commodities Commission

Moisture meter registration and inspection fee, 366N,
528R

Schedule of fees, 367N, 527R

Weights and Measures Commission

Registration, 455N

Animal Health Services, Office of

Livestock Sanitary Board

Brucella abortus vaccine, 34N, 217R

Cattle, sale of, 45N, 217R

Cattle testing/vaccinating, 305N

Definitions, 36N, 217R

Equine infectious anemia, 39N, 217R, 300N, 302N

Horses, moved by dealer, 43N, 217R

Horses, mules, asses, 34N, 40N, 217R, 217R

Livestock auction market, 41N, 43N, 217R, 300N, 303N

CIVIL SERVICE DEPARTMENT

Civil Service Commission

Allocation change, 110N

Appeals, 214 ER, 233N

Appointment of eligibles, 214ER, 233N

Hearing, 46N

Layoff notification, 110N

Noncompetitive reemployment, 214ER, 233N

Pay rate on promotion, 3ER

Payroll period, 214ER, 233N

Reemployment list, 110N, 214ER, 233N

Ethics for Elected Officials, Board of

Campaign finance disclosure, 423R

Political committee names, 306N

COMMERCE DEPARTMENT

(See Economic Development Department)

Architectural Examiners, Board of

Building construction cost, 307N

Certified Shorthand Reports, Board of

Examiners of

Certificates, 369N, 529R

Certification, 369N, 529R

Examination, 369N, 529R

Fees, 369N, 529R

Commerce and Industry, Office of

Continuing Care Retirement Community

Registration, 75R

Tax Credit, 408ER

Financial Institutions, Office of

Bank/bank holding co., 460N

CR—Committee Report

EO—Executive Order

ER—Emergency Rule

L—Legislation N—Notice of Intent P—Potpourri

PPM—Policy and Procedure Memorandum R—Rule

Judicial interest rate, 4ER
Savings and loan holding company, 111N, 224R

Racing Commission

Bleeder medication, 9R, 461N, 550N
Coggins test, 46N, 226R
Determination by lot, 461N
Disclosure, 371N
Employment on track grounds, 372N
Entry after excused, 372N
Examinations, 373N
ID badges at hearings, 462N
ID badges on track, 463N
Jockey fee schedules, 373N
Mandatory penalties, 374N
Off-track breakage, 113N, 287R
Off-track wagering, 114N, 287R
Preference for eliminated horses, 375N
Purse payments pending licensure, 375N
Scratched horse, 376N
Security check, 463N
State fee, 72ER, 233N
Timing of entering claiming race, 118N, 292R
Trainer entry of more than one owner's horses, 376N
Triple Play, 79R
Twin trifecta, 47N, 227R

Real Estate Commission

Certificate of authority, 62CR, 119N, 227R
Escrow disbursement, 62CR
Escrow dispute, 9R
School advertising, 62CR
School director, 62CR

CULTURE, RECREATION AND TOURISM DEPARTMENT

Cultural Development, Office of

Archaeology grants, 48N
Black Culture grants, 48N
Historic preservation grants, 49N

Tourism, Office of

Litter control, 50N, 143R

ECONOMIC DEVELOPMENT DEPARTMENT

(See Commerce Department)

Auctioneers Licensing Board

Licensing, 548N

Certified Shorthand Reporters, Board of Examiners of

Certificates, 369N, 529R
Certification, 369N, 529R
Examinations, 369N, 529R
Fees, 369N, 529R

Commerce and Industry, Office of

Incentive fees, 549N

Racing Commission

Bleeder medication, 9R, 461N, 550N
Duration of term, 515ER, 550N
Horse registration, 551N
Super six, 552N

EDUCATION DEPARTMENT

Elementary and Secondary Education, Board of

8(g) Budget, 121N, 293R, 464N
8(g) Policy, 10R, 10R, 121N, 293R
Adult Ed State Plan, 464N
Biology II curriculum, 10R
Budget adjustment, 552N
Budget allocations, grants, 554N
Bulletin 741
Absenteeism, 145R
Band, art, music, 161N, 348R
Child Protection, 139ER, 235N, 423R
College recruitment, 145R
Community/parental involvement, 308N, 531R
Eleventh grade graduation test, 377N, 516ER
Financial/statistical report, 234N, 423R
Grade no. limits, 72ER
Instructional time, 377N
Latin certification, 379N
Minimum session/instructional day, 120N, 292R
Nonpublic school attendance, 465N
Nonpublic school services, 465N
Nonpublic school standards, 52N, 10R, 227R, 378N
Private piano instruction, 378N
School census, 53N, 227R
School dropout age, 145R
Summer school, 120N, 292R
Temporary certificates, 146R
Bulletin 746
Montessori course, 553N
NTE score list, 553N
Noncertified school personnel, 517ER
Temporary employment permit, 517ER
Bulletin 1191
Transportation handbook, 10R
Bulletin 1196
Food and Nutrition programs policy, 378N
Bulletin 1213
School bus standards, 162N, 348R, 554N
Bulletin 1706
Teacher aides, 379N
Bulletin 1794
Textbook review, 54N, 227R
Communicable diseases, 466N
Early retirement, 81R

CR – Committee Report

EO – Executive Order

ER – Emergency Rule

L – Legislation

N – Notice of Intent

P – Potpourri

PPM – Policy and Procedure Memorandum

R – Rule

Equalization Grant, 555N
 Funeral leave, 122N
 Interim superintendent authority, 216ER
 Maritime instruction fee, 409ER, 555N
 Migrant education, FY '89, 162N, 348R
 Minimum Foundation Equalization Grant, 516ER
 Nutrition and training, 11R
 Occupational, physical therapy, 11R
 Parent conference, 4ER
 Special school superintendent residence, 146R
 State superintendent, 11R, 145R
 Teacher certification fee schedule, 340ER, 380N
 Test Security Policy, 381N
 Tuition exemption, 146R, 228R, 517ER, 519ER, 556N
 Vocational Education
 Program plan, 382N
 Vocational - Technical School
 Bus Transportation, 11R
 Student admission, 11R
 Tuition, 12R, 409ER, 467N
Proprietary School Commission
 Occupational studies associate, 81R

ENVIRONMENTAL QUALITY DEPARTMENT

Air Quality Division

Fees, 467N
 Marine vapor, 308N
 New source performance, 235N, 348R

Ground Water Division

Fees, 477N

Hazardous Waste Division

Fees, 478N, 556N

Nuclear Energy Division

Fees, 478N

Secretary, Office of

LAC codification, 270P

Solid and Hazardous Waste, Office of

Hazardous Waste Division
 Land ban, 236N
 Listing identification, 309N, 424R
 Solid Waste Division
 Fees, 481N
 Operator certification/training, 12R

Underground Storage Tanks

Fees, 482N

Water Resources, Office of

Public hearing, 501P
 Municipal Facilities Revolving Loan Fund, 127P
 Water Pollution Control Division
 Fees, 483N

EWE 88-2—Amends EWE 88-1 rescinding the proposed sale of the King Air (501) aircraft, 139
 BR 88-1—Reduced appropriations for FY 87-88 for various budget units, 203
 BR 88-2—Freeze on hiring both classified and unclassified state employees, 205
 BR 88-3—Termination of per diem expenditures for members of boards and commissions in the executive branch, 206
 BR 88-4—Returning all savings from reduced appropriations be credited to state general fund, 206
 BR 88-5—Fiscal emergency declared as of March 29, 1988, 207
 BR 88-6—Reduction in appropriations for the remainder of FY 1987-88 and future allotments to various budget units, 207
 BR 88-7—Reduction in salary of all employees and officers of the governor's executive office by 10 percent FY 87-88, 209
 BR 88-8—Appropriation reductions to various departments, 209
 BR 88-9—Appropriation reductions to various departments, 210
 BR 88-10—Establishment of the Office of Inspector General, 211
 BR 88-11—Appropriation reductions to various departments, 212
 BR 88-12—Directs the restoration to sale certain state lands, 279
 BR 88-13—Establishes the Louisiana Occupational Information Coordinating Committee in the Department of Labor, 279
 BR 88-14—Creates the Governor's Commission on a Louisiana Energy Policy, 339
 BR 88-15—Directives for the Louisiana Emergency Response Commission, 407
 BR 88-16—Directs DEQ to manage toxic chemical data, 407
 BR 88-17—Unclassified employees' salary reduction, 1988-89, 408
 BR 88-18—Rescinds EWE 87-38 which established the International Trade, Industry and Tourism Commission, 515
 BR 88-19—Creates Minority and Women's Business Enterprise in the Department of Economic Development, 515

GOVERNOR'S OFFICE

Division of Administration

Commissioner's Office
 Education Procurement, 309N, 429R
 Travel regulations, 72ER, 162N, 293R, 340ER, 487N
 Policy and Procedure Memoranda
 PPM No. 10, 163N, 293R
 PPM No. 49, 72ER, 162N, 293R, 340ER, 487N
 PPM No. 64, 238N, 429R
 PPM No. 72, 213

EXECUTIVE ORDERS

EWE 87-49—Reduces appropriations for certain budget units, 3
 EWE 87-50—Grants private activity bond allocations, 71
 EWE 88-1—Reduces appropriations for certain budget units, 71

CR—Committee Report

EO—Executive Order

ER—Emergency Rule

L—Legislation

N—Notice of Intent

P—Potpourri

PPM—Policy and Procedure Memorandum

R—Rule

Risk Management
Medical Fee, 148R
Property claims recovery fund, 163N, 293R
Risk analysis, loss prevention, 237N, 349R
State Planning
LCDBG Program
Final Statement, '88, 12R, 310N, 429R
State Purchasing
Cash discounts, 139ER
Printing, PPM 64, 238N, 429R
Statewide Reporting and Accounting Policy
Inter/Intro agency billing, 213PPM
Telecommunications Management
Telephone use/repair, 54N, 148R, 311N, 434R

Elderly Affairs, Office of

JTPA, Older Individuals, 311N, 434R
State Plan on Aging, 139ER, 164N, 294R, 340ER, 382N, 532R

Minority Business Enterprise, Office of

Certification procedures, 350R

Tax Appeals Board

Procedures/practice, 4ER

Women's Services, Office of

Marriage license fee, 122N, 229R

HEALTH AND HOSPITALS DEPARTMENT

(See Health and Human Resources Department)

Certified Social Work Examiners, Board of

General provisions, 488N
Procedural rules, 488N

Community Services, Office of

Children, Youth, and Family Services Division of

Provides child care through Vendor Day Care Program, 341ER, 494N
Rehabilitation Services
Order of selection, 351R
Policy Manual, 230R

Dentistry, Office of

Fees, 558N
Illegal conduct, 558N

Dietetics and Nutrition Examiners, Board of

Conduct, 243N, 434R
Fees, 243N, 434R
Licensure, 243N, 434R

Eligibility Determinations, Office of

AFDC Program
Alien status, 280ER, 312N, 438R
Fraud control, 312N, 439R
Food Stamp Program
Cash charitable contributions, 521ER, 561N
Medical Assistance Program
Hospital program rate freeze, 248N, 351R
LTC-drug regimen review, 249N, 352R
LTC-FLA-D payments, 250N, 353R
LTC-SNF, ICF rate freeze, 250N, 353R

Pharmacy Program, LMAC drugs, 251N, 353R
Protected income, 495N

Embalmers and Funeral Directors, Board of

Exam, 573P

Medical Assistance, Division of

LTC-limited scope audit, 563N
LTC-patient rights, 564N
Reimbursement methodology, 521ER

Medical Examiners, Board of

Occupational therapist license pending exam, 167N, 350R

Nursing, Board of

Education, 247N, 532R
Fees, 248N, 533R

Pharmacy, Board of

Drugs, 560N
Manufacturer, 560N

Practical Nurse Examiners, Board of

Requirements, 560N

Public Health, Office of

Cancer and Lung Trust Fund, 383N, 534R
Fee adjustment schedule, 384N, 534R
Nutrition Section
WIC State Plan, 501P
Operator certification, 562N
Sanitary Code
Marine freshwater food, 410ER, 562N
Mechanical Wastewater treatment plants, 313N, 439R, 561N
Operator Certification, 562N
Reportable diseases, 496N
Seafood, 410ER, 562N
Water supplies, 496N

Radiologic Technology Board of Examiners

Medical radiation health, safety, 385N, 542R

Secretary, Office of

Capital expenditure review, 314N
Gary W. Project Office
Reporting alleged mistreatment and/or death of Gary W. classmates 341ER, 385N, 535R
Home health agency licensure review, 573P
ICF-MR facility rate, 319N, 440R
LTC-ownership procedure, 421ER
New health facility review, 315N, 440R
Residential care rate, 319N, 542R

Veterinary Medicine, Board of

Meeting, Exam, 280ER

HEALTH AND HUMAN RESOURCES DEPARTMENT

(See Health and Hospitals Department)

Dietetics and Nutrition Examiners, Board of

Conduct, 243N, 434R

CR – Committee Report

EO – Executive Order

ER – Emergency Rule

L – Legislation N – Notice of Intent P – Potpourri

PPM – Policy and Procedure Memorandum R – Rule

Fees, 243N, 434R
Licensure, 243N, 434R

Embalmers and Funeral Directors, Board of

Exam, 127P

Family Security, Office of

Food Stamp Program

Expedited service, 56N
Homeless individual, 87R
Household composition, 87R
Loss-of-benefits, 56N
Third party payments, 56N, 150R

Medical Assistance Program

Hospital Program rate freeze, 248N

LTC

Drug regimen, 249N, 352R
FLA-D, 250N, 353R
SNF, ICF rates, 250N, 353R

Multiple source drugs, 140ER, 168N, 216ER, 294R

Pharmacy Program

Anticonvulsive drugs, 318N
Dispensing fee, 88R
LMAC drugs, 251N, 353R
Prescription limit, 252N
Restricted formulary, 252N

Reimbursement limits, 88R

Transportation recipient sanction, 123N, 230R

Vehicle guidelines, 24R

Human Development, Office of

Child abuse prevention, 57N, 151R

DCYFS

Legal fee, 91R

Maintenance payment, 91R

Rehabilitation Services

Personal care assistance, 151R

Policy Manual, 230R

Selection order for handicapped, 140ER, 254N

Special needs child, 90R

Medical Examiners, Board of

Licensure by reciprocity, 149R

Occupational therapist license, 167N, 350R

Physicians, surgeons, 86R

Respiratory therapists/technicians, 86R

Nursing, Board of

Education, 247N

Fees, 248N

Nursing Home Administrators, Board of Examiners for

Complaints, hearings, 165N, 352R

Emergency license, 352R

Examination, 23R, 165N, 352R

Licenses, 55N, 149R, 166N, 167N, 353R

Programs of study, 55N, 149R

Pharmacy, Board of

Out-of-state license, 248N

Prevention and Recovery from Alcohol/Substance

Abuse, Office of

DWI fee assessment, 92R

Preventive and Public Health Services, Office of

AZT Grant, 26R

Family Co-pay, 24R

Sanitary Code

Fairs, festivals, 92R

Sewage for camps, 92R

Water supplies, 255N

Professional Counselors, Board of Examiners for

Licensure, 82R

Radiologic Technology Examiners, Board of

Medical radiation health, safety, 385N, 542R

Secretary, Office of

Ambulatory surgical center, 57N, 154R

Block Grants, 262N, 353R

Board/care home license, 93R

ICF-MR facility rate, 319N, 440R

Licensing and Certification Division

Adult day care center, 59N

Alfentanil, 124N, 230R

Board and care homes, 27R

Trauma center licensure, 59N, 155R

Residential care rate, 319N, 542R

Treatment of patients with infectious diseases, 26R

Speech Pathology and Audiology Examiners, Board of

General regulations, 386N

INSURANCE DEPARTMENT

Commissioner, Office of

Plan of Operation, 280ER

Licensing Division

HMO agents, 156R

JUSTICE DEPARTMENT

Attorney General, Office of

Electronic video bingo machines, 264N, 354R, 422ER,
522ER

LABOR DEPARTMENT

Barber Examiners, Board of

Barbers, 93R

Shops, 93R

Employment Security, Office of

Appealed claims, 169N

Labor, Office of

Private employment, 60N, 156R, 230R

Plumbing Board

Exam requirements, 170N, 440R

Licenses, 170N, 440R

CR – Committee Report

EO – Executive Order

ER – Emergency Rule

L – Legislation

N – Notice of Intent

P – Potpourri

PPM – Policy and Procedure Memorandum

R – Rule

Workers' Compensation, Office of

Employee earnings, 128P
Maximum wage, 573P

LOUISIANA ADMINISTRATIVE CODE UPDATE

December, 1987 — March, 1988 changes, 268
April 1, 1988 — June, 1988 changes, 500

NATURAL RESOURCE DEPARTMENT

Conservation, Office of

Injection and Mining Division
Statewide Order 29-0-1, 320N, 441R
Statewide order 29-Q, 542R, 572CR

Fishermen's Gear Compensation Fund

Claims, 62P, 128P, 192P, 271P, 325P, 395P, 501P,
573P, 575P
Definitions, 390N, 545R

Mineral Resources, Office of

Mineral lease fee, 388N, 544R

Secretary, Office of

Bohemia Spillway, 523ER
Fishermen's Gear definitions, 390N, 545R

**PUBLIC SAFETY AND CORRECTIONS DEPARTMENT
(Corrections)**

Juvenile Services, Office of

Offender assignment, 27R, 284ER
Offender custody/transfer, 30R, 390N

(Public Safety)

Management and Finance, Office of

Sale of data base information, 391N

Motor Vehicles, Office of

Emission inspection/maintenance, 94R
Fees, 497N
Registration renewal, 286ER
Transaction fee, 286ER

State Fire Marshal, Office of

Preliminary provisions, 523ER

State Police, Office of

Breath, Blood Alcohol Analysis, 72ER, 125N, 265N,
360R, 362R, 441R
Charitable Gaming
Bingo, keno, raffles, 171N, 444R
Hazardous Substances Control Section
Alcohol, controlled dangerous substances, 175N, 294R
Civil penalty recovery, 321N, 441R
Materials transported, 177N, 296R
Waste transported, 178N, 297R
Motor carrier safety unit
Materials on public highway, 31R, 179N, 297R

REVENUE AND TAXATION DEPARTMENT

Income and Corporation Franchise Tax Division

Income: Corporation Tax, 95R

Severance Tax Section

Oil, condensate, natural gas, 180N

Tax Commission

Orleans Parish appraisal/assessment study, 395P
Real/personal property, 109R, 565N
Timber stumpage, 9R

**STEAMSHIP PILOT COMMISSIONERS
FOR THE MISSISSIPPI RIVER**

Board of New Orleans-Baton Rouge

Clarifies rules, 140ER, 183N, 298R

**TRANSPORTATION AND DEVELOPMENT
DEPARTMENT**

Highways, Office of

Outdoor advertising, 32R

Maintenance

Driveway permit, 565N

**Registration for Professional Engineers
and Land Surveyors, Board of**

General provisions; exams, 184N, 449R
Land surveying, 185N

Traffic and Planning

Outdoor advertising, 570N

Weights and Standards

Bridge formula, 566N
Fuel vendor/distributor, 566N
Material/Testing Manual, 568N
New product evaluation, 567N
Project inspection fee, 568N
Qualified product list, 569N

TREASURY DEPARTMENT

Bond Commission

Meeting Schedule, 125N, 231R

State Employees Group Benefits Program

Birth control medication, 60N, 300R
Health Maintenance Organizations, 392N, 545R
Rate increase, 61N, 231R

URBAN AND COMMUNITY AFFAIRS DEPARTMENT

Secretary, Office of

Emergency Shelter Grant, 126N
Hearing, 63P

CR—Committee Report

EO—Executive Order

ER—Emergency Rule

L—Legislation

N—Notice of Intent

P—Potpourri

PPM—Policy and Procedure Memorandum

R—Rule

WILDLIFE AND FISHERIES DEPARTMENT

Coastal and Marine Resources, Office of

Oyster seed grounds, 190N

Wildlife and Fisheries Commission

Alligator season, 524ER, 570N

Black bass harvest, 191N, 364R

Chicot Lake black bass harvesting restrictions, 364R

Field trials on wildlife management areas, 364R

Firearm/hunter education, 127CR

Free fishing, freshwater, 321N

Free fishing, saltwater, 322N

Fur harvest, 571N

Goose creeping, 394N, 547R

Inshore shrimp season, 286ER

Management area field trial, 127CR

Menhaden season, 322N, 547R

Migratory bird season, 526ER, 572N

Oyster season, 526ER

Red drum, commercial, 6ER, 287ER

Red drum, recreational, 6ER, 74ER

Refuges and wildlife management areas, 395N

Resident game quadrupeds/birds, 323N, 449R

Shrimp season, 7ER, 143ER, 527ER

Spotted seatrout, commercial, 287ER

Toledo Bend reciprocal, 324N, 548R

Wildlife and Fisheries, Office of

Game breeder license, 498N

Non-resident preserve license, 499N

CR – Committee Report

EO – Executive Order

ER – Emergency Rule

L – Legislation N – Notice of Intent P – Potpourri

PPM – Policy and Procedure Memorandum R – Rule

LOUISIANA ADMINISTRATIVE CODE

The *Louisiana Administrative Code* is a vitally important publication of the State of Louisiana! When completed, it will be a comprehensive extension to your law library. It will contain approximately 20 volumes. It will be updated annually by supplement, and quarterly in the *Louisiana Register*. The books are compiled by subject matter like the revised statutes, but with an entirely different codification system. You may order the entire set or specific volumes.

NEW VOLUMES — ENVIRONMENTAL QUALITY

- Volumes 11 and 12 — Air Quality
- Volume 13 — Hazardous Waste
- Volume 14 — Solid Waste, Underground Storage Tanks, Water Resources
- Volume 15 — Nuclear Energy

* * * * *

- Volume 1 — Rules on Rules, Banks and Savings and Loans, Horse Racing, and Securities
- Volume 2 — Agriculture and Animals
- Volume 3 — Professional and Occupational Standards
- Volume 4 — Administration
- Volume 5* — Wildlife and Fisheries
- Volume 6 — Public Safety and Corrections
- Volume 7 — Cultural Resources, Insurance, Labor and Employment
- Volumes 8 and 9 — Public Health-General (Sold as set only)
- Volume 10 — Revenue and Taxation

Please send me the Volume(s) and/or Supplement(s) circled below.

VOLUMES \$40 EACH: STATE AGENCIES \$20

1 2 3 4 5* 6 7 8 9 10 11 12 13 14 15

SUPPLEMENTS \$10 EACH

1 2 3 4 5



AMOUNT
(* \$20; * \$10) ENCLOSED

PLEASE SEND TO:

OFFICE OF STATE REGISTER
P.O. BOX 94095
BATON ROUGE, LA 70804-9095

NAME OF COMPANY

CONTACT PERSON

ADDRESS

TELEPHONE

()

