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This public document was published at a cost of \$2.09 per copy, by Baton Rouge Printing Co., Inc., P. O. Box 97, Baton Rouge, La. as a service to the state agencies in keeping them cognizant of the new rules and regulations under the authority of R.S. 49:951-968. This material was printed in accordance with the standards for printing by state agencies established pursuant to R.S. 43:31. Printing of this material was purchased in accordance with the provisions of Title 43 of the Louisiana Revised Statutes.

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# Executive Orders

## EXECUTIVE ORDER DCT 82-5

WHEREAS, The Lower Mississippi River from Baton Rouge to the Head of Passes is one of the largest port areas in the world; and

WHEREAS, Approximately 28 percent of the nation's total waterborne commerce moves through the Lower Mississippi River; and

WHEREAS, This waterborne commerce includes major shipments of bulk commodities such as grain, coal, ore and petroleum products; and

WHEREAS, The export of grain from the Lower Mississippi River is expected to double between now and the year 2000; and

WHEREAS, The United States has approximately 28 percent of the world's recoverable reserves of coal; and

WHEREAS, The President's Interagency Coal Task Force has predicted that there will be a major growth in the export of steam coal from the United States by the year 2000; and

WHEREAS, The Lower Mississippi River is at the end of the inland waterway system which serves as a natural tributary for the water transportation of coal from the eastern and western coal regions of the United States; and

WHEREAS, Existing and planned coal terminals along the Lower Mississippi River will provide extensive coal handling capabilities; and

WHEREAS, The ability of the United States to participate in the world trade of these commodities will be dependent on our ability to remain cost competitive with other trading nations; and

WHEREAS, A major component of the cost competitiveness of the United States will be the cost of marine transportation; and

WHEREAS, The world's bulk shipping fleets are utilizing larger and deeper draft vessels to take advantage of the transportation cost savings that occur through the "economy of scale" provided by such vessels; and

WHEREAS, The Lower Mississippi River is currently dredged to a depth of 40 feet which will not allow deep draft vessels to load to their full and most efficient depths; and

WHEREAS, For the Lower Mississippi River area to capture and enjoy the economic benefits of a major share of this expanding bulk trade, it is imperative that the Mississippi River be expeditiously dredged to a depth which will accommodate deep draft vessels;

NOW, THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana, by virtue of the authority vested in me as Governor, pursuant to the Constitution and applicable statutes of the State of Louisiana, do hereby create the Governor's Task Force on Deep Draft Vessel Access to the Lower Mississippi River. The Task Force shall be appointed by the Governor, consisting of the following:

1. The Secretary of the Department of Commerce, or his designee;
2. The Secretary of the Department of Natural Resources, or his designee;
3. The Secretary of the Department of Transportation and Development, or his designee;
4. The Director of the Office of Public Works, or his designee;

5. The Executive Secretary to the Governor, or his designee;

6. The Governor's Executive Assistant for Economic Development, or his designee;

7. The Commissioner of the Division of Administration, or his designee;

8. A representative from the Greater Baton Rouge Port Commission;

9. A representative from the South Louisiana Port Commission;

10. A representative from the Board of Commissioners of the Port of New Orleans;

11. A representative from the Plaquemines Port, Harbor and Terminal District;

12. A representative from business and industry; and

13. A representative from labor.

The Governor shall appoint a chairman and a vice-chairman.

The Task Force shall complete the following responsibilities:

1. Evaluate the anticipated growth of major bulk commodities that move through the Lower Mississippi River area;

2. Determine the proportion of these bulk commodities that will be shipped through the Lower Mississippi River;

3. Using these bulk cargo projections, evaluate the anticipated savings in the cost of transportation that would occur if the Lower Mississippi River were dredged to accommodate deep draft vessels; and

4. Carefully identify and evaluate alternative sources of funding to finance the costs of providing deep draft vessel access to the Lower Mississippi River.

The Task Force shall report its findings to the Governor not later than six months after the issuance of this Executive Order.

The appropriate departments of the State of Louisiana are hereby directed to provide the necessary technical assistance required by the Task Force to carry out its responsibilities.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 16th day of March, A.D., 1982.

David C. Treen  
Governor of Louisiana

## EXECUTIVE ORDER DCT 82-6

WHEREAS, the Governor's Task Force on Drinking and Driving was created by the authority of Executive Order No. 82-2 and amended by Executive Order No. 82-3; and

WHEREAS, it is within the best interest of the people of our state that this task force recommend specific legislation to alleviate this severe problem;

NOW, THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana, by virtue of the authority vested in me by the Constitution and applicable statutes of the State of Louisiana, do hereby direct the Governor's Task Force on Drinking and Driving to study these problems and make specific recommendations.

The Task Force shall be under the specific jurisdiction of the

Department of Public Safety and shall be composed of 19 members rather than 17 as previously stipulated. One of the additional members shall be selected from recommendations submitted by the Louisiana Police Jury Association. The second additional member shall serve as an at-large representative.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 23rd day of March, A.D., 1982.

David C. Treen  
Governor of Louisiana

# Emergency Rules

## DECLARATION OF EMERGENCY Department of Health and Human Resources Board of Cosmetology

Registration and Licensing of Estheticians,  
Schools, and Beauty Shops. (Act 701)

RS: 37:492 Definition

“Esthetician” or “esthetics operator” means a person who, for compensation, whether direct or indirect, including tips, engages in any one or a combination of the following practices of esthetics: massaging the face or neck of a person, trimming eyebrows, dyeing eyelashes or eyebrows, or waxing, stimulating, cleansing, or beautifying the face, neck, arms, or legs of a person by any method with the aid of the hands or of any mechanical or electrical apparatus, or by the use of a cosmetic preparation; however, such practices of esthetics shall not include the diagnosis, treatment, or therapy of any dermatological condition.

RS: 37:502. 1 Qualification for certification as a registered esthetician.

A person is qualified to receive a certificate of registration as a registered esthetician who:

- (1) Is at least 16 years of age.
- (2) Is of good moral character and temperate habit.
- (3) Has completed and passed a course (750 hours) at a licensed school for estheticians or a licensed school teaching esthetics, approved by the Board.
- (4) Has passed satisfactorily an examination administered by the Board to determine his qualifications to receive a certificate of registration as a registered esthetician.
- (5) Has, at the time of completion of the required schooling, equivalent training as would be contemplated in the satisfactory completion of the tenth grade from an approved high school.

Number of Hours of Study Required  
for Standard Esthetician Course

- I. PROFESSIONAL PRACTICES ..... 100 hours
  - A. Bacteriology, Sterilization, and Sanitation
    1. Personal hygiene
    2. Public health
    3. Methods
    4. Procedures
  - B. Professional Ethics
    1. Personal Attitude and Image

- C. Business Practices
  1. Management practices
  2. Salon development
  3. Insurance
  4. Client records
  5. Salesmanship

- II. SCIENCES ..... 250 hours
  - A. Histology of skin
    1. Cell
    2. Tissue
  - B. Dermatology and Physiology
    1. Structure of the skin and glands
    2. Functions of the skin and glands
    3. Conditions and disorders of the skin
    4. Characteristics of the skin
      - a. Elasticity
      - b. Color
      - c. Skin types
    5. Nutrition
      - a. Nourishment of skin
      - b. Healthful diet
  - C. Structure and Function of Human Systems
    1. Skeletal
    2. Muscular
    3. Nervous
    4. Circulatory
  - D. Cosmetic Chemistry
  - E. Anatomy
- III. FACIAL TREATMENTS ..... 250 hours
  - A. Facial Massage
    1. Benefits
    2. Analysis
    3. Preparation
    4. Types of massage
    5. Manipulations
    6. Safety measures
  - B. Electrical Current Facial Treatments
    1. Types of current
    2. Purpose and effects
    3. Procedures
    4. Safety measures
    5. Equipment
  - C. Other Kinds of Facial Treatments
    1. Purpose and effects
    2. Types of Treatments
    3. Preparation
    4. Procedures
    5. Safety measures
- IV. HAIR REMOVAL ..... 25 hours
  - A. Depilatories
  - B. Tweezing
  - C. Waxing
- V. MAKEUP ..... 100 hours
  - A. Purpose and Effects
  - B. Supplies and Implements
  - C. Preparation
  - D. Procedures
  - E. Safety Measures
  - F. Physiology of Color
  - G. Morphology
- VI. BODY TREATMENT ..... 25 hours
  - A. Massage
  - B. Wraps
  - C. Cellulite
  - D. Aromatherapy

E. Lymph Drainage

F. Reflexology

TOTAL ..... 750 hours

RS: 37:502. 1. B Reciprocity

B. Any person who is an esthetician registered or licensed under the laws of another state or territory of the United States or of a foreign country or province may be granted a certificate of registration as a registered esthetician by the Board without an examination, upon payment of a fee, provided that he fulfill the requirements of Paragraphs (1) and (2) of Subsection A, provided the requirements for registration of license of estheticians in the state, territory, country, or province from which he moved shall have been in effect during the year preceding his application, and the state, territory, country, province has substantially equal requirements to those now in force in this state, upon a showing of active practice of esthetics in the home state, territory, country, or province of the applicant which was uninterrupted for three or more years prior to his application, he shall be deemed to have fulfilled this requirement.

#### GRANDFATHER CLAUSE

C. The proof of educational requirements as set forth in R.S. 37:502.1(A) (5) shall be:

(1) At least a tenth grade education or its equivalent.

(2) The determination of the Board, on examination for license, and the said level has been attained.

D. Any person who has been duly trained and qualified and who is practicing esthetics on the effective date of this Section may be granted a certificate of registration as a registered esthetician by the Board, upon application, by presenting proof of training and experience to the Board for review to determine whether or not the applicant must be examined by the Board, if the applicant fulfills the requirements of Paragraphs (1) and (2) of Subsection A of this Section.

RS: 37:503 APPROVED SCHOOLS OF COSMETIC THERAPY

E. No school of training of cosmetic therapy existing prior to or established after the effective date of this Part shall be required to establish or offer a course of esthetics other than as part of the curriculum required generally to teach cosmetology as provided in R.S. 37:492(2).

RS: 37:503. 1. APPROVED SCHOOLS OF ESTHETICS; COURSE OF STUDY

§503.1. Approved schools of esthetics; course of study required

A. No school of training of esthetics shall be approved by the Board unless:

(1) It maintains a course of practical training and technical instruction extending over a period of not less than three consecutive months and including not less than 750 hours for the basic course of esthetics. This course of study shall include lectures, discussion, instructions, and mechanical application, and shall include not less than 300 hours each of practical application and of lecture and not less than 200 hours of library study or research. The remaining hours may be made up of any combination of the above.

(2) It possesses apparatus and equipment sufficient for the ready and full teaching of its entire curriculum, as required by the Board by administrative Rule.

(3) It has not less than 3,500 square feet of floor space for a practical working area, a lecture area, a makeup area for the exclusive use of esthetics, a library, and a student lounge.

(4) It is in charge of and under the immediate supervision of a currently licensed teacher of cosmetology or esthetics in active

practice, with at least 18 months of teaching experience in an accredited school of cosmetology or esthetics approved by the Board.

(5) It maintains as teachers persons who have completed the curriculum for the teacher's training course and who are licensed currently as teachers in the active practice of cosmetology or esthetics by this Board.

(6) It keeps a daily record of the attendance of each student and a record of the progress of each student in achieving the required proficiency.

(7) It establishes grades and holds examinations before issuing diplomas.

(8) It has such other facilities as the Board may require by administrative Rule.

B. Nothing set forth in Subsection A hereof shall deprive any student of the benefit of studies made under the laws of another state, territory, foreign country, or province, or another licensed school within the state of Louisiana.

C. The Board may require existing schools of cosmetic therapy to be brought up to the standards set forth herein prior to issuance of renewal licenses to said schools for the calendar year 1982 and subsequent years, if such schools were established prior to the effective date of this Section. This provision shall affect only those schools which elect to teach a course of esthetics as required for the registration of a licensed esthetician.

D. All approved schools shall provide for a period of continuing study, (Brush Up or Advanced) including a course of not less than six weeks duration and containing not less than 200 hours of study.

#### §504.1. LICENSE TO CONDUCT SCHOOL

No school of esthetics shall operate within the state without a certificate of registration. Any person desiring to conduct a school of training in the vocation of esthetics shall make an application to the Board for a certificate of registration and license after such person has completed the following steps:

(1) Requests in writing to the Board for information relative to opening a new school.

(2) After receipt of the letter from the applicant, it shall be necessary for the prospective owner to select a location and request an inspection, notifying the Board of the location and the approximate floor space and tupe of construction. The inspection fee for the school premises shall be \$100.

(3) After the location and the floor space, ventilation, fire hazards, and the like have been checked and a report thereon has been made to the Board in an official meeting, the Board shall approve or disapprove the application, and shall notify the applicant in writing of the decision of the Board.

(4) If the location is approved, the applicant shall then be notified in writing to submit the following:

(a) A detailed floor plan of the proposed school, drawn to scale and showing the arrangement of classrooms, placement of equipment, electrical outlets, ventilating facilities, and plumbing and lighting facilities, and shall indicate that the school has an outside entrance and exit and that it contains no less than 3,500 square footage of floor space.

(b) A copy of the lease, if space is to be leased.

(c) A copy of the proposed curriculum and a daily schedule covering the entire outline of the required course of study, as determined by the Board.

(d) Letters of approval from the city fire inspector and city electrical inspector as to fire hazard requirements.

(e) Notarized statements from each of the licensed teachers to be employed, verifying their agreement to teach if the school is licensed.

(f) The applicant shall satisfy the Board of his financial

responsibility to such extent as may be determined by the Board. The Board may, at any time during the operation of licensed schools, require additional data to satisfy said Board that the licensee is financially responsible. In lieu thereof, however a surety bond executed by a licensed bonding company in the amount of \$5,000 in favor of the state of Louisiana shall be conclusive proof of economic responsibility. The beneficiaries of such bonds shall be the students, to the extent of the amount of the tuition paid by each.

(5) After all equipment has been installed, and the Board is satisfied of the financial responsibility, the applicant shall request final inspection from the Board, furnishing the Board with a new school application, properly executed, together with the fee therefor, which shall be \$300. The annual renewal certificate fee shall be \$150 and shall be payable on or before March 1 of each year. Failure to make payment prior to that date shall subject the licensee to an additional fee of \$150.

(6) The Board, or one of its agents, shall then make a final inspection to determine if the equipment and all details and requirements are met and shall report its findings to the Board.

(7) After final inspection by the Board or its agent and a report thereof has been made to the Board, the school shall be notified of its acceptance by the Board and its recognition for opening date, and the Board thereupon shall issue the license.

#### EQUIPMENT REQUIRED:

1. Every Esthetic school must have practical work room, equipped with not less than the following:
  - a. Four lavatory bowls
  - b. Eight facial chairs or massage cushioned tables
  - c. Four working stations or one station for each student
  - d. Manual, mechanical or electrical apparatus (at least one each of the following). Electrical heating mask, steamer, brushing, vacuum, ionization, glass electrode or high frequency, galvanic or cathodic current (prohibited faradic), decrustation machine, spray or mister, four analysis lamps.
  - e. Sufficient trays for facial supplies
  - f. One per station covered waste container
  - g. One dry sanitizer
  - h. Covered container for soiled towels or disposable towels
  - i. Locker space must be furnished each student
  - j. Sixteen desks or one per student
  - k. One properly lighted make-up area
  - l. One mannequin per student

#### SANITATION:

1. Esthetic schools are declared to be a business affecting the public health, public interest and public safety. The schools train our estheticians and make personal contact with the public. They help to promote health, safety, and manifest a general feeling of welfare through their teachings. It is, therefore, important that every precaution in sanitation is followed:

- a. Implements or detachable equipment must be thoroughly cleansed with soap and water, submerged in alcohol, and kept in a dry sanitizer; tongue depressants or spatulas should be of a disposable nature purchased at a surgical supply house.
- b. Lavatory bowls must be kept clean at all times.
- c. Towel used for each patron shall be clean and freshly laundered and should be kept in a closed cabinet, unless disposable towels are being used.
- d. Soiled towels should be kept in a closed cabinet.
- e. Head rest of every Esthetician shall be washed with soap and water immediately before serving each patron, unless disposal towels are being used.
- f. Hands of every Esthetician shall be washed with soap

and water immediately before serving each patron.

- g. All fluids, powders and creams must be applied to patron with the use of cotton, brushes or spatulas.
- h. Common powder puffs prohibited, sponges and make-up brushes of the washable kind are allowed.
- i. All teachers in Esthetician Schools shall be required to wear a uniform.

#### BOOKS:

1. The following text must be provided to each student on registration:
  - a. Standard Textbook for Professional Estheticians by My Lady Publishing Company, together with the Administrative Regulations of the Louisiana State Board of Cosmetology.
2. Every Esthetician school must maintain a library which will be available to students.
3. Every Esthetician school must have a classroom entirely separate from the practical work room, equipped with the following:
  - a. Modern Anatomy Charts
  - b. Blackboard
  - c. Sufficient seating with facilities for classroom work, such as taking notes
4. My Lady Publishing Company Teacher's Manual

#### ALL ESTHETICIAN SCHOOLS MUST MAINTAIN A CURRICULA HEREINAFTER PRESCRIBED FOR THE FOLLOWING:

1. Esthetician's course of practical training and technical instruction extending over a period of not less than three consecutive months and including not less than 750 hours for the basic course of esthetics. This course of study shall include lectures, discussion, instructions, and mechanical application, and shall include not less than 300 hours of practical application and of lecture and not less than 200 hours of library study or research. The remaining hours may be made up of any combination of the above.

2. Instructors course covering the curricula over a period of not less than 500 hours in a three month period, (12 weeks).

3. Continuing Education for Professional Estheticians Course must consist of hours set by the school.

#### ADMINISTRATIVE REGULATIONS:

1. On enrolling each student, the school owner must provide the Board with the following:
  - a. The student application
  - b. Birth certificate or equivalent
  - c. Educational proof or application for equivalency test
  - d. Two photographic prints
  - e. Student license fee as set forth in RS 37:514
  - f. The Board will accept student hours certified by schools licensed by this Board (out-of-state schools). Louisiana school owners may receive transfer students (out-of-state) by examining these applicants, and securing a verification of hours from the student's original school and the state Board supervising that school. This verification should cover the number of hours and curriculum studied. The results of your examination should then be certified to the Louisiana State Board, stating the number of hours you determined the transfer student to have completed satisfactorily. This certification should be accompanied with supporting data of verification from out-of-state schools and the out-of-state Boards.
  - g. When registering alien students from foreign countries schools will be responsible for transmitting with the student registration application Immigration Form I-20 A (certificate of eligibility for nonimmigrant "F-1" student status) and form I-17 (Petition for approval of school for attendance by nonimmigrant alien students). These forms may be obtained by the schools from the

Immigration Department, Federal Building, New Orleans, Louisiana.

1. When submitting a student registration, if the \$1 fee for the Administrative Regulations Booklet is not included, please stipulate on application that the student has already received her booklet.

2. A fee of \$10 per equivalency examination will be charged for such individual examinations as have been conducted in the past. The fee of \$10 must be presented to our Board personnel at the time the equivalency test is given. In the case of a failure, an equivalency may be retaken twice with the payment of the \$10 fee being made for the initial test only.

3. Re-registration applications will not be processed unless the accompanying student certificate has the former school owner's signature affixed thereon.

4. Students who transfer, re-register or forfeit their hours will not be allowed in any beauty school until all papers are cleared, and the "RE-REGISTRATION" licenses are posted in the school. HOURS WILL BEGIN FROM THE DATE OF REGISTRATION TYPED ON CERTIFICATES.

5. NAME OF SCHOOL AS WELL AS ADDRESS MUST APPEAR ON UPPER LEFT HAND SIDE OF ENVELOPE TO EXPEDITE THE HANDLING AND PROCESSING OF ALL SCHOOL MAIL.

6. Students eligible for examination must be cleared through the Board office at least ten days prior to the scheduled examination date. Supplementary hour reports on the Saturday commencing the ten day period. Any clearance received in the Board office after the ten day deadline will be processed for the following examination and there will be no exceptions.

7. Requirements to appear for the Examination:

a. Stamped Examination Certificate

b. Dated "Authority to Take State Board Examination."

When clearing a student for examination the student certificate in its entirety must accompany the application for examination.

8. Students will be credited with hours prior to two weeks of date of registration in this office, providing the date of registration shown on the applications falls within that period of time.

a. In addition to this regulation, if a student's registration application is not processed within the two week period allowed, the school must inform the student that he will not be credited with hours nor will he be permitted to participate in the school curriculum.

9. Schools are not to advertise beauty services but may advertise for new students. Schools that advertise in the "Yellow Pages" or any other type of advertisement should present their ad layout to the Board for approval.

**FEE AND REMITTANCES TO BOARD RS 37:516**

**National Testing Fees:**

Basic Cosmetology .....	\$3.50
Manicurist .....	3.50
Esthetician .....	7.50
Teacher .....	7.50
Esthetician Teacher .....	7.50

**RETAKE FEES**

Practical retake .....	\$15.00
Theory retake .....	18.50
Theory & practical .....	18.50
Teacher retake (Theory) .....	22.50
Teacher retake (Practical) .....	15.00

1A. Students will be credited with hours prior to two weeks of date of registration in this office, providing the date of registration shown on the applications falls within that period of time.

1B. When enrolling transfer students the school owner must provide your Board with the following:

a. Student application stipulating on application "Re-Registration."

b. Student Registration certificate, or notarized statement in lieu of student registration.

c. Re-Registration fee as set forth on RS 37:514.

d. All students transferring (Re-Registrations) their student licensing and source of hours from one school to another are required with that transfer to submit an affidavit, clearly stating their reason for transfer. If reasons for transferring are not sound, fair, and honorable, their statement will be presented to the Board at which time the Board may see fit to call the student before the Board.

2. Esthetic Schools are required to charge a minimum of \$500 per student.

3. School owner must register hours of each student with the Board office not later than Wednesday of each week of students attendance. Owner must certify students attendance for these hours and no over time or double time shall be permitted. Only hours devoted toward the prescribed curricula shall be included. A weekly summary of accredited hours earned by each student shall be posted in every school. A student is not allowed to exceed eight hours per day, whether attending day or night classes.

a. The Weekly Hour Report submitted by the schools to the Board office must be signed by the Senior Teacher or, in the absence of that Senior Teacher, the report must be signed by the person in charge, who will designate his capacity as acting Senior Teacher.

b. All schools must send in to the Board office, quarterly, a roster of their teachers giving names, addresses and number of their active teacher's license. The first report is to be submitted no later than May 10, and then should be followed by a report on August 10, November 10, and February 10, and this practice must be continued thereafter.

4. Application for Examination, and Application for Esthetician's Certificate of Registration after Examination must be accompanied by two pictures, student registration, and \$33.50 money order, of which \$18.50 is for examination and \$15 for the first or initial license.

a. When clearing students for examination, it is imperative that the school complete the yellow and white form in its entirety. Also, in the event that an examination application is returned because of lack of hours or time, student is not eligible to appear for examination until papers have been returned and have been processed by this office.

b. No additional hours will be accepted for the student after completion of 750 hours and 18 weeks.

5. No teacher is to do professional work in a school.

a. Each school owner must furnish, at a nominal fee to the student, a mannequin in order that the student may put in 75 working hours on said mannequin before they may go on the floor to work on patrons.

6. There shall be no professional departments within the school, nor shall any school owner own or operate a professional salon in connection with schools. No members of the school staff shall practice in an adjoining salon, while school is in session. There shall be no unsealed connecting doors between schools and shops under the same roof.

7. Schools are not to advertise beauty services; but may advertise for new students.

8. All schools are required to maintain a faculty of instructors, not fewer than one per each 20 students enrolled, who have completed the curricula for teacher's training and who are licensed as teachers.

a. Each school must be in charge of and under the immediate supervision of a licensed 18 month teacher of cosmetology or Esthetics approved by the Board, one who has 18 months teaching experience in an accredited school of Cosmetology or Esthetics.

b. Esthetic school must keep the Board advised weekly, on their hour report, signed by the school licensee, of the efforts being made to employ an 18 month teacher.

c. This ruling shall be tempered only by practical consideration that all employees are subject to illnesses, entitled to vacations, and other personal needs of rare instances.

9. Teachers in training shall, during school hours, be prohibited from rendering services to the public as operators and shall further be prohibited from acting as or receiving income as instructors.

10. Schools must post a sign no smaller than six inches by ten inches, easily legible, at the entrance of each school reading, "Student work only."

11. All students registrations must be posted in conspicuous place.

12. Students are not allowed to do any professional beauty work until they have completed training, taken the State Board examination and received the initial license. Any students found violating this ruling will forfeit all hours completed in esthetic school and the school knowingly permitting the violation of this provision will place its license in jeopardy.

a. Equivalency examination to ascertain tenth grade education, must be given within the first two weeks. Hours will not be accepted until proof of education has been fulfilled.

13. Students attending esthetic schools shall not frequent or work in any licensed beauty salon or skin care salon in any capacity whatsoever. This regulation applies even though the student's immediate family or the students themselves might be owner or have an interest in the beauty salon or skin care salon in question, on jeopardy of the students losing a portion of or all of their hours.

14. Brush-up Course (This means a person with a delinquent license).

a. Minimum tuition fee \$50

b. Student registration must be sent to Board office, with two photographic prints (2x2)

c. Registration fee \$9

d. Course must consist of 200 hours over a six week period. (If student desires to remain in school for additional hours, request must be made to the Board office for additional hours; request must be made to the Board office stipulating why student desires the additional hours.)

e. Students must wear uniform

f. Student must wear badge "BRUSH-UP"

g. May take customer service

h. Brush-up students must take complete examination

15. Refresher Course (This applies to a currently licensed operator who has not practiced in several years and would like to be brought up to date with additional training).

a. Minimum tuition fee \$75

b. Student registration must be sent to the Board office with two photographic prints

c. Registration fee \$9

Accompanied with this application, must be a statement from the student as to her or his last place of employment. (This is to show proof that the operator hasn't been working and is in need of this training).

Course must consist of 200 hours over a six week period. (If student desires to remain in school for additional hours, request must be made to the Board office stipulating why student desires

the additional hours).

16. Continuing Education for Profession Esthetician

a. Minimum tuition fee, \$15 per day. Esthetician's registration must be sent to Board office, with current license or a copy thereof. Registration fee \$30. Course must consist of hours set by the school. Esthetician should be attired professionally. School must notify Board of guest teacher.

b. When submitting Esthetician's registration for the above course, please designate as "CONTINUING EDUCATION FOR PROFESSIONAL ESTHETICIAN".

RS 37:505 Requirements for certification as a beauty shop, skin care salon, requirements.

H.B. NO. 187

§505. REQUIREMENTS FOR CERTIFICATION AS A BEAUTY SHOP;SKIN CARE SALON, REQUIREMENTS.

A. No person shall operate or accept employment in a beauty shop or salon in the state of Louisiana unless the shop has been issued a current certificate of registration designating it as such by the Board.

In order to receive a certificate of registration as a beauty shop or skin care salon, the owner of such business shall:

1. Employ no unregistered person to serve in any capacity or to perform any function for which registration is required under this Part.

2. Maintain such physical, sanitary, and administrative facilities as are required by administrative regulations adopted and promulgated by the board.

3. Submit the application for license, the required shop owner's fee of \$20, plus an inspection fee of \$25. Any shop moving to a new location must be reinspected and a \$25 inspection fee will be applicable, as well as the shop owner's fee of \$20 as a license is not transferable.

B. No person shall operate or accept employment in a skin care salon or in a skin care salon located within a beauty shop or salon unless the skin care salon has a valid certificate of registration by the Board.

In order to receive a certificate of registration, the owner of the skin care salon shall:

(1) Employ only registered persons to serve in any capacity or to perform any function for which registration is required.

(2) Maintain such physical, sanitary, and administrative facilities as are required by the regulations of the Board.

C. QUARTERS: No person, firm, corporation or association of individuals shall establish or maintain a skin care salon or in connection with a business where food is handled unless a separate room is provided therefor.

(1) The owners and managers of skin care salon established in homes or in connection with places where food is handled shall permanently close all doors leading to the living quarters or place where food is handled and establish a separate outside entrance leading directly into the shop.

(2) Every skin care salon shall be well lighted, well ventilated and kept in a clean, orderly and sanitary condition at all times.

(3) The practice of Esthetics shall be carried on only in quarters especially equipped therefor and for which a shop owner's certificate has been issued.

(4) Floors, walls and fixtures must be kept in a clean and sanitary condition at all times.

(5) The owner and manager of every skin care salon shall see that it is supplied with an adequate supply of running water, both hot and cold, at all times.

D. EQUIPMENT: No person, firm, corporation or association of individuals shall open or operate a skin care salon in the practice of Esthetics until the following industrial and sanitary



products and equipment have been secured and made ready for use in said shop:

- (1) One lavatory bowl
- (2) One facial chair or cushion massage table
- (3) Covered waste container for each station
- (4) Cabinet for accessories
- (5) Cabinet for clean linens
- (6) Covered container for soiled linens
- (7) Sufficient trays for facial supplies
- (8) One dry sterilizer per each station or electric sterilizer
- (9) Soap dispenser
- (10) One each of the electrical apparatus for facial

E. Shop licensee shall be responsible for persons and actions of persons performed upon the licensed premises, as well as the individual violating these provisions.

1. Shop owners are held responsible, that all operators have identifying pictures on their license, and said licenses shall be posted in a conspicuous place.

2. Shop owners absent from their respective shops, on a regular basis, of more than two working days of every week are required to employ a manager.

3. To qualify as a manager, applicant must be a licensed Esthetician.

#### F. SANITATION:

1. Instruments and appliances shall be thoroughly cleansed with soap and water and then disinfected. Sponges and make-up brushes of the washable kind are allowed.

2. Facial chair and massage cushion table must be kept clean at all times.

3. Head coverings must be washed or otherwise sterilized after each separate use.

4. Towels used for each patron shall be clean and freshly laundered, unless disposable towels are being used.

5. Soiled towels should be kept in a closed container.

6. Head rest of every esthetician chair shall be protected with fresh clean paper, or cloth before its use for any patron.

7. Hands of every esthetician shall be washed with soap and fresh water immediately before serving each patron.

#### §506. LICENSE AS TEACHER

A. No person shall teach cosmetology, esthetics, or allied courses without a certificate. Any operator is eligible for licensing as a teacher who possesses the following qualifications:

- (1) Is a graduate of an approved senior high school
- (2) Has completed the curriculum for the teacher's training course under the supervision of a licensed teacher of beauty culture for a minimum study of 500 hours in not less than three months.

(3) Has passed such examination as the Board shall prescribe for certification as a teacher.

B. The Board may license a person as an instructor in Esthetics who has practiced Esthetics for at least five years or has taught Esthetics for at least 18 months on the effective date of this Section, and who can present proof of training, experience, or both, to the Board for review to determine whether or not the applicant must be examined by the Board, if said applicant fulfills the requirements of Paragraphs (1) and (2) of Subsection A of Section 502.1 and is a graduate of an approved senior high school.

#### C. ESTHETIC TEACHER CURRICULUM: OUTLINE OF CONTENT

##### I. THE PROFESSIONAL TEACHER . . . . . 100 hours

- A. The Teacher
  1. Personality
  2. Technical Knowledge
  3. Teacher's Characteristics

4. Teachers as Professionals
- B. Preparation For Teaching
  1. Planning the Course
  2. Preparing Lesson Plans
    - a. Objectives
    - b. Outline
    - c. Student Activities
  3. Steps of Teaching
    - a. Preparation
    - b. Presentation
    - c. Application
    - d. Testing

##### II. STUDENT MOTIVATION AND LEARNING . . . 100 hours

- A. Laws Governing Learning Processes
- B. Student Motivation
- C. Student Participation
- D. Student Personalities
- E. Individual Differences
  1. Slow Learner
  2. Gifted Learner

##### III. METHODS, MANAGEMENT AND MATERIALS 200 hours

- A. Methods, Procedures, and Techniques of Teaching
  1. Lectures and Discussions
  2. Demonstrations
  3. Conducting Practice Activities
  4. Questioning Techniques
  5. Results
  6. Special Situations
- B. Classroom Management
  1. Physical Environment
  2. Administrative Duties
  3. Student Discipline
  4. Class Supervision
  5. Classroom Routine
  6. Corrective Measures
- C. Teaching Materials
  1. Audio-Visual Aids (Types)
  2. Values of Different Teaching Aids
  3. Correct Usage
  4. Miscellaneous Teaching Materials
    - a. Textbooks
    - b. Workbooks
    - c. Reference Books
    - d. Creative Aids

##### IV. TESTING AND EVALUATION . . . . . 100 hours

- A. Testing
  1. Purpose
  2. Performance Tests
  3. Written Tests
  4. Standardized Tests
- B. Evaluation
  1. General Student Abilities
  2. Student Achievement
  3. Teacher Evaluation

#### THE TEACHING OF ESTHETICS AND THE ESTABLISHING OF A CONTINUING EDUCATION SEMINAR FOR TEACHERS OF COSMETOLOGY AND ESTHETICS

RS 37:503 APPROVED SCHOOLS OF COSMETIC THERAPY, COURSE OF STUDY REQUIRED.

A. No school of training of cosmetic therapy shall be approved by the board unless;

It is in charge of and under the immediate supervision of a currently licensed teacher of cosmetology or esthetics in active

practice, with at least 18 months of teaching experience in an accredited school of cosmetology or esthetics approved by the board.

It maintains as instructors persons who have completed the curriculum for the teacher's training course and who are currently licensed as teachers by the board, at least one of whom shall have been licensed as a teacher and in active practice for at least 18 months.

Teachers applying for credit on Continuing Educational Program Seminars held out of State, must submit to the Board a copy of the courses of study being offered at the seminar for approval 60 days prior to the beginning of the seminar---fee \$10. RS 37:506 1. CONTINUING EDUCATION SEMINAR REQUIREMENT, TEACHERS: LICENSE RENEWAL.

A. Those persons holding a teaching certificate for cosmetology or esthetics shall attend a seminar for continuing education, as approved by the Board, at least one time every two years in order to maintain a current teaching certificate. A continuing education seminar shall consist of at least 24 hours of training in related fields of cosmetology or esthetics, as approved by the Board.

Teacher Seminars should include the following Courses of study:

1. The Professional Teacher
2. Student Motivation and Learning
3. Methods, Management and Materials
4. Testing and Evaluation
5. Chemistry of Cosmetics
6. Chemistry of Hair and Skin
7. Communication Skills
8. Dispensary Operations and Inventory Control
9. Nutrition
10. Psychology of Human Relations
11. Record Keeping and Taxes
12. Salon Management
13. Art Theory (Principles of Line Design)
14. Professional Image
15. Public Relations
16. Salesmanship and Merchandising
17. Speech
18. Telephone Practices
19. Dollars and Sense for Hairdressers and School

Owners

B. A current teaching certificate shall be one held by a qualified person who annually renews the certificate under the requirements of this Chapter and satisfactorily attends the Board approved continuing education seminar. Any person who allows his teaching certificate to lapse and does not hold a current teaching certificate shall attend said seminar within 12 months of his return to employment as a teacher in order to teach in an approved school of cosmetology or esthetics with an approved renewed certificate.

Course must be attended in its entirety in order to qualify as a current teacher---No excuses accepted.

Proof of attendance must be submitted in the form of a sign-in sign-out book, together with an affidavit signed by the chairman of the seminar or someone so designated verifying completion of at least 24 hours of training in related fields of cosmetology or esthetics.

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Students completing 1,000 hours or more must be cleared immediately for the theory part of the examination, remitting the fee of \$18.50. The student must then remain in school for the balance of 500 hours of practical work after which they will be examined in that phase.

For student cosmetologist who desire to complete their education as an esthetician, not over 250 hours satisfactorily accredited shall be transferable.

Mrs. Joel Alice Mumphrey  
Chairman

## DECLARATION OF EMERGENCY

### Department of Health and Human Resources Board of Medical Examiners

The Louisiana State Board of Medical Examiners ("Board"), within the Department of Health and Human Resources, is constituted under the Louisiana Medical Practice Act, LSA-R.S. 37:1261-91, and charged thereunder with the responsibility, *inter alia*, of licensing physicians and surgeons to practice medicine in the state of Louisiana. Among the criteria prerequisite to licensure, the Medical Practice Act requires that an applicant be a graduate of a medical college in good standing with the Board. LSA-R.S. 37:1272(4). By longstanding regulation, the Board has uniformly approved all United States and Canadian medical schools formally accredited by the Council on Medical Education of the American Medical Association or by the Royal College of Physicians and Surgeons of Canada, respectively. With respect to foreign medical schools, however, there is no recognized, reputable and reliable accrediting agency, institution or process, nor is it practicable for the Board to assess or pass upon the adequacy of instruction and training provided by such schools. Accordingly, the Board has made special provision for the licensure of graduates of foreign medical schools.

Toward satisfying the Board that a foreign medical graduate has received appropriate and adequate formal education, existing Board Rules require that such a graduate obtain three years of postgraduate clinical training in an approved training program sponsored by an accredited American medical school or college. Such Rules also provide for the issuance of permits to authorize foreign medical graduates to participate in approved training programs sponsored by Louisiana medical schools. Current Rules provide that such training programs must be independent of postgraduate residency programs.

Experience has proven the strict segregation of foreign graduate training programs to be unworkable in practice; foreign medical graduates in such programs have largely been incorporated into residency programs involving direct patient care. At the same time, recent studies by reputable agencies have questioned the overall quality of medical education and the adequacy of clinical resources provided by a number of recently established foreign medical schools. Both circumstances compel a revision of the Board's Rules governing the licensure of graduates of foreign medical schools to ensure that such applicants are competent and qualified to engage in the practice of medicine.

The Board finds that a revision of its existing Rules respecting graduates of foreign medical schools is necessary in the interest of the public health, safety and welfare. LSA-R.S. 37:1261. The Board also finds that, given pending inquiries and applications, such revisions must be adopted forthwith. Accordingly, exercising the authority conferred on the Board by LSA-R.S. 37:1270B(6) and by the Emergency Rule provisions of the Administrative Procedure Act, LSA-R.S. 49:953B, on March 18, 1982, the Board adopted the following Rules:

#### Rule 1 Definitions

As used in these Rules, the following terms shall have the meanings specified:

(a) The term "applicant" means a person on whose behalf the Board has received an application for unrestricted medical licensure or for a Graduate Medical Educational Temporary Permit.

(b) The term "Board" means the Louisiana State Board of Medical Examiners.

(c) The term "ECFMG" means the Educational Council for Foreign Medical Graduates.

(d) The term "FLEX" means the Federation Licensing Examination developed and administered by the Federation of State Medical Boards of the United States.

(e) The term "foreign medical graduate" or "FMG" means a graduate of a medical school which is not located in any of the several states of the United States, in the District of Columbia, in Puerto Rico nor in Canada and which is not approved or accredited by the Council on Medical Education of the American Medical Association, or by the Royal College of Physicians and Surgeons of Canada, or their successors.

(f) The term "Secretary" means the Secretary of the Louisiana State Board of Medical Examiners.

Rule 2  
Necessity for License  
or Graduate Medical Educational  
Temporary Permit

(a) No person may engage in the practice of medicine in the state of Louisiana unless he has in his personal possession a valid, current license issued by the Board.

(b) No foreign medical graduate may enroll or participate in any graduate or postgraduate medical educational program in the state of Louisiana unless he has in his personal possession a valid, current unrestricted license or a Graduate Medical Educational Temporary Permit issued by the Board.

Rule 3  
Qualifications For  
Unrestricted License

To be eligible for unrestricted medical licensure, a foreign medical graduate must:

- (a) Be at least 21 years of age;
- (b) Be of good moral character;
- (c) If the FMG applicant is not a citizen of the United States,
  - (1) Possess a valid, current VISA issued by the United States government;

(2) Be otherwise lawfully entitled to maintain a residence and employment within the United States;

(d) Possess a valid diploma certifying that the foreign medical graduate is a graduate of a medical school officially recognized by its domicile country and listed by the World Health Organization;

(e) Demonstrate his or her ability to speak, understand, read and write the English language; and

(f) Demonstrate his or her academic, professional and clinical competence in the practice of medicine by presenting or causing to be presented to the Board:

- (1) An original standard ECFMG certificate;
- (2) Satisfactory evidence that the FMG applicant has successfully passed the FLEX examination with a weighted average of 75.0 or higher. No partial examination scores will be considered. No FMG applicant shall be considered who has failed to achieve a weighted average of 75.0 upon four or more FLEX examinations. After three successive failures of the FLEX examination, the FMG applicant shall provide satisfactory evidence of having completed an additional six months of postgraduate training prior to taking the FLEX examination a fourth time; and

(3) Satisfactory evidence that the FMG applicant has successfully completed three years of postgraduate clinical training, or the equivalent thereof, in a program or programs at a medical institution or institutions in the United States or Canada approved by the American Medical Association or the Royal College of Physicians and Surgeons of Canada, or their successors.

Rule 4  
Qualifications For  
Graduate Medical Educational  
Temporary Permit

A foreign medical graduate who possesses all of the qualifications set forth in Rule 3, save for Section (f)(3) thereof, may be issued a Graduate Medical Educational Temporary Permit to participate in a medical training program in an institution in Louisiana for the purpose of fulfilling in whole or in part the requirements of Rule 3(f)(3), provided that:

(a) The graduate medical educational training program must be sponsored by a medical school or college of Louisiana approved by the Board;

(b) The application must be submitted through the Dean of the approved medical school or college in which the FMG applicant is to receive such training;

(c) The trainee is not permitted or authorized to sign any documents requiring unrestricted medical license; and

(d) The FMG trainee is not permitted to engage in the practice of medicine in any respect or to receive clinical training other than within the approved graduate medical educational program.

Rule 5  
Application for Licensure;  
Procedure

(a) Application for unrestricted licensure or for a Graduate Medical Educational Temporary Permit must be made upon forms supplied by the Board;

(b) Application for licensure or permit under these rules must include:

(1) Proof, documented in a form satisfactory to the Board as specified by the Secretary that the FMG applicant possesses the qualifications set forth in Rule 3 or in Rule 4; and such other documentation as the Board may require.

(c) All documents required to be submitted to the Board must be the original or certified copy thereof. For good cause shown, the Board may waive this requirement. All documents thus submitted which are not in the English language must be accompanied by a certified translation thereof into English.

(d) Each application submitted to the Board by an FMG applicant shall be accompanied by a nonrefundable fee of \$156.50 and, effective January 1, 1983, of \$200.

(e) The Board may reject or refuse to consider any application which is not complete in every detail, including submission of every document required by the application form. The Board may, in its discretion, require a more detailed or complete response to any request for information set forth in the application form as a condition to consideration of an application.

(f) Upon submission of a complete application form, an FMG applicant shall, by appointment, make a personal appearance before a member of the Board.

Rule 6  
Issuance of Licenses, Permits

(a) If the qualifications, requirements and procedures of Rules 3 and 5 are met to the satisfaction of the Board, the Board shall issue an unrestricted license to the FMG applicant.

(b) If the qualifications, requirements and procedures of Rules 4 and 5 are met to the satisfaction of the Board, the Board shall issue a Graduate Medical Educational Temporary Permit to the FMG applicant.

**Rule 7  
Renewals**

(a) Every license or permit issued under these Rules shall expire as of the last day of the year in which such license or permit was issued.

(b) Every license or permit issued under these Rules shall be renewed annually on or before the first day of January by submitting to the Board an application for renewal upon forms supplied by the Board. Each application for renewal shall be accompanied by a fee of \$25.

J. Morgan Lyons, M.D.  
Secretary-Treasurer

**DECLARATION OF EMERGENCY**

**Department of Health and Human Resources  
Office of Human Development**

Under the authority of Act 786 of the 1978 Louisiana Legislature, the Department of Health and Human Resources, Office of Human Development, has adopted the following procedures designed to avoid deficit expenditures in the Client Placement Program for the current fiscal year.

Except for court-ordered placements and placements in public and private long term care facilities, all placements shall be authorized by the Office of the State Placement Director.

Authorization for a placement will be given only when it can be done without exceeding available budgeted monies.

Roger P. Guissinger  
Secretary

**DECLARATION OF EMERGENCY**

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

The Department of Health and Human Resources, Office of Licensing and Regulation, does hereby exercise the emergency provision of the Administrative Procedure Act (R.S. 49:953B) to adopt, effective March 31, 1982, the following regulations for the disposal of fetal remains subsequent to an abortion. The regulations are being adopted in accordance with the provisions of La. R.S. 40:1299.35.14 et seq.

This will bring the State of Louisiana into full compliance with a judicial mandate requiring the adoption of these regulations by April 1, 1982.

**I. Adoption of Policies and Guidelines**

Each physician who performs or induces an abortion shall adopt policies and procedures which will address at a minimum the requirements contained herein. Each hospital licensed by the state of Louisiana shall be responsible for formally adopting in writing policies and procedures addressing the requirements of these regulations and applicable Louisiana law.

**II. Information as to Options for Disposal**

As required in La. R.S. 40:1299.35.14, the attending physician shall inform each woman upon whom he performs or induces an abortion of the provision of La. R.S. 1299.35.15 within 24 hours after the abortion is performed or induced. Such information shall include the provisions of these regulations relative to the

disposal of fetal remains.

**III. Acceptable Means of Disposal**

A. As provided in La. R.S. 8:651 et seq., alternative means to those provided in these regulations may be elected for the disposal of fetal remains. The right to control the disposal of these remains is provided for in La. R.S. 8:655 and vests in and devolves upon first the parents of the decedent and then the surviving brothers and sisters. It shall be the responsibility of the patient, or when appropriate, a responsible family member or legal guardian to assure that the fetal remains are removed from the premises within 24 hours after election to dispose of remains under La. R.S. 8:651 et seq.

B. If disposition of the remains is not addressed according to La. R.S. 8:651 et seq. either through failure to elect alternative disposal within 24 hours of information thereof under La. R.S. 40:1299.35.14 or upon failure to remove the remains within 24 hours after election for alternative disposal, the disposition of remains becomes the responsibility of the physician and/or hospital.

1. The preferred means of disposal is the incineration of all fetal remains. The incinerator shall be of such size and design as to have the capability of total consumption of all material processed. Processing procedures will be equivalent to those which are being utilized in hospitals which have been accredited by the Joint Commission on Accreditation of Hospitals. Disposal of remains should be accomplished within a 24-hour period subsequent to the conclusion of all medical studies and evaluations.

2. A non-preferred alternative means of disposal is available to physicians and medical facilities. This method is to be used only when the development of the fetus is of such a nature that examination by a lay person would not ascertain it to be recognizable fetal remains. Furthermore, this disposal means is applicable only to those fetuses that are a result of abortions performed during the first trimester of pregnancy. Non-preferred disposal may be accomplished using the sanitary disposal system provided by the municipality or other political subdivision and approved by the Office of Health Services and Environmental Quality of the Department of Health and Human Resources for the disposal of waste matter. Commercial facilities approved for the disposal of biological waste may also be used as a means of non-preferred disposal.

3. The disposal method outlined in III.B.1. above is the preferred disposal method for all fetal remains. All fetal remains shall be disposed of by the preferred method except in the circumstances provided in III.B.2. and as further conditioned in the following section.

**IV. General Disposal Policy**

A. In facilities that are equipped to dispose of tissue as per the preferred disposal methodology of III.B.1. above, all fetal remains shall be disposed of in conformity with the preferred methodology.

B. In those facilities that do not have adequate incineration equipment, the following policy shall be applicable:

1. Physicians or facilities may develop agreements with hospitals or other facilities to dispose of fetal remains in accordance with the procedures of III.B.1.

2. Under the circumstances outlined in III.B.2., and only in the event that it would be impractical or grossly uneconomical to practice disposal as per the preferred method, physicians or facilities may enter into agreements with hospitals or other facilities to perform III.B.2 non-preferred disposal or may practice such disposal in-house.

It is intended that this exception to the preferred disposal method be applicable only to licensed practitioners such as smaller clinics, physicians' offices, and ambulatory surgical centers where-

in it would be unreasonable to expect the installation of equipment necessary to conform to the preferred disposal method. Use of non-preferred disposal method is not available to hospitals licensed by the state of Louisiana.

George A. Fischer  
Secretary

**DECLARATION OF EMERGENCY**

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

WHEREAS, the Board of Trustees of the State Employees Group Benefits Program, at its regular monthly meeting on February 24, 1982, voted to increase the major medical lifetime benefit limitation per person for active employees from \$100,000 to \$500,000, and for retired employees from \$50,000 to \$250,000, effective July 1, 1982; and

WHEREAS, some state employees or their dependents are now effectively without health coverage as they have already reached the major medical maximum limitation presently payable under this program:

THEREFORE, BE IT RESOLVED that the Board of Trustees of the State Employees Group Benefits Program therefore finds that there is an imminent peril to the public health, safety, and welfare which requires the amendment of this former resolution of the Board upon fewer than the 15 days notice required by the Administrative Procedure Act of the State of Louisiana. For this reason, be it further resolved by the Board that the major medical lifetime benefit be and is hereby increased from \$100,000 to \$500,000 per person for active employees and from \$50,000 to \$250,000 for retired employees effective May 1, 1982.

James D. McElveen  
Executive Director

# Rules

**RULES**

**Department of Agriculture  
Horticulture Commission**

The Louisiana Department of Agriculture, Horticulture Commission, pursuant to the authority granted under LSA 37:1961 F and in accordance with Notice of Intent published on March 20, 1982, adopted the following Rules and Regulations for administration of the Horticulture program at a public hearing held on April 5, 1982:

**RULES AND REGULATIONS**

Adopted Pursuant to L. R. S. 37:1961-1974

- 1.0 Administration of the affairs of the Commission
- 2.0 Enforcement
- 3.0 Qualifications for licensure or permitting
- 4.0 Procedures for application for licensure or permitting

- 5.0 Fees for license or permit and renewal thereof
- 6.0 Minimum examination performance levels required
- 7.0 Examination schedule
- 8.0 General requirements for all licenses or permittees
- 9.0 Required Standards of Practice
- 10.0 Prohibition
- 11.0 Re-issuance of suspended or revoked license or permit
- 12.0 Clarification

\* \* \* \* \*

- 1.0 Administration of the affairs of the Commission
  - 1.1 In the absence of the Chairman, the Secretary shall preside at meetings of the Commission.
  - 1.2 The Chairman may designate a Hearing Officer, who may or may not be a member of the Commission, to preside at all adjudicatory proceedings of the Commission.
  - 1.3 The Commission shall serve as a Hearing Body in all adjudicatory proceedings and shall make the final decision with respect to the disposition of all matters brought to adjudication.
  - 1.4 Whenever any member of the Commission desires to be represented at any meeting of the Commission, the member must give at least five working days' prior written notice to the Secretary, naming the individual who will represent the member at the meeting of the Commission.
  - 1.5 Meetings of the Commission shall normally be held at the domicile of the Commission but may be held at other locations throughout the state upon the determination of the Chairman of the Commission.
  - 1.6 The Commission shall be convened upon the call of the Chairman.
  - 1.7 The Commission may act to expel a member under the provisions of L. R. S. 37:1961 H only after its intent to do so has been advertised to all members of the Commission by placement of the expulsion matter on the agenda for the meeting at which the vote for expulsion will be taken.
- 2.0 Enforcement

**Hearings**

- 2.1 Investigative hearings shall be for the purpose of investigating alleged violations of the Horticulture Laws, Rules and Regulations.
- 2.2 Investigative hearings may be held upon the call of the Commission. Such hearings may be held in any part of the state.
- 2.3 The Chairman, the Secretary, a member designated by the Chairman, or a hearing officer designated by the Commission who need not be a member of the Commission, shall preside at investigative hearings. All witnesses shall be sworn or shall make affirmation.
- 2.4 Investigative hearings conducted by the Commission shall be open to the general public.
- 2.5 If the Commission determines that evidence or testimony at an investigative hearing may tend to defame, degrade, or incriminate any person, it shall afford such person, upon request, an opportunity to appear as a witness; receive and dispose of requests from such persons to subpoena additional witnesses; and afford such person, or his attorney, upon request the opportunity to examine or cross-examine witnesses.

2.6 The Director of the Horticulture Commission, upon approval of the Chairman or Secretary, is authorized to sign subpoenas which require the attendance and giving of testimony by persons who may possess any knowledge concerning any offense under investigation at an investigative hearing or for investigative purposes. The subpoena shall set forth reasonable grounds therefor, and shall order the person to appear at a desig-

nated time and place. The Director may also order the issuance of a subpoena duces tecum as described above.

2.7 Whenever any person summoned under this regulation neglects or refuses to obey such summons or to produce books, papers, records or other data, or to give testimony as required, the Commission may apply to the judge of the district court for the district within which the person so summoned resides or is found, for an attachment against him as for a contempt.

2.8 A subpoena may be served by any person authorized by law to serve civil process, or by any agents of the Commission, and the return made in writing by any such person shall be accepted as proof of service.

2.9 The Commission is the sole judge of the pertinency of testimony and evidence adduced at such hearings.

2.10 The attorney for the Commission and that of any public agency which may be participating in the investigation shall have the right to be present at all hearings and shall have the right to examine or cross-examine any witness.

2.11 Witnesses at investigative hearings may be accompanied by their own counsel.

2.12 A copy of this regulation shall be made available to any witness and a copy shall be delivered at the time of making service, to each person upon whom a subpoena is served; in addition thereto each person upon whom a subpoena is served shall be informed in writing that the Commission suggests that he consult his attorney and that his attorney should attend the hearing to advise him.

2.13 The Commission may, in its discretion, issue a report upon the conclusion of any such investigative hearing.

2.14 As a result of such investigations, the Commission may initiate adjudicatory proceedings against licensees, permittees, or persons engaged in any regulated profession or occupation, may refer matters to other public agencies and may take any other appropriate action.

2.15 Investigative hearings may be conducted jointly with other interested public agencies.

2.16 It shall not be necessary to publish any advance notice of any investigative hearing and it shall be necessary that subpoenas disclose the general nature of the investigation.

2.17 At all investigative hearings the testimony shall be recorded stenographically or otherwise. Upon payment of the costs thereof, and when authorized by the Commission, a witness may obtain a transcript copy of his testimony given at a public session.

#### Access to Premises

2.18 Any authorized representative of the Commission or of the Commissioner shall have access to, and may enter at all reasonable hours, all places of business operated by license or permit holders or persons engaged in any regulated profession or occupation or where the licensee or permittee, or persons engaged in any regulated profession or occupation maintains books, papers, accounts, records or other documents related to horticultural activities. Any information gained through utilization of the authority granted hereinabove in this section shall be treated as confidential and shall be used only for the administration of this Subpart; provided, that such information may be divulged by a person when called upon to testify in any adjudicatory proceeding before the Commission or Commissioner or in any court proceedings, and provided further, that nothing contained in this Subpart prevent the use of any information procured by the Commission or the Commissioner in the compiling and dissemination of general statistical data, containing information procured from a number of licensees or permittees, and compiled in such a manner as not to reveal individual information of any licensee or permittee.

#### Cease and Desist

2.19 Upon determination of violation of Law or Rules and Regulations, the Commission may issue a cease and desist order describing with particularity the violative action and ordering the immediate cessation of said violative action.

#### 3.0 Qualifications for licensure or permitting

3.1 All applicants for licensure or permitting under the provisions of L. R. S. 1961, et seq., must have attained their eighteenth birthday.

3.2 All applicants for licensure must successfully complete the examination prescribed by the Commission for the area in the practice of horticulture for which the license is sought.

#### 4.0 Procedures for application for licensure or permitting

4.1 Each applicant must complete the application form prescribed by the Commission for the area in the practice of horticulture for which the license or permit is sought.

##### Retail Florist

4.2 Applicants who desire to take the examination for retail florist must file the completed application, together with the fee required under Rule 5.1, at the Commission's State Office in Baton Rouge no later than 4:30 p.m. on the fifteenth day preceding the scheduled examination date.

4.3 Any applicant for licensure as a retail florist who successfully completes either the design phase or the written phase of the examination but does not successfully complete both phases of the examination will not be required to submit to re-examination in the phase which was successfully completed. In such cases, the applicant may apply to re-take only that portion of the examination which was not successfully completed.

4.4 Both phases of the examination for licensure as a retail florist must be successfully completed within one year after successful completion of one phase. In any case where more than one year has elapsed since the applicant successfully completed one phase of the examination, the applicant must apply, and pay the fee required under Rule 5.1 (A), to retake the entire examination.

##### Landscape Architect

4.5 Applicants who desire to take the examination for landscape architect must file the completed application, together with the fee required under Rule 5.2, at the Commission's State Office in Baton Rouge on or before the final date for ordering the examination materials established by the Council of Landscape Architects Registration Board, which final date will be published in a prior issue of the Louisiana Register.

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

##### Wholesale Florist, Arborist,

##### Horticulturist, Landscape Contractor

4.7 Applicants who desire to take the examination for wholesale florist, arborist, horticulturist, or landscape contractor may apply at any time, in person or by writing, to the Commission's State Office in Baton Rouge or to any District Office of the Department of Agriculture. Applicants who apply in person, without having previously filed a written application, will be allowed, whenever feasible, to complete the written application form at the initial visit.

#### 5.0 Fees for license or permit and renewal thereof

##### 5.1 Retail florist

(A) The fee for examination for licensure as a retail florist shall be \$100.

(B) The fee for re-examination in the written phase of the examination shall be \$25.

(C) The fee for re-examination in the design phase of the examination shall be \$75.

#### 5.2 Landscape architect

(A) The fee for examination for licensure as a landscape architect shall be \$150.

(B) The fee for re-examination in the various phases of the examination for landscape architect shall be as follows:

- (1) Phase A - \$15
- (2) Phase B - \$15
- (3) Phase C - \$55
- (4) Phase D - \$55
- (5) Phase E - \$10

#### 5.3 Wholesale florist, horticulturist, arborist, and landscape contractor

(A) The fee for examination and/or re-examination for licensure as a wholesale florist, horticulturist, arborist, and landscape contractor shall be \$35.

#### 5.4 Renewal of license

(A) The fee for renewal of the licenses enumerated in Rules 5.1, 5.2, and 5.3 above shall be \$35 each, annually.

5.5 The fee for issuance or renewal of a nursery stock dealer's permit shall be \$65 annually.

5.6 The fee for issuance or renewal of a cut flower dealer's permit shall be \$35 annually.

5.7 A late fee of \$25 shall be charged on and after the fifteenth working day after a license or permit has expired for the renewal thereof.

5.8 All fees required under this Rule must be submitted at the same time as the application; failure to submit any required fees will bar the applicant from taking the examination.

#### 6.0 Minimum examination performance levels required

6.1 The minimum performance level for satisfactory completion of all examinations for licensure, except the examination for landscape architect, shall be 75 percent. The minimum performance level for satisfactory completion of the retail floristry exam shall be 75 percent for the written segment and 75 percent for the design segment of the examination.

6.2 The minimum performance level for satisfactory completion of the examination for landscape architect shall be the minimum performance level acceptable to the Council of Landscape Architects Registration Board.

#### 7.0 Examination schedule

##### 7.1 Retail florist

(A) Examinations for licensure as a retail florist shall be given by the Commission at least once during each quarter but may be given more frequently.

(B) Examinations for licensure as a retail florist shall be given from time to time in all major metropolitan areas of the state.

(C) The Commission shall publish the time and location of each examination for retail florist in the issue of the *Louisiana Register* to be published immediately prior to the examination date and shall also disseminate information concerning the scheduled examination to all interested applicants.

(D) Re-examination for the written segment of the retail floristry exam will be administered in the Commission's State Office Building in Baton Rouge and in District Offices of the Department of Agriculture upon request or at the next scheduled testing site for the retail floristry exam.

##### 7.2 Landscape architect

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

(B) The Commission shall publish the time and location selected by the Council of Landscape Architects Registration

Board for administration of the examination for landscape architect in an issue of the *Louisiana Register* to be published prior to the scheduled examination date and will disseminate information concerning the scheduled examination to all interested applicants.

#### 7.3 Wholesale florist, horticulturist, arborist, and landscape contractor

(A) Examinations for licensure as wholesale florist, horticulturist, arborist, and landscape contractor will be administered in the Commission's State Office in Baton Rouge and in District Offices of the Department of Agriculture upon request. Interested applicants may apply, in person or by writing, at the State Office or the most convenient District Office and a date for the examination will be established for each applicant.

#### 7.4 Interim required prior to re-examination

(A) Whenever any applicant fails to successfully complete all phases of an examination for licensure, he may not apply to re-take the phase of the examination which was not successfully completed for a period of 60 days following the date of the examination which he failed.

#### 8.0 General Requirements for all licensees or permittees

8.1 All licensees or permittees must cooperate with any representative of the Commission in any inspection of the premises and/or any other reasonable request. The giving of a false statement to any representative of the Commission by a licensee or permittee shall constitute a violation of this regulation.

8.2 The licenses of all licensees regularly assigned to work in any outlet shall be prominently displayed at all times in a location accessible to the general public or any representative of the Commission.

8.3 The permits of cut flower dealers and nursery stock dealers must be prominently displayed at all times in a location accessible to the general public or any representative of the Commission.

#### 9.0 Required Standards of Practice

##### 9.1 General requirements for Retail florist

(A) All flowers or greenery sold or offered for sale, whether singly, in bunches, or in designs, must be fresh and of high quality. No wilted or dead plant materials may be offered for sale to the general public, save and except when specifically requested by consumer.

(B) All nursery stock sold or offered for sale must be fresh and of high quality and free from injurious insects, diseases, and other pests. No low quality plant materials may be offered for sale to the general public.

(C) Coolers from which cut flowers or greenery are sold, or in which cut flowers or greenery are stored prior to sale, must be kept clean at all times. Water in containers must be changed regularly and kept clean at all times.

##### 9.2 General requirements for Landscape architect

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

(B) Licensees must meet the standards established by the Council of Landscape Architects Registration Board.

##### 9.3 General requirements for Wholesale florist

(A) All flowers or greenery sold or offered for sale must be fresh and of high quality. No wilted or dead plant materials may be offered for sale to persons holding the proper license or permits.

(B) All nursery stock sold or offered for sale must be fresh and of high quality and free from injurious insects, diseases, and other pests. No low quality plant materials may be offered for sale.

(C) Coolers from which cut flowers or greenery are sold, or in which cut flowers or greenery are stored prior to sale, must be kept clean at all times. Water in containers must be changed

regularly and kept clean at all times.

#### 9.4 General requirements for Horticulturist

(A) Any nursery stock leased or sold, or offered for lease or sale, must be of high quality and free from injurious insects, diseases, and other pests.

(B) Nursery stock which is leased must be maintained in high quality and free from injurious insects, diseases, and other pests.

(C) All recommendations must incorporate sound horticultural practices.

#### 9.5 General requirements for Arborist

(A) Licensees may not use climbing irons in any trees which are not to be removed except as provided in (C) hereof.

(B) Before the Commission issues an arborist's license, the person to be licensed shall first furnish to the Commission the following:

(1) A certificate of insurance written by an insurance company authorized to do business in this state, covering the public liability of the applicant for personal injuries and property damages for not less than \$25,000 for any one person and \$50,000 for any one accident, and not less than \$2,000 for medical payment coverage; and such certificate shall further provide that advance written notification will be given the Commission in the event the insurer desires to cancel the insurance of the applicant.

(C) When the characteristics of a tree require the use of climbing irons, the licensee may use climbing irons but only with the prior written permission of the owner of the tree.

(D) Licensees shall enter into a written contract with the property owner employing him for arboricultural work, which contract must specify the services to be performed and the sum to be paid for the services. Both parties shall receive a copy of the contract.

(E) Licensees may apply pesticides only for the purposes of retarding decay or disease. See also Rule 10.1 relative to application of pesticides.

(F) Licensees engaged in the feeding of trees must follow proper fertilizer schedules and rates according to label directions. Representatives of the Commission may take a sample of the nutrients applied during any tree feeding operation for the purpose of verifying its chemical analysis.

(G) Licensees must display their license at all times in a location accessible to the general public or any representative of the Commission.

#### 9.6 General requirements for Landscape contractor

(A) All nursery stock used in landscaping shall be of high quality and free from any injurious insects, diseases, and other pests.

(B) All plant beds must be properly prepared and must allow for proper drainage.

(C) Sod used in landscaping shall be of high quality and free from any injurious insects, diseases, and other pests.

(D) Licensees must display their license at all times in a location accessible to the general public or any representative of the Commission.

#### 9.7 General requirements for Nursery stock dealer

(A) All nursery stock sold or offered for sale must be fresh and of high quality and must be free from injurious insects, diseases, and other pests. No low quality plant materials may be offered for sale to the general public.

(B) All indoor nursery stock offered for sale must be displayed or offered for sale under the protection of some type of covering, such as inside a building or under a carport, tent, or canopy, which will protect such plant material from exposure to sun, wind, or rain.

(C) A clean source of water must be provided at all times

when plants are offered for sale.

(D) Nursery stock dealers operating from a mobile unit shall not sell nursery stock within 300 feet of a place of business that holds a nursery stock dealer's permit, nursery certificate permit, horticulture service license, retail florist license or a wholesale florist license.

(E) The permit holder must display his permit at all times in a location accessible to the general public or any representative of the Commission.

#### 9.8 General requirements for Cut flower dealer

(A) All flowers or greenery offered for sale must be fresh and of high quality. No wilted or dead plant materials may be offered for sale to the general public, save and except when specifically requested by consumer.

(B) A clean source of water must be provided for all flowers or greenery that are offered for sale. Water in containers must be changed regularly and kept clean at all times.

(C) The permit holder must display his decal and/or permit at all times in a location accessible to the general public or any representative of the Commission.

#### 10.0 Prohibition

10.1 No licensee or permittee of the Commission may apply pesticides to any properties which are not owned, rented, or leased by the licensee or permittee or persons engaged in any regulated profession or occupation unless such licensee or permittee, or persons engaged in any regulated profession or occupation is properly licensed or certified under L. R. S. 3:1621-1642 by the Department of Agriculture.

10.2 Licensees, permittees, or persons engaged in any regulated profession or occupation shall not engage in any fraudulent practices.

10.3 Licensees, permittees, or persons engaged in any regulated profession or occupation shall not engage in any false advertisement of any kind.

10.4 No licensee, permittee, or persons engaged in any regulated profession or occupation of the Commission shall fail to comply with any cease and desist order directed and delivered to said licensee, permittee, or persons engaged in any regulated profession or occupation.

10.5 No person, with intent to sell or in any way dispose of merchandise, securities, service, or anything directly or indirectly, to the public for sale or distribution, or with intent to increase the consumption, or to induce the public in any manner to enter into any obligation relating thereto, or to acquire title, or an interest therein, shall make, publish, disseminate, circulate, or place before the public, or cause directly or indirectly to be made, published, disseminated, circulated, or placed before the public, in this state, in a newspaper or other publications, or in the form of a book, notice, hand-bill, poster, bill, circular, pamphlet, or letter, or radio broadcasts, telecasts, wire, wireless, motion picture, or in any other way, an advertisement of any sort regarding merchandise, securities, service, or anything offered to the public, which advertisement contains any assertion, representation or statement of fact which is untrue, deceptive or misleading.

#### 11.0 Re-issuance of suspended or revoked license or permit

11.1 Whenever a license or permit is suspended by the Commission, the violations which caused the suspension must be corrected, to the satisfaction of the Commission, prior to re-issuance of the suspended license or permit.

11.2 Whenever a license or permit is suspended by the Commission, the holder of the suspended license or permit must pay the fee required under Rule 5.0 for renewal of the license or permit prior to re-issuance.

11.3 Whenever a license or permit is revoked by the Commission:



(A) The violations which caused the revocation must be corrected to the satisfaction of the Commission prior to re-issuance of the license or permit.

(B) The holder of a revoked license must apply to take and must successfully complete all phases of the examination prescribed for the license.

(C) The holder of a revoked permit must file a complete application prior to a re-issuance of the permit.

(D) The holder of a revoked license or permit who seeks re-issuance thereof must pay the fees prescribed in Rule 5.0 for the initial issuance of such license or permit.

(E) The relevant requirements of subsections (A) through (D) above must be complied with prior to re-issuance of a revoked license or permit.

#### 12.0 Clarifications

12.1 The restriction against a cut flower dealer locating within 300 feet of an established retail florist shall not apply to cut flower dealers in permanent locations. In addition, cut flower dealers operating from a mobile unit shall not sell cut flowers, within 300 feet of a place of business that holds a cut flower dealer's permit.

Bob Odom  
Commissioner

## RULE

### Department of Culture, Recreation and Tourism Office of the State Library

#### Public Document Depository System Rules and Regulations

#### 100 General Rules

##### 101 Authority

These rules are promulgated by the State Librarian who serves as the Assistant Secretary of Culture, Recreation and Tourism, Office of the State Library, as authorized by R.S. 25:122B and as required by the Administrative Procedure Act (R.S. 49:953).

##### 102 Organization

The State Public Documents Depository Program is created as a unit of the State Library under the direction of the State Librarian who employs a graduate librarian to head the office.

##### 103 Purpose

The State Librarian has the duty to establish a depository system to facilitate the accessibility and preservation of state documents for the use of the public.

##### 104 Public Information, Submissions, or Requests

State agencies or others seeking information about these rules and regulations or wishing to make submissions or requests are invited to contact the Recorder of Documents at the following address. Recorder of Documents, Louisiana State Library, P. O. Box 131, Baton Rouge, LA 70821, Phone: (504) 342-4929, Linc 421-4929. If further clarification is needed, the State Librarian should be contacted.

##### 105 Advisory Council

In pursuing the mission to provide citizens of the state access to state government publications, the Recorder of Documents will seek the advice of an Advisory Council. Members will be appointed by the State Librarian, and will include representatives of state agencies, state depositories, and other interested persons. Functions of the Council shall be to advise on the selection, organization, distribution, and bibliographic control of publications; to recommend policy and procedures for the effective and

efficient operation of the office of the Recorder of Documents and to provide a forum for the exchange of information and ideas.

#### 200 Deposit of Publications

##### 201 Agency Responsibility

State agencies as defined in R.S. 25:121.1 are required to deposit copies of their public documents with the Recorder of Documents immediately upon publication.

##### 202 Public Documents Required to be Deposited

The public documents required to be deposited are those defined in R.S. 25:121.1. "Public Document" means informational matter, regardless of format, method of reproduction, source, or copyright, originating in or produced with the imprint of, by the authority of, or at the total or partial expense of, any state agency, including material published with federal funds or by sub-state planning districts. This definition incorporates publications released by private bodies such as research and consultant firms under a contract with and/or under the supervision of any state agency, and specifically includes reports, directories, statistical compendiums, bibliographies, laws or bills, rules, regulations, newsletters, bulletins, state plans, brochures, periodicals or magazines, committee minutes, transcripts of public hearings, journals, statutes, codes, pamphlets, lists, books, charts, maps, surveys, other printed matter, microfilm, microfiche, and all items for sale.

##### 203 Public Documents not Required to be Deposited

Correspondence and inter-office or intra-office memoranda and records of an archival nature are excluded.

Audiovisual materials, including audiotapes, videotapes, films, filmstrips, slides, and other audiovisual materials may be excluded except that state agencies shall preserve one copy of each such public document or the liaison officer shall deposit one copy of each with the Recorder of Documents for preservation.

For the purposes of the Recorder of Documents, some informational materials may or may not fall within this definition of audiovisual materials, depending on the physical format, quantity reproduced, and purpose of the reproduction. Examples are maps, works of art, photographs, building plans and specifications, and computer produced copy of microcopy. It will be necessary for the Recorder of Documents to make a determination about such materials on an individual basis after consulting with the publishing agency.

##### 204 Core Collection

Core collection refers to those basic public documents which all depositories shall receive.

The needs of the public will be served best by distributing to all depositories those public documents which are the most useful and essential. Fewer copies of other state agency publications may be needed to meet the needs of the depository system. Therefore, in the interest of economy and efficiency, the Recorder of Documents with the aid of the Advisory Council will identify a core collection to be deposited in all participating libraries.

##### 205 Number of Copies to be Deposited

The Recorder of Documents and the Advisory Council will determine the appropriate number of copies of each public document not included in the Core Collection which will be required to be deposited to meet the needs of the depository program in accordance with the contract between the depository and the State Librarian.

##### 206 Liaison Officer of Agencies

Every state agency shall designate one of its staff members as the liaison officer for the agency and shall notify the Recorder of Documents on or before the first day of July of the identity of the liaison officer, and shall immediately notify the Recorder of Documents of any new liaison officer should a change occur. The liaison officer of each state agency shall have the duty to provide the Recorder of Documents with copies of all public documents of the

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agency, to compile and forward to the Recorder of Documents lists of the public documents of the agency, and to provide other related information as may be requested by the Recorder of Documents.

### **207 Application of Rules**

If a state agency is in doubt whether a specific publication is required to be deposited as set forth in the above rules, or if the number of copies to be deposited is questioned, the liaison officer of the agency shall consult with the Recorder of Documents for assistance in interpreting the regulations. If the agency is not satisfied with the determination of the Recorder of Documents, a written request should be submitted to the State Librarian, who shall make the final ruling.

### **208 Noncompliance by Agency**

Noncompliance of an agency will result in a written notice of the noncompliance from the State Librarian to the chief administrative officer of the agency. This notice shall state the alleged noncompliance, a specific date on which such noncompliance must be remedied, and that further noncompliance will result in a report to the Attorney General and the Governor.

### **209 Agency List of Publications**

Every state agency shall provide to the Recorder of Documents a complete list of its public documents upon request of the Recorder of Documents.

### **300 Depository Library System**

#### **301 Statutory Depositories**

Louisiana State Library and Louisiana State University Library at Baton Rouge are legally designated complete depository libraries. They shall be the historical depository libraries, shall receive two copies of all public documents received by the Recorder for distribution, and shall retain permanently one copy of each.

#### **302 Other Depositories**

Libraries, including those in state agencies and other institutions in Louisiana wishing to receive public documents through the depository system shall submit a written application to the State Librarian requesting designation as a Complete Depository, a Selective Depository, or a Limited Depository.

(1) Complete Depositories shall receive one copy of all public documents received by the Recorder of Documents for distribution and shall retain one copy for a minimum of six years.

(2) Selective Depositories shall receive one copy of the Core Collection and all public documents received by the Recorder for distribution in the predetermined categories they select and shall retain one copy for a minimum of six years.

(3) Limited Depositories shall receive one copy of those public documents identified in the list of Core Collection titles and shall retain the latest edition of each.

### **303. Designation of Depositories and Contracts**

The State Librarian shall review the applications submitted, and shall grant depository status to applicants, taking into consideration user needs, geographic coverage, and level of service to be provided.

The State Librarian and the Administrator of the library/institution receiving depository status shall execute a contract which shall designate the depository status of the library/institution, the date depository status shall become effective, and shall include a statement of agreement to abide by the depository law, and the rules and regulations promulgated and adopted by the State Librarian.

### **304. Termination of Depository Contract**

Termination of the contract between the Louisiana State Library and the depository shall be by written notice six months in advance of the proposed date of termination. The state documents received shall be retained by the depository until the normal retention date, unless otherwise advised by the Recorder of Documents.

ments.

Failure of a depository to abide by the depository law, rules and regulations and guidelines shall result in termination of depository contract by the State Librarian upon six months written notice.

### **305. Guidelines**

The Recorder of Documents shall issue guidelines to (1) aid state agencies in complying with the Louisiana Public Documents Law and the Rules and Regulations of the State Librarian, (2) for the proper maintenance, housing, and servicing of public documents and which describe other responsibilities of the depositories, and which (3) delineate the functions and responsibilities of the Recorder of Documents.

Thomas F. Jaques  
State Librarian

## **RULE**

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

#### **Rule 3.01.09**

The Board adopted the Performance Standards for Second Grade Skills Test to be administered in Spring of 1982 as submitted by the Department of Education and approved by BESE, October 9, 1981. The State Department of Education has recommended that a performance standard of 75 percent of 60 test items in mathematics and 75 percent of 60 test items in language arts be approved.

James V. Soileau  
Executive Director

## **RULES**

### **Department of Health and Human Resources Board of Embalmers and Funeral Directors**

The Louisiana State Board of Embalmers and Funeral Directors, pursuant to authority contained in Louisiana Revised Statutes 37:840, and in accordance with the Notices of Intent published on January 20, 1982, adopted the following Rules at a public hearing on Tuesday, March 23, 1982:

#### **RULE 16 - REPORTS ON PREPAID FUNERAL SERVICES OR MERCHANDISE**

Section 1. The report required by La. R.S. 37:861 from licensed funeral establishments engaged in the selling of prepaid funeral services or merchandise is necessary only in those instances where funds have actually been paid to or received by a licensed funeral establishment for such services or merchandise. The purpose of requiring such report is to protect purchasers of prepaid funeral services or merchandise by insuring that funds, paid by a purchaser to a licensed funeral establishment, are utilized solely for his exclusive use and benefit. Prearrangements of funerals by licensed funeral establishments, where no amount is paid to or received by the licensed funeral establishment prior to the death of the person whose funeral is arranged, are not within the scope of R.S. 37:861, and, accordingly, no report is required in these instances.

Section 2. The report shall be in such form and contain such information as is prescribed by R.S. 37:861 (A) (1) and shall be filed by each licensed funeral establishment engaged in the selling of prepaid funeral services or merchandise no later than

December 31 of each year, and shall cover the period from October 1 of the previous year to and including September 30 of the year in which the report is due.

**RULE 17 - UNLAWFUL PRACTICE**

It shall be unlawful for a firm, partnership, corporation, an association of individuals, or anyone other than those individuals licensed under Title 37, Chapter 10, articles 831 et seq., to engage in funeral directing (as defined within article 831 (4).) which is defined as "the operation of a funeral home, or, by way of illustration and not limitation, any service whatsoever connected with the management of funerals, or the supervision of the furnishings of hearses, funeral cars, the purchase of caskets or other funeral merchandise and retail sale and display thereof, the cleaning or dressing of dead human bodies for burial, and the performance or supervision of any service or act done connected with the management of funerals from time of death until final disposition of such body or bodies by burial, cremation or in accordance with existing law, including the disinterment thereof."

Lloyd E. Eagan  
Secretary

**RULE**

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

The Department of Health and Human Resources, Office of Family Security, has adopted effective April 1, 1982, a Rule which reduces the period of eligibility of refugees and Cuban/Haitian entrants certified for cash and medical assistance in the Refugee Resettlement Program (RRP) and Cuban/Haitian Entrants Program, to 18 months from the date of entry into the United States.

Thus, any refugees and Cuban/Haitian entrants certified in the Refugee Resettlement Program or Cuban/Haitian Entrants Program who have been in the United States for 18 months or longer on or after April 1, 1982, will no longer be eligible for cash and medical assistance. These recipients are currently eligible for assistance for a period of 36 months from the date of entry into the United States.

Refugees and Cuban/Haitian entrants who meet the eligibility requirements of Aid to Families with Dependent Children (AFDC), Supplemental Security Income (SSI) and Medicaid would not be affected by this proposed policy change and would continue to be eligible for such assistance for 36 months from the date of entry into the United States.

This rule change is in response to the Interim final Rule published in the March 12, 1982, issue of the Federal Register (Vol. 47, No. 49, pages 10841-10850).

Roger P. Guissing  
Secretary

**RULE**

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

The Department of Health and Human Resources, Office of Family Security, has amended the Medicaid Title XIX State Plan regarding the methods of payment for inpatient hospital services. The following exception to the Medicare Reimbursement Principles tracked by Louisiana's Medical Assistance Program (Title XIX)

for inpatient hospital services (other than those provided in an institution for Tuberculosis or mental disease) provided by hospitals also participating in the health insurance for the Aged Program under Title XVIII of the Social Security Act (Medicare) is applicable:

... Cost reimbursement principles (Medicare Principles), except the direct and indirect costs of caring for non-Medicaid indigent patients have no relationship to recipients of the Medical Assistance Program and are not allowable costs under Title XIX. For example, contractually provided non-Medicaid indigent care and any other discounts other than to actual employees cannot be allowed as a Title XIX cost of provided services. Neither can statistics used to apportion a provider's cost to the Title XIX program be adjusted for any type of non-Medicaid or discount patient care; . . .

Other provisions pertaining to Methods of Payment for In-patient Hospital Services are unchanged at this time.

Roger P. Guissing  
Secretary

4-20-82

**RULE**

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

The Department of Health and Human Resources, Office of Family Security, has increased the personal care needs allowance from \$25 to \$50 per month for those Title XIX Medical Assistance recipients in the OAA (Aged), ANB (Blind), and DA (Disabled) categories residing in Intermediate Care Facilities I, Intermediate Care Facilities II, Skilled Nursing Facilities, and Intermediate Care Facilities for the Mentally Retarded. The increase was effective March 1, 1982.

An optional state supplementation payment up to \$25 per month will be made to recipients with gross income below \$50 per month. Recipients with monthly income equal to or greater than \$50 will be allowed to retain \$50 for personal care needs.

Senate Concurrent Resolution No. 133 of the 1980 regular session of the Legislature authorized this increase and funds were subsequently appropriated in the 1981 Regular Session of the Legislature.

Roger P. Guissing  
Secretary

**RULE**

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

The Department of Health and Human Resources, Office of Family Security, amended effective March 2, 1982, the policy for payment for abortions under Title XIX, Medicaid, as follows:

Payment will be made to the attending physician for abortions only when the physician has found and certified in writing to the Office of Family Security, Medical Assistance Program, that on the basis of his professional judgment, the life of the mother would be endangered if the fetus were carried to term.

This reduction in service brings the Medical Assistance Program into full compliance with the conditions for which Federal Financial Participation is available for abortions pursuant to Public Law 97-92. Under this legislation, Federal funds are no longer

available for abortions for victims of rape and incest. Earlier compliance was delayed pending the resolution of an injunction granted November 27, 1978, which enjoined the Department of Health and Human Resources from enforcement of R.S. 40:1299.35 (now R.S. 40:1299.34.5) which limited abortions to those medically necessary to prevent the death of the mother.

Roger P. Guissinger  
Secretary

## **RULE**

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

The Department of Health and Human Resources, Office of Family Security, effective May 1, 1982, will cover podiatry services.

Payment will be made to podiatrists who are licensed under State law.

Payment will be made for up to three podiatrists services per recipient per calendar year. There is no provision for any additional services.

Payment will be made only for the following procedures:

Drainage of Onychia or Paronychia  
Drainage of Hematoma, Simple  
Removal of toenail by avulsion (temporary removal)  
Removal of toenail by excision, total or both sides (permanent removal)  
Partial removal of toenail by excision, one side or the middle (permanent removal)  
Metatarsectomy  
Excision small bones  
Arthrondesis toe one or more joints  
Hammer toe operation  
Tenotomy single digit  
Tenotomy multiple digit  
Repair extensor tendon  
Arthroplasty Metatarsal Phalangeal joint silver type  
Arthroplasty Metatarsal Phalangeal joint McBride  
Excision neuroma foot (add 10 percent each additional nerve).

Payment of Podiatry services for residents in institutions or nursing facilities are made only when documented as an order by the attending physician. The order must be on the patient's chart and must state the condition necessitating podiatry services. A copy of the attending physician's order must be attached to the claim form for payment.

Podiatry Services not covered by the Louisiana Medical Assistance Program are:

Routine foot care  
Cutting and removal of corns, warts, and calluses.  
Trimming of nails and other hygienic and preventive maintenance care.  
Assistant surgery fees for podiatric procedures.

The Louisiana Medical Assistance Program shall reimburse providers the lower of the provider's billed amount, the provider's usual and customary fee, or the prevailing rate for that provider type and practice region.

House Concurrent Resolution 65, Regular Session 1980 authorized and directed Department of Health and Human Resources to amend and review the Medicaid Program to provide financial assistance to qualified recipients for services rendered by duly certified podiatrists.

Roger P. Guissinger  
Secretary

## **RULE**

### **Department of Public Safety Office of State Police**

#### **HAZARDOUS MATERIALS RULES AND REGULATIONS**

The regulations governing the transportation of hazardous materials and hazardous waste consist of a hazardous materials table listing those commodities meeting the definition of a hazardous material. This hazardous materials table lists the proper shipping name, the hazard class, the I.D. number, labels and references the Section pertaining to packaging requirements for that commodity.

Part II, Section 172.200 of the Rules gives the specific requirements for shipping papers that are to be carried at all times when transporting a hazardous material and/or hazardous waste. Part II, Section 172.300 lists the marking requirements for containers of hazardous materials. This Section introduces the use of identification number markings in Part II, Section 172.332, 334, 336 and 338. Part II, Section 172.400 governs the labeling requirements for packagings of hazardous materials. Section 172.500 lists the requirements for displaying placards and the specifications pertaining to size and coloring for the various hazard classes.

Part II, Section 173 deals with the general packaging requirements for specific commodities. This Section is referenced by the Hazardous Materials Table Section 172.101. The requirements for carriage by public highway are outlined in Part II, Section 177. The remainder of the printed regulation deals with Motor Carrier Safety Regulations, Sections 390-397. These safety regulations govern the qualifications for drivers (Sec. 391), driving of motor vehicles (Sec. 392), the parts and accessories necessary for safe operation (Sec. 393), logging requirements for drivers (Sec. 395), inspection, repair and maintenance of vehicles (Sec. 396), and the driving and parking Rules for hazardous materials transportation (Sec. 397).

A printed copy of these regulations will be on permanent display at the Office of the State Register, 1500 Riverside N., and the Hazardous Materials Unit at Louisiana State Police Headquarters, 265 South Foster Drive in Baton Rouge. Copies will also be on display at each State Police Troop throughout the state. As per 32:1504, these regulations are consistent with the Code of Federal Regulations, Title 49.

Donald G. Bollinger  
Secretary

## **RULES**

### **Department of Transportation and Development Board of Registration for Professional Engineers and Land Surveyors**

In accordance with the Notice of Intent published in the August, 1981 *Louisiana Register*, the Board of Registration for Professional Engineers and Land Surveyors, the following Rules were promulgated in Volume 7, Number 12, page 643 through 649 of the *Louisiana Register*: LAC 19-3:1; LAC 19-3:2; LAC 19-3:3; LAC 19-3:5; LAC 19-3:6; LAC 19-3:7; LAC 19-3:8; LAC 19-3:9; LAC 19-3:11; LAC 19-3:12 and LAC 19-3:13.

At this time the Board hereby adopts the two remaining rules: LAC 19-3:4 Rules Governing Firms that Practice Engineering and Land Surveying, and LAC 19-3:10 Rules Governing the Use of Seals.

LAC 19-3:4 Rules Governing Firms that Practice Engineering or

## Land Surveying (37:689)

### 4.1 General

4.1.1 The following Rules with regard to firms providing or offering to provide professional services shall apply equally to corporations, partnerships, and individual proprietorships, unless otherwise provided.

4.1.2 Unless otherwise provided, individual proprietorships which bear the name of the owner who is a registered professional are exempt from the application of LAC 19-3:4.

4.1.3 Unless otherwise provided, use of the term "professional services" in LAC 19-3:4 will refer to both professional engineering and professional land surveying services.

4.1.4 Unless otherwise provided, use of the term "registered professional" in LAC 19-3:4 will refer to either a registered professional engineer or a registered professional land surveyor.

4.1.5 Joint ventures that provide or offer to provide professional services will not be required to register as separate entities. Nevertheless, any firm (including those individual proprietorships otherwise excluded under 4.1.3) that provides or offers to provide professional services in conjunction with its participation in a joint venture can do so only if it complies with the provisions of these rules. In addition, any supervising professional who participates in a joint venture shall be responsible for assuring that all professional services performed by the joint venture are rendered in conformity with the provisions of these rules.

4.1.6 A firm may provide or offer to provide both professional engineering and professional land surveying services; provided, however, that the firm must qualify separately as an engineering firm and as a land surveying firm, and the requirements of LAC 19-3:4 will apply separately to provision of or offers to provide professional engineering services and professional land surveying services.

4.1.7 A firm may provide or offer to provide both professional services and related licensed professional services, such as architecture and landscape architecture; provided, however, that the firm must be registered under and comply with the provisions of LAC 19-3:4.

### 4.2 Firm Title

4.2.1 No firm shall provide or offer to provide professional services in the state of Louisiana if it has in its title the name of a living owner of an interest in the firm who is not a registered professional or a related licensed professional either in the state of Louisiana or in the state of domicile or principal place of business of such firm.

4.2.2 Subsection 4.2.1 shall apply to a firm registered only in professional engineering, except that all registered professionals listed in the title must be registered professional engineers.

4.2.3 Subsection 4.2.1 shall apply to a firm registered only in professional land surveying, except that all registered professionals listed in the title must be registered land surveyors.

4.2.4 In the case of a firm registered in both professional engineering and land surveying, Subsection 4.2.1 shall apply, except that at least one registered professional listed in the title must be a registered professional engineer, and at least one registered professional land surveyor. One person may serve as both the registered professional engineer and the registered professional land surveyor, if he is registered as both a professional engineer and a professional land surveyor.

### 4.3 Supervising Professional - The Designated Registered Professional

4.3.1 In the case of firms providing or offering to provide professional services in the State of Louisiana, all such professional services shall be executed by or under the direct supervision of a registered professional duly registered in this state, and designated by the firm as a supervising professional. Such registered profes-

sional shall be a full-time active employee whose primary occupation or employment is with the firm. When the work consists of plans, designs, specifications, reports or maps, such registered professional shall impress them with his seal as required by law. The appearance of a seal on a document of any type shall constitute a representation that such document was prepared by the registered professional or under his supervision.

4.3.2 Nothing in these Rules shall be construed to give a professional engineer the power to practice professional land surveying, unless that professional engineer has independently met the requirements for registration as a professional land surveyor.

4.3.3 Nothing in these Rules shall be construed to give a professional land surveyor the power to practice professional engineering, unless that professional land surveyor has independently met the requirements for registration as a professional engineer.

4.3.4 It is the intent of these Rules to guarantee that all professional work performed by a registered firm is performed under the supervision of or by a registered professional. To this end, the Board may also require a registered firm to identify those registered professionals who will be providing professional services. In addition, the Board may require the individual registrant identified by the registered firm as the responsible professional to acknowledge this responsibility, and assume the responsibility of informing the Board in the event of a change of employment. No registered professional shall be designated as a supervising professional by more than one firm. A failure to comply with any of the provisions of this regulation could subject both the registered firm and the registered professional to disciplinary action by the Board.

4.3.5 Compliance with the above Rules will not be met by a contractual relation between the firm and a registered professional or a firm of registered professionals in which such registered professional or firm of registered professionals is available on a consultative basis. Nor will it be considered compliance if a registered professional is related to the firm solely in a nominal or inactive capacity.

### 4.4 Professional Identification

4.4.1 Letterheads, business cards, advertisements and other similar identifying items issued by firms providing or offering to provide professional services in the State of Louisiana shall reflect clearly that such firms have full-time employees who are registered professionals in this state. In the ordinary case, the name of the Professional Engineer related to the firm should appear on business cards, letterheads, and similar material with initials P. E. following the name to indicate his professional status, or with the initials to indicate the branch in which he practices such as C. E., M. E., etc. In the ordinary case, the name of the Professional Land Surveyor related to the firm should appear on business cards, letterheads, and similar material with initials P.L.S. following the name to indicate his professional status. In the case of large firms which contain a considerable number of registered professionals, compliance with this regulation may be accomplished by the use of the registered professional's seal or by his signature with the identifying initials thereafter on correspondence or other similar materials which do not require the seal.

### 4.5 Enforcement

4.5.1 In the event that a firm providing or offering to provide professional services within the State of Louisiana shall fail to comply with these Rules, the Board, after investigation of the facts, will take whatever action is necessary against such firm to require compliance or to enjoin further practice or offers to practice professional engineering or professional land surveying.

4.5.2 Any firm that has qualified with the Board in accordance with the above rules shall be deemed to be a registrant and therefore shall be subject to those disciplinary provisions providing for reproof (privately or publicly), suspension or revocation of the

right to practice its profession in the State of Louisiana.

LAC 19-3:10 Rules Governing the Use of Seals (37:696)

The following Rules for the use of seals to identify work performed by a registered Professional Engineer or Professional Land Surveyor shall be binding on every registrant:

10.1 Each registrant professional engineer or professional land surveyor, upon registration, is authorized to obtain an official seal. It shall be unlawful for such registrant to affix or to permit his seal and signature to be affixed to any document after the expiration of a certificate or for the purpose of aiding or abetting any other person to evade or attempt to evade any provision of the Act.

10.2 The seal shall be of a size and design authorized by the Board. When the seal is applied, the registrant's written signature shall be signed adjacent to the seal. No further words or wording are required. A facsimile signature will not be acceptable.

10.3 The seal and signature shall be placed on specifications, reports, plats, drawings, design information and calculations, whenever presented to a client or any public or governmental agency.

10.4 The application of the registrant's seal and signature shall constitute certification that the work thereon was done by him or under his control.

10.4.1 Drawings and Plats - In case of multiple sealings, the first or title page shall be sealed and signed by the registrant or registrants involved. In addition, each sheet shall be sealed by the registrant or registrants responsible for each sheet. In the case of a firm, partnership or corporation, each sheet shall be sealed and signed by the registrant or registrants involved. The principal in responsible charge shall sign and seal the title or first sheet.

10.4.2 Specifications, reports, design calculations and information - In the case of specifications of multiple pages, the first or title page, of each document shall be sealed and signed by the registrant or registrants involved. Subsequent revisions shall be dated and initialed by the principal in responsible charge whose seal and signature appears on the first or title page. Preliminary documents, so marked, need not be so sealed and signed. In the case of a firm, partnership or corporation the principal in responsible charge shall sign and seal the title or first sheet.

10.5 The seal and signature shall be used by professional engineer or professional land surveyor registrants only when the work being sealed was performed under the registrant's complete direction and control.

10.6 In the case of a temporary permit issued to a registrant of another state, the registrant shall use his state of registration seal and shall affix his signature and temporary permit number to all his work.

10.7 In the case of an individual registrant checking the work of and taking the professional responsibility for an out of state individual registrant, the Louisiana registrant shall completely check and have complete dominion and control of the design. Such complete dominion and control shall include possession of the sealed and signed reproducible construction drawings, with complete signed and sealed design calculations indicating all changes in design.

10.8 The design of the seal as determined by the State Board shall have the following minimum information:

State of Louisiana

Registrant's Name

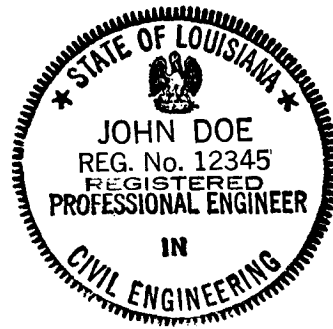
Registrant's Registration Number

Contain the words "Professional Engineer in \_\_\_\_\_ Engineering" or "Registered Professional Land Surveyor"

Indicated below is a sample of the seal design authorized by the Board. Seals of two different sizes will be acceptable, a pocket seal, the size commercially designated as 1-5/8 inch seal, or a desk

seal, commercially designated as a 2 inch seal. Rubber stamps of the same design and size are acceptable for use.

Paul L. Landry, P.E.  
Executive Secretary



**RULE**

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

The Louisiana Wildlife and Fisheries Commission, at a special meeting held March 23, 1982 in Lake Charles, formally adopted the following Rule:

WHEREAS, the Louisiana Wildlife and Fisheries Commission during the April, 1978 meeting issued a moratorium on the taking of applications for waterbottoms to culture oysters, and

WHEREAS, there was a Wildlife and Fisheries Commission "Oyster Committee" meeting to look into this critical issue held January, 1982, and

WHEREAS, there is still a large backlog of old applications, but it is felt that the Department has the responsibility to provide a recourse for those individuals desiring to enter the fisheries,

NOW THEREFORE BE IT RESOLVED that the Louisiana Wildlife and Fisheries Commission proposes to make a Rule change that will conditionally lift the moratorium for those applicants who will agree they will hire a private surveyor to perform their survey, and

BE IT FURTHER RESOLVED that the applicant has six months after the time he could survey this application to do so or it will be cancelled, and

BE IT ALSO FURTHER RESOLVED that applications will be accepted on a first-come-first-served basis according to the following rules:

I. A. The Louisiana Wildlife and Fisheries, Survey Section Office, will open officially at 8:30 a.m., Monday, May 3, 1982. At that time, numbers will be issued on a first-come-first-served basis. These numbers will be issued consecutively daily, from 8:30 a.m. to 4 p.m. for a one month period beginning May 3, 1982 - June 4, 1982. These individuals will then be taken consecutively by number on an appointment basis.

B. Any bona fide resident or any corporation domiciled in or organized under the laws of this state represented by its president/chairman of the board may make an application.

II. The appointments will begin the following week on Monday, May 10, 1982, with the following Rules:

A. The applicant will be taken in five-number increments daily with the first five numbers (applicants being dispersed consecutively among the five slots mentioned above and each individual will be only allowed one hour. If the said individual misses his or her appointment, that number will be revoked. The remaining applicants will be taken consecutively in five-applicant increments until all the numbers are exhausted.

B. At the time of application, the regular application fee will be paid to the Department of Wildlife and Fisheries. This would be until completion of surveys. If survey is not completed within the allotted time, this application fee will be retained for services rendered.

C. At the time the individual obtains his number he will be issued an appointment.

D. Only the individual, unless he or she is president or chairman of the board of a corporation, is entitled to make an application in his name.

E. No power of attorneys will be honored.

Jesse J. Guidry  
Secretary

## Notices of Intent

### NOTICE OF INTENT

#### Department of Agriculture Market Commission

In accordance with the provisions of LSA 49:951, et seq., and LSA 3:543 B, as amended by Act 158 of 1981, relative to the authority of the State Market Commission in the administration of the Farm Youth Loan Program, notice is hereby given that, due to the absence of a quorum at the meetings of August 5, 1981 and December 9, 1981 when action with respect to the following matter was taken by the Commission, a public hearing will be conducted by the State Market Commission at 10:30 a.m. on Wednesday, May 19, 1982, in the Conference Room on the Twenty-first Floor of the State Capitol, Baton Rouge, LA.

The purpose of the hearing will be to consider the adoption of comprehensive Rules and Regulations for the administration of the Farm Youth Loan Program created by Senate Bill 173 of the 1981 Session of the Louisiana Legislature.

A copy of the text of the proposed Rule may be secured from Bryce Malone, Assistant Commissioner of Marketing, Box 44184, Baton Rouge, LA 70804 or at his office at 12055 Airline Highway, Baton Rouge, LA.

Written comments will be accepted by Bryce Malone up to and including May 17, 1982, or may be presented in person at the hearing.

All interested persons will be afforded an opportunity to present data, views, or arguments, orally or in writing, at the public hearing.

Bob Odom  
Commissioner

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Farm Youth**

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

No Change in costs or savings.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

No Change in revenue collections.

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

Approximately 30 farm youth loans, each in the neighborhood of \$1,500 are anticipated in the first year of the program. Therefore, approximately 30 farm teenagers will be able to conduct agriculturally-oriented projects which might otherwise not be possible.

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

No anticipated effect on competition or employment because eligible recipients will be limited to those in school.

Bryce Malone  
Assistant Commissioner

Mark C. Drennan  
Legislative Fiscal Officer

### NOTICE OF INTENT

#### Department of Agriculture Market Commission

In accordance with the provisions of LSA 49:951, et seq., the Administrative Procedure Act, and LSA 3:405, 410-412, relative to the authority of the State Market Commission for the establishment and regulation of state grades of food products, notice is hereby given that, due to the absence of a quorum at the meeting of December 9, 1981, when action with respect to the following matters was taken by the State Market Commission, a public hearing will be conducted by the State Market Commission at 10:30 a.m. on Wednesday, May 19, 1982, in the Conference Room on the Twenty-first Floor of the State Capitol, Baton Rouge, LA.

The purpose of the hearing will be to consider the adoption of comprehensive Rules and Regulations governing the grading and certification of fish and fish products, poultry, and eggs, including but not limited to consideration of the following: establishment of official state grades, requirements for certification, time limits for issuance of certificates, waivers of specification requirements, final delivery of product, and obligations of vendors. The State Market Commission will also consider the permanent repeal of its Rule 7.4 of the Rules and Regulations governing the grading and certification of meat and meat products.

A copy of the text of the proposed Rules may be secured by writing to Bryce Malone, Assistant Commissioner for Marketing, Box 44184, Baton Rouge, LA 70804, or in person at his office at 12055 Airline Highway, Baton Rouge, LA.

Written comments will be accepted by Bryce Malone up to and including May 17, 1982, or may be presented in person at the hearing. All interested persons will be afforded an opportunity to present data, views, or arguments, orally or in writing, at the public hearing.

Bob Odom  
Commissioner

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: G & C rules**

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

No increased costs in current fiscal year in any program. Initial State funds of \$83,887 will be required for the first full year of implementation of the fish and fish products grading and certification program (FY83). The level of state support necessary is projected to decrease to \$59,694 in FY 84 and to \$22,877 in FY 85, with the program becoming self-supporting thereafter. No increased costs are required for the rules on poultry and eggs or meat and meat products, either in FY 82, FY 83, or FY 84.

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

Revenues to be generated by the fish and fish product grading and certification program will be new revenues for the agency. Federal revenues are projected at approximately \$1,000 in FY 82, \$5,000 in FY 83, and \$47,000 in FY 84. Self-generated revenues are projected at approximately \$2,000 in FY 82, \$9,000 in FY 83, and \$27,000 in FY 84. Increases of \$7,000 in FY 82, \$14,000 in FY 83, and \$16,000 in FY 84 are projected to occur in the poultry and egg grading and certification program because of the increase in the required Federal hourly rate (from \$16.52 to \$18.96). There will be no increase in revenues for the meat and meat product grading and certification program as a result of adoption of the proposed amendment.

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

Vendors offering product to state or local agencies requiring grading and certification services will bear the entire costs of the increases projected above. However, it is important to note that only vendors which voluntarily elect to offer product to state or local agencies will pay the increased costs; the grading and certification of fish and fish products, poultry and eggs, and meat and meat products is not required by law.

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

No appreciable effect on competition or employment in the private sector because the rules will apply equally to all vendors voluntarily choosing to offer products for sale to agencies requiring grading and certification of product.

Bryce Malone  
Assistant Commissioner

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Agriculture  
Market Commission**

In accordance with the provisions of LSA 49:951, et seq., the Administrative Procedure Act, and LSA 3:405, relative to the authority of the State Market Commission for administration of

produce assembly centers, notice is hereby given that, due to the absence of a quorum at the meeting of December 9, 1981, when action with respect to the following matter was taken by the State Market Commission, a public hearing will be conducted by the State Market Commission at 10:30 a.m. on Wednesday, May 19, 1982, in the Conference Room on the Twenty-first Floor of the State Capitol, Baton Rouge, LA.

The purpose of the hearing will be to consider the adoption of comprehensive Rules and Regulations for the operation of produce assembly centers, including but not limited to the following: operation of the market, requirements for produce to be marketed through the produce assembly center, consignment of produce and payment policy, marketing advisory service, and right of refusal. A full text of the proposed Rules and Regulations may be obtained by writing to Bryce Malone, Assistant Commissioner for Marketing, Box 44184, Baton Rouge, LA 70804, or by request in person at his office at 12055 Airline Highway, Baton Rouge, LA.

Written comments will be accepted by Bryce Malone up to and including May 17, 1982, or may be presented in person at the hearing. All interested persons will be afforded an opportunity to present data, views, or arguments, orally or in writing, at the public hearing.

Bob Odom  
Commissioner

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Produce Assembly Centers**

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

Initial implementation costs will amount to \$20,000 in the first year of operation.

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

The Department anticipates an increase of approximately \$2,500 in revenues during the first full year of operation (five percent commission on anticipated sales of \$50,000 worth of produce through the center).

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

The Department anticipates an increase in revenues for producers of approximately \$50,000 in the first year of operation.

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

Initially, no impact on competition and/or employment is anticipated. As the produce assembly center develops buyers for the produce, an increase in employment opportunities is anticipated because cultivation of produce crops is more labor-intensive.

Bryce Malone  
Assistant Commissioner

Mark C. Drennen  
Legislative Fiscal Officer



**NOTICE OF INTENT**  
**Department of Commerce**  
**Cemetery Board**

La. R. S. 8:1 through 904, both inclusive

In accordance with applicable provisions of the Administrative Procedure Act, R. S. 49:951 et seq., the Louisiana Cemetery Board intends to amend and supplement its Rules and Regulations by renumbering Part 6 entitled "Construction, Divisibility," to read "8" instead of "6"; to add a new part, to be numbered Part 6 relating to cemetery care funds and in particular to implement the authority and responsibility of the Board vested in it by R. S. 8:451 through 467, both inclusive, and R. S. 8:501 through 510, both inclusive and to add a new part, to be numbered Part 7 relating to and setting forth the qualifications of applicants for a certificate of authority.

The proposed amendments will be available for public inspection between the hours of 8:30 a.m. and 5 p.m. on any working day after April 20, 1982 at the office of the Board, 210 Veterans Memorial Boulevard, Suite 103, Metairie, Louisiana 70005.

Interested persons may submit their views and opinions up to 15 days following publication of this Notice of Intent to Ms. Frances C. Mayeaux, Administrative Director, Louisiana Cemetery Board, 210 Veterans Memorial Boulevard, Suite 103, Metairie, Louisiana 70005, or in writing to her.

Ms. Frances Mayeaux  
Administrative Director

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

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

These Rules will not result in any costs or savings to the Agency.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

These Rules will not affect revenue collections in any manner.

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

Adoption of these Rules will incur minimal administrative costs to cemetery authorities. Cemetery authorities will be required to make quarterly deposits to the perpetual care trust funds thus enlarging the funds. Since cemetery authorities receive the earnings from fund investments, with which to maintain their cemeteries, the larger the fund becomes, the more income it will generate, to the benefit of the cemetery authority and, in turn, to the public, which has been guaranteed that the cemetery grounds will be maintained.

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

No anticipated effect on competition and/or employment among affected groups.

W. C. Raspberry, Jr.  
Chairman

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**  
**Department of Commerce**  
**Office of Commerce and Industry**

The Louisiana Department of Commerce does hereby give notice in accordance with law that it intends to adopt a new Rule providing for the administration of R.S. 51:1781, et seq., the Enterprise Zone Program.

Copies of the proposed Rule may be obtained by telephoning the Department at (504) 342-5893 or by writing to Box 44185, Baton Rouge, Louisiana 70804.

The office will be open from 8 a.m. to 4:45 p.m. and interested persons may call Mrs. Nadia L. Goodman during this time, holidays and weekends excluded, for a copy of this Rule.

All interested persons may submit written comments relative to this Rule through May 4, 1982.

Mrs. Nadia L. Goodman  
Director

**Fiscal and Economic Impact Statement**  
**For Administrative Rules**  
**Rule Title: Enterprise Zones**

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

Department of Commerce: \$48,591. This represents projected staff time and operating services to be used on the program.

Department of Revenue and Taxation: \$47,189. Costs reflect expenses in increased workload to process returns.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

Provisions of Act 901 state that state and local sales tax will not be paid by qualifying enterprise zone establishments, on purchases of materials used in the construction of a building or any addition or improvement thereon, for housing any legitimate business enterprise, and machinery or equipment used in that enterprise. Sales tax will be paid on items not included in the above, especially if they are used on another site. Since we do not know how many firms will apply for the benefits, we cannot estimate the effect on revenue collections.

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

Since we do not know how many firms will apply for the benefits, we cannot estimate the costs and benefits to those firms.

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

Program was developed in order to employ unemployed, unemployable by traditional standards and those individuals living on public assistance programs. There is no way to estimate how many persons will be involved.

Nadia L. Goodman  
Director

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**  
**Department of Commerce**  
**Office of Financial Institutions**

**PROPOSED VARIABLE RATE REGULATIONS**

Under authority granted by R.S. 6:25.1 and by R.S. 9:3554B, the Commissioner of Financial Institutions intends to adopt the following Regulation under which banks, savings and loan associations, other supervised financial organizations, and licensed lenders are authorized to make, purchase or participate in loans bearing simple interest from date on a variable rate basis. The following Regulation on variable rate loans is promulgated by the Commissioner of Financial Institutions.

Proposed Rule

Pursuant to R.S. 6:25.1 (Act 640 of 1981) and R.S. 9:3554B, banks, savings and loan associations, other supervised financial organizations, and licensed lenders are hereby authorized to make, purchase or participate in loans bearing simple interest from date on a variable rate basis consistent with the following Regulations promulgated by the Commissioner of Financial Institutions.

Variable Rate Loans

1. Purpose

This Regulation is issued by the Commissioner of Financial Institutions under authority granted by R.S. 6:25.1 (Act 640 of 1981) and R.S. 9:3554B.

2. Scope

This Regulation shall apply to all loans or other extensions of credit which are made, purchased, or participated in by banks, savings and loan associations, other supervised financial organizations and licensed lenders, and which bear simple interest from date on a variable rate basis.

3. Definitions

As used herein, the following definitions shall apply:

(a) "Bank" shall mean any bank organized under the laws of the United States of America or of any state or foreign nation, and any subsidiary or parent holding company of a bank. (Non-bank subsidiaries of bank holding companies are considered to be banks or other supervised financial organizations for the purposes of this Regulation.)

(b) "Savings and loan association" shall mean any savings and loan association, thrift institution, or savings bank organized under the laws of the United States of America or of any state, and any wholly-owned subsidiary or parent holding company of a savings and loan association.

(c) "Supervised financial organization" shall have the same meaning as defined under R.S. 9:3516(26), that is, a banking or similar organization organized, certified and supervised by an agency of either the United States of America or of the State of Louisiana pursuant to the banking, currency, and related laws of the United States of America or of the State of Louisiana.

(d) "Licensed lender" shall have the same meaning as defined under R.S. 9:3516(19), that is, a person, other than a supervised financial organization, engaged in the business of making supervised loans.

(e) "Variable rate" shall mean the manner of computing simple interest on a loan whereby the rate of simple interest varies from time to time, one or more times, over the term of the extension of credit with changes in a contractual index rate or is adjusted in accordance with a formula specified in the promissory note or credit agreement governing the loan.

(f) "Index" shall mean any basis on which the interest rate charged on a loan may vary in accordance with the agreement of the parties.

(g) "Prime rate" or "base rate" shall mean the interest rate established from time to time, one or more times, by the Board of Directors and/or management of a bank, savings and loan association, or any supervised financial organization as its "prime" or "base" lending rate, whether or not that interest rate is published or otherwise made known to the general public.

4. General Rule

Banks, savings and loan associations, other supervised financial organizations, and licensed lenders are authorized to make, purchase or participate in loans bearing simple interest from date on a variable rate basis.

5. Calculation of and Basis for Change in Rate

(a) The simple rate of interest on a variable rate loan may vary with changes in an index or may be adjusted in accordance with a formula specified in the promissory note or credit agreement governing the loan.

(b) It shall be permissible for a supervised financial organization to charge and collect simple interest on a variable rate basis indexed to the institution's own "prime" or "base" lending rate.

6. Rate Adjustment

This Regulation sets no limitations on the frequency of interest rate adjustments or on the amount of any incremental change in the interest rate in variable rate loans.

7. Relationship to Other Laws

(a) This Regulation shall not be construed to limit the manner or method of contracting for interest in connection with any loan or other extension of credit.

(b) Banks, savings and loan associations, other supervised financial organizations and licensed lenders are permitted to enter into variable rate loan transactions pursuant to this Regulation which are governed by any applicable Louisiana or federal credit laws and regulations, including but not limited to: (i) Article 2924 of the Louisiana Civil Code; (ii) the Louisiana Consumer Credit Law (R.S. 9:3510, et seq.); (iii) the Louisiana Motor Vehicle Sales Finance Act (R.S. 6:951, et seq.); (iv) R.S. 9:3503, et seq.; (v) R.S. 6:654; (vi) R.S. 9:3509; (vii) R.S. 12:703.

(c) This Regulation shall not supersede the requirements of R.S. 6:957(F) as added by Act 580 of 1981 with regard to variable rate retail installment contracts for the purchase of a residential mobile home.

(d) This Regulation shall additionally not supersede the Adjustable Rate Mortgage Regulations promulgated by the Office of Financial Institutions for state banks as published in Volume 7, No. 5, *Louisiana Register*, May 20, 1981, as well as the Adjustable Rate Mortgage Regulations promulgated by the Office of the Comptroller of the Currency for National banks (12 CFR §29.1 et seq.).

(e) This Regulation shall additionally not supersede the Adjustable Mortgage Loan Regulations promulgated by the Office of Financial Institutions for state savings and loan associations as published in Volume 7, No. 7, *Louisiana Register*, July 20, 1981, as well as the Adjustable Mortgage Loan Regulations promulgated by the Federal Home Loan Bank Board for federal savings and loan associations (12 CFR §545.6-4a).

(f) Notwithstanding any other laws to the contrary, particularly Article 1939 of the Louisiana Civil Code, loans subject to these regulations shall be exempt from the application of the prohibition against interest on interest.

8. Effect on Other Variable Rate Loans

The promulgation of this Regulation shall not be construed to raise questions as to, or provide a basis for any challenge to, the

validity or enforceability of variable rate loans which may have been entered into prior to the promulgation hereof or as to the validity or enforceability of variable rate loans or other extensions of credit by creditors not subject to this Regulation.

9. ARM/AML Regulations

(a) The Office of Financial Institutions does hereby re-issue and re-promulgate the adjustable-rate mortgage regulations promulgated by the Office of Financial Institutions for State banks as published in Volume 7, No. 5, *Louisiana Register*, May 20, 1981, said regulations to be promulgated under the authority granted by R.S. 6:237B.

(b) The Office of Financial Institutions does hereby re-issue and re-promulgate the adjustable mortgage loan regulations promulgated by the Office of Financial Institutions for state savings and loan associations as published in Volume 7, No. 7, *Louisiana Register*, July 20, 1981, said regulations to be promulgated under the authority granted by R.S. 6:902B.

Interested persons may submit written comments on the proposed Regulation until 4:30 p.m., May 5, 1982, at the following address: Honorable Hunter O. Wagner, Jr., Commissioner of Financial Institutions, Box 44095, Capitol Station, Baton Rouge, Louisiana, 70804.

He is the person responsible for responding to inquiries concerning the proposed Regulation.

Hunter O. Wagner, Jr.  
Commissioner of Financial Institutions

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Variable Rate Requirements**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)  
There will be no implementation costs or savings to the Office of Financial Institutions.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)  
There will be no effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)  
Unknown - The instrument is needed in the finance industry.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
Not applicable.

Hunter O. Wagner, Jr.  
Commissioner

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

1. The Board adopted a policy that a student with a GED diploma will not be allowed to return to school to receive a regular

high school diploma.

2. The Board approved the *Guidelines for Summer School Programs Funded by the State (1982)* for remediation of eligible children in the areas of Language Arts and Mathematics as follows:

**GUIDELINES FOR SUMMER SCHOOL PROGRAMS  
FUNDED BY THE STATE - 1982**

Eligibility

Financial assistance is available to local school systems to provide remediation in a state approved summer school for any student not achieving the established performance standard of 75 percent on the State Basic Skills Test in language arts and/or mathematics.

Standards

All summer schools receiving state funding for remediation shall apply on the appropriate state forms to the State Department of Education for approval of each summer school program according to *Standards for Elementary Summer Schools* pp. 34a-c, Bulletin 741, *Handbook for School Administrators*. Summer schools found not in compliance with state standards shall reimburse the state allocation.

Pupil/Teacher Ratio

The pupil/teacher ratio shall not exceed 12 students per teacher per subject area.

Funding

School systems shall be reimbursed on a per pupil cost based upon the pupil/teacher ratio of 12:1. The total cost per pupil includes teacher salaries and benefits (\$50 x 35 days for four hour instructional day and 11 percent benefits), transportation (76¢ x 35 days), operational cost (\$15 per child), and materials and supplies (\$3 per subject area).

Following is the cost per child for the student who receives remediation in *both* language arts and mathematics (four hour day).

Salary - (\$50 x 35 days - 12 students) =	\$145.83
Benefits - 11%	16.04
Operational Cost	15.00
Transportation (76¢ x 35 days)	26.60
Instructional materials and supplies	6.00
Per child - four hours instruction	\$209.47

Following is the cost per child for the student who receives remediation in *only one* area for two hours.

Salary - (\$25 x 35 - 12 students) =	\$ 72.91
Benefits - 11%	8.02
Operational Cost	7.50
Transportation (76¢ x 35 days)	26.60
Instructional materials and supplies	3.00
Per child - two hours instruction	\$118.03

Student Assessment and Exit Criteria

Prior to a student's exit from the compensatory/remedial program each school system shall assess each student to determine the mastery of skills in which the student was deficient as identified on the State Basic Skills Test.

Evaluation

Each school system shall participate in the evaluation of the State Compensatory Education Program conducted by the Department. The Department shall provide guidelines for the evaluation.

3. The Board approved a revision to the *Home Study Guidelines* as follows:

VI. Monitoring

Continuation of a student in a home study program shall be based upon an annual submission of a home study achievement report accepted by the State Department of Education which

describes the progress of the student in his grade level or subject matter areas. This report shall be submitted for approval to the State Board of Elementary and Secondary Education along with the application for reauthorization of the home study program.

Note: In accordance with the provision VII of the Home Study Guidelines, when a student enters an approved public or non-public school, the school shall have the authority to test the student to determine appropriate grade level placement or subject matter unit credit.

4. The Board approved the *Grievance Procedure for Vocational-Technical and Special Education Schools* as submitted by Mr. Bruce Macmurdo.

5. The Board approved the three year Louisiana State Plan for Adult Education (1982-85).

6. The Board rescinded Motion 8-H-5 of the BESE Minutes of November 19, 1981 which granted the parish and city school boards the authority to waive the age requirement for taking the GED test and directed that this authority be returned to the Board.

7. The Board approved revised Section 459 of Act 754 Regulation (disciplinary action).

8. The Board approved the *Nonpublic School Testing Guidelines* as follows:

#### NONPUBLIC SCHOOL TESTING GUIDELINES

##### SECTION I

###### A. Rationale

The purpose of this program is to assess the sustained curriculum or course of study in nonpublic schools through the use of standardized instruments.

A systematic auditing of these results will give some measure of the progress achieved by the individual pupil, a local school and the system as a unit, and also serve as an indicator of the need for remedial programs.

Such an audit would assist in assessing the variation of effectiveness of different instructional procedures and/or different curricular arrangements. The program would assist in assessing the degree to which fixed goals and objectives are accomplished.

The program would make available standardized testing for pupils in Grades K-12 to evaluate the sustained curriculum or course of study.

###### B. Definition of Terms

For our purposes: Definition of Terms

School — Approved nonpublic school which is not classified as part of an organized system

System — Approved nonpublic school forming part of an association of schools functioning under a Board which sets policy

LDE — Louisiana Department of Education — Nonpublic school testing staff

BESE — Louisiana State Board of Elementary and Secondary Education

###### C. Goals

1. Assessment of program evaluation as an educational priority

2. Assessment of effective pupil learning

###### D. Objectives

1. Indicators which have been subjected to tests for both validity and reliability in terms of effectiveness that can be communicated to provide BESE and other interested persons data by which they can evaluate the sustained curriculum or course of study in approved nonpublic schools.

2. Identification of programs that are effective.

3. Development of conclusions drawn from hard data that help decision makers refine, expand, or drop programs.

##### SECTION II

###### Basic Design of Testing Program

###### A. Selection of Instrument

The school or system will identify one type of norm-referenced instrument to be used for testing from the approved list of test publishers, as established by the Advisory Council for Nonpublic School Testing.

###### B. Reporting Format

Percentile rank by subtest based on national norms will be reported. Frequency Distributions based on national norms will be furnished LDE for analysis. After each school has administered the tests and returned them to the publisher for scoring, the results will be sent to the LDE with copies to the school by the calendar dates established annually by the advisory council. Results furnished the LDE must be machine scored. See Section III-C for exceptions.

###### C. Name and Publisher of Instrument

The school or system will submit the name and publisher of the instrument to be used for testing students to LDE 60 days prior to anticipated testing date, or no later than February 1. In addition, they will submit by grade level the number of students participating in the school program; the unit price per student as substantiated by the publisher's catalog must also be included with the school order. The publisher's remuneration shall not exceed the amount of the purchase order plus shipping costs. Additional costs must be borne by the school.

###### D. Acquisition of Materials

The school or system will notify the LDE of their test recommendations. The LDE staff will issue a purchase order to the publisher authorizing delivery of the tests to the schools.

###### E. Fiscal Administration

a. The school or system will provide the LDE with the name of the selected instrument, the vendor, and the number of students to be tested at each grade level.

b. A purchase order will be issued by the LDE to the selected vendor for each school.

c. The school will notify the LDE upon receipt of the materials so that partial payment may be made if required.

d. Upon receipt of the test results (a copy of which will be supplied the LDE) the school or system will notify the LDE and final payment will be made.

##### SECTION III

###### Administration of Testing Program

###### a. Test dates

Spring or Fall in accordance with publishers' norming dates.

###### b. Grade Levels to be Tested

Standardized testing to evaluate sustained curriculum or course of study, grades K-12.

###### c. Testing Exclusions

Any exceptional child who, with the aid of any available related services, is capable of participating in the approved non-public school testing program, and who meets the criteria established by the LDE's office of special education for participation in such program, shall participate. Should hand scoring be required in these instances, justification and summary results shall be furnished LDE.

##### SECTION IV

###### A. Board Reporting

A summary report of data by selected instrument will be provided by LDE to the Board of Elementary and Secondary Education. This summary report may also be provided to the Elementary and Secondary Bureaus of the Department of Education for purposes of evaluating the sustained curriculum.

###### B. Release of Test Data

Data relative to test results of individual students, teachers, classes, or schools will only be released in accordance with the Buckley Amendment and Attorney General's Opinion 77-1340.

## SECTION V

### Advisory Council

The Nonpublic School Commission, appointed by the Board of Elementary and Secondary Education, will function in an advisory capacity throughout the duration of the program.

9. The Board approved the proposed *Guidelines for Compliance and Accreditation Program* for the public sector as follows:

#### GUIDELINES FOR COMPLIANCE AND ACCREDITATION

##### PROGRAM

#### FOR PUBLIC ELEMENTARY/SECONDARY EDUCATION

A. The State Board of Elementary and Secondary Education shall request the State Department of Education to prepare a compliance, accreditation program which will serve the following purposes:

(1) To establish BESE/SDE compliance with all constitutional and statutory mandates and state and federal regulations which affect public elementary and secondary education, special education and secondary vocational education;

(2) To establish SDE compliance with Board policies;

(3) To establish local system compliance with Board approved standards;

(4) To provide a program of annual school approval to justify annual funding of programs at the local level;

(5) To establish a program of school system accreditation to be administered on a five-year basis or as determined by the State Board of Elementary and Secondary Education;

(6) To coordinate compliance monitoring of Board approved standards by all offices and bureaus within the State Department of Education; and

(7) To make annual reports to the State Legislature on BESE/SDE/LEA compliances with state and federal laws and regulations.

B. The program shall include:

(1) A table of definitions, to include a distinction in the terms "school approval" and "system accreditation";

(2) A time-table for completion of the instrument and dates on which various phases of the activities will be enfolded into the program;

(3) Board approved standards which must be met by local school systems for school approval and systems accreditation;

(4) A methodology for coding and evaluating data collected via the program and procedures for determining school approval and system accreditation;

(5) A system of dissemination to assure that results are reported to appropriate audiences.

The following general principles shall control the preparation of the program:

(1) The Louisiana Constitution and Title 17 of the Revised Statutes define in general terms the responsibilities of the Board and the State Department of Education. Board policies shall establish the guidelines and the standards for implementation.

(2) The Department shall have Board approval prior to implementation of legal requirements affecting local school systems.

(3) The Department shall implement Board policies and monitor compliance by the local school systems. The Department cannot require local systems to exceed board approved standards.

(4) All BESE policies shall be stated in policy form or in the form of a school or system standard. Bulletins which are not written in this style shall be revised accordingly.

(5) Bulletin 741, *Louisiana Handbook for School Administrators* shall be revised to comply with the proper format and shall encompass all compliance areas and the monitoring programs of each office and bureau within the Department, including elementary, secondary, special and secondary vocational educa-

tion.

(6) The Department, in preparation of the program shall use verbatim policies and standards approved by the Board. Rewording or para-phrasing of policies shall be considered as proposing new policy and shall be treated as such.

(7) Neither the Board nor the Department shall prescribe instructional methodology at the local level. The Department may address local instructional needs through technical assistance and in-service training with voluntary participation on the part of local systems.

(8) System accreditation shall be based on board approved standards to be met by each school within the system.

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

James V. Soileau  
Executive Director

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

#### **Rule Title: Amend BESE Board Policy Manual on Adult Education Sec. 3.07.00**

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

There is no estimated implementation costs (savings) as a result of this policy amendment.

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

There is no estimated effect on revenue collections.

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

There is no estimated costs or benefits to affected groups.

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

There is no estimated effect on competition and employment.

George B. Benton, Jr.  
Deputy Superintendent

Mark C. Drennen  
Legislative Fiscal Officer

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

#### **Rule Title: State-Funded Summer School**

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

The 1981 Legislature appropriated \$2,146,854 for remediation of eligible students for the summer session of 1982. Approximately \$2,462,463 is being requested for the summer of 1983.

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

There is no estimated effect on revenue collection.

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

Local school systems will be reimbursed by the State Department of Education an allotment of \$209.47 for the student who needs remediation in two subject areas and \$118.03 for the student who needs remediation in one subject area. The money reimbursed is to cover the cost of such items as teacher salaries, benefits, operational cost, materials and supplies and transportation, if necessary. The local education agency will provide local administrative and financial support as well as use of facilities during the summer program. This remediation effort will require additional review and evaluation by the Department through the use of new forms and required documentation.

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

During the summer session of 1982 approximately 680 teachers will need to be employed and approximately 960 during the summer session of 1983.

Gerald Cobb  
Director of Instruction

Mark C. Drennen  
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Home Study**

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

The estimated cost of the program will depend upon the growth and expansion of the Home Study Program. At the present time estimated implementation cost is approximately \$2,000 which includes printing and postage costs.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There is no estimated effect on revenue collections.

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

Parents are to assume all financial obligations for the student in the Home Study Program.

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

There is no estimated effect on competition and employment.

Gerald Cobb  
Director of Instruction

Mark C. Drennen  
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Grievance Procedure**

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

There are no costs or savings associated with this proposed action.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There is no effect on revenue collections.

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

The goal of this grievance procedure is to provide a more orderly and efficient method for airing and resolving student and employee complaints about conditions and policies within institutions under the jurisdiction of the Board of Elementary and Secondary Education. There are no effects on costs, workload, or paperwork.

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

There is no impact on revenues to the affected groups.

James Soileau  
Executive Director

Mark C. Drennen  
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Three-Year State Plan, 1982-85**

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

The federal share of expenditures to carry out a state plan shall be paid from a state's allotment available for grants to that state. The federal share shall be 90 percent of the cost of implementing the state's program. No state shall be required to use its funds to supplant any portion of the federal share.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There is no estimated effect on revenue collections as Adult Education is not a revenue-generating program.

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

The Adult Education program will benefit those adults who lack sufficient mastery of basic educational skills to enable them to function effectively in society. Approximately 15,469 students living in Louisiana will receive instructional services through the Adult Basic Education (federal) program. Another 28,000 students living in Louisiana will receive instructional services through the state program (R.S. 17:14 as amended by Act 274 of 1975). A FY 1983 allocation of approximately \$9,950,000 has been requested from federal and state sources.

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

The Adult Education program creates full-time and part-time positions for approximately 755 teachers, 141 para-professionals, 87 administrators, and 151 other support personnel. The 43,824 individuals served by the program will

become more employable. There is no estimated effect on competition.

George B. Benton, Jr.  
Deputy Superintendent

Mark C. Drennen  
Legislative Fiscal Officer

MENT - (Summary)

There will be no effect on competition and employment.

George B. Benton, Jr.  
Deputy Superintendent

Mark C. Drennen  
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: GED Waivers**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)  
There are no implementation costs.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)  
There is no effect on revenue collection.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)  
There are no costs to affected groups; namely, local parish and city school boards and their superintendents. It is beneficial in that the Board will be better able to serve the general public in regards to waiving the required age for taking the GED test.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
There is no effect on competition and employment.

James Soileau  
Executive Director

Mark C. Drennen  
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Nonpublic School Testing Guidelines**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)  
The costs to the agency remains the same.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)  
There will be no effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)  
While the costs remain constant, affected group may be afforded more benefits.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
There will be no effect on competition and employment.

George B. Benton, Jr.  
Deputy Superintendent

Mark C. Drennen  
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Amendment to Act 754 Regulations**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)  
There will be no cost to the State Department of Education to implement this change.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)  
There will be no estimated effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)  
There will be no cost to any group. However, city/parish school systems will better understand their role and responsibilities when taking disciplinary action against exceptional children.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Compliance and Accreditation Program**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)  
The estimated implementation costs are \$392,542 for FY '82 and \$601,389 for FY '83.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)  
There is no effect on revenues to affected groups.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)  
The Compliance and Accreditation Program is an accreditation system for public schools and parishes that utilizes onsite reviews. The purpose of the system is to improve the quality of education in Louisiana school systems. Standards for schools and parishes, derived from legislation, regulations and Board Policy, serve as the basis for onsite re-

views. These reviews determine areas of need in parishes and schools reported to the parishes. Development of plans for action ensure appropriate changes to upgrade educational programs.

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

There is no impact on competition and employment.

James Soileau  
Executive Director

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

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

The Department of Health and Human Resources, Office of Family Security, proposes to adopt a Rule in the General Assistance Foster Care program which limits the eligibility for cash and medical assistance to foster children who meet the age requirement outlined below:

- 1) Any eligible child under 16 years of age;
- 2) Any eligible child 16 to 17 years of age who is attending school regularly or incapacitated;
- 3) Any eligible child 18 years of age who can reasonably be expected to complete his/her course of study prior to his/her nineteenth birthday.

This proposed Rule change is being implemented to bring the General Assistance Foster Care Program requirements into congruence with Aid to Families with Dependent Children policy to limit the number of GA-Foster Care applications by children no longer eligible for Aid to Families with Dependent Children (AFDC) due to failure to meet AFDC age and/or school requirements.

Interested persons may submit written comments on the proposed rule through May 4, 1982, at the following address: Michael S. Haddad, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, Louisiana 70804.

Roger Guissinger  
Secretary

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

**Rule Title: General Assistance - Foster  
Care - Age Requirements**

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

Implementation of this Rule will result in two recipients being terminated from cash and medical assistance benefits in FY 81-82 for a savings of \$380.90. One recipient will be terminated in FY 82-83 for a savings of \$556.35 and four recipients will be terminated in FY 83-84 for a savings of \$1,493.69. Termination of these cases will not result in a significant reduction in workload.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS -

(Summary)

No increase or decrease in revenues is anticipated as a result of the proposed action.

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

General Assistance - Foster Care recipients who are 16 or 17 years old not attending school or not incapacitated will no longer be eligible for cash and medical assistance. General Assistance - Foster Care recipients 18 years old will remain eligible for assistance only if they can reasonably be expected to complete their course of study prior to their nineteenth birthday.

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

No impact on competition and employment is anticipated as a result of this action.

Michael S. Haddad  
Assistant Secretary

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

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

The Department of Health and Human Resources, Office of Family Security, proposes to implement Retrospective Budgeting for all Aid to Families with Dependent Children, AFDC related Food Stamps, and Refugee Resettlement recipients as mandated by federal regulations as published in the *Federal Register* Vol. 47, No. 25, Friday, February 5, 1982, pp. 5678-5679 (45 CFR:233.34 and 45 CFR:233.35). The agency shall determine all factors of eligibility and payment amount for the initial two months of eligibility prospectively. However, the amount of assistance for the initial two months of eligibility will be computed retrospectively if:

- 1) The applicant received assistance, computed retrospectively, (or would have received a payment except for the \$10 minimum payment regulation) for the immediate preceding payment month

OR

- 2) a) The initial month and/or month of application follows one month in which the payment was withheld

AND

- b) The family's circumstances for the initial month and/or month of application had not changed significantly from those reported in the corresponding budget month (e.g. loss of job).

After the initial two payment months, the amount of each subsequent month's payment shall be computed retrospectively based on the income and other relevant circumstances which existed in the second prior month which is the budget month.

Interested persons may submit written comments on the proposed Rule through May 4, 1982, at the following address: Michael S. Haddad, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, Louisiana, 70804.

Roger P. Guissinger  
Secretary



**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Retrospective Budgeting**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)  
The estimated cost of implementations is \$121 (state FY 81-82) and \$121 (federal FY 81-82).
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)  
There is no effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)  
There is no costs or benefits to affected groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
There is no effect on competition and employment.

Michael S. Haddad  
Assistant Secretary

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Health and Human Resources  
Office of Human Development**

The Department of Health and Human Resources, Office of Human Development, proposes to amend the Rules for the reimbursement of shelter care facilities pursuant to the provisions of La. R.S. 15:1092, effective June 1, 1982, as follows:

The amount of funds that the Office of Human Development shall expend with regards to a specific shelter shall be determined by the allowable costs specified in a cost report submitted in accordance with applicable provisions of the current issue of the DHHR Rate Determination Manual for Non-State Operated Facilities.

(7) Written intake procedures in accordance with Article 24(B) of the Juvenile Code of Procedure that are non-discriminatory with regards to the race or status offense of juveniles with the exception that juveniles whose behavior by reputation or circumstances is considered a threat to the safety and welfare of other residents or staff shall be excluded from admission into the shelter facility.

Interested persons may submit written comments on the proposed changes through May 5, 1982 at the following address: A. J. Dixon, Assistant Secretary, Office of Human Development, Box 44367, Baton Rouge, Louisiana 70804. He is the person responsible for responding to inquiries about the proposed Rule changes.

Roger P. Guissinger  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Shelter Costs**

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

The actual cost of implementing the program for FY 82 (January-June) is \$723,479 in state general funds. The provision of appropriate holding facilities for juvenile offenders will result in following savings: (1) retention of approximately \$1,000,000 received annually from the U.S. Department of Justice based upon the state's agreement to remove juvenile status offenders from adult jails, and (2) a diminution of civil suits filed requesting damages from the state and/or its subdivisions from the inappropriate placement of pre-adjudicated juveniles. (One such suit filed during FY 81 requested \$5 million in damages as a result of the death of a juvenile in an adult facility).

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

This proposed action will neither increase nor decrease revenues.

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

This program will provide appropriate facilities for the placement of preadjudicated juveniles who, in many instances in the past, have been held inappropriately and/or illegally in adult incarcerative facilities. The adverse emotional effects of such confinement and its barrier toward the rehabilitation of juveniles is a well documented fact.

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

This program will not, to any significant extent, encourage or discourage competition since there are only a few local non-profit organizations or local jurisdictions actually willing to operate shelter facilities as proposed by these regulations.

It is anticipated that this program, when implemented, will provide full-time employment for a minimum of 52 individuals in several locations around the state.

A. J. Dixon  
Assistant Secretary

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICES OF INTENT**

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

The Louisiana Department of Health and Human Resources (DHHR) proposes to apply for Block Grant federal funding for fiscal year 1982-83 in accordance with Public Law 97-35, the Omnibus Reconciliation Act of 1981. This Public Law authorizes Block Grant federal funding for many DHHR health and social services programs. DHHR will apply for four of these Block Grants and continue to administer programs under Block Grant federal funding in accordance with provisions set forth in Public Law 97-35. DHHR will abide by requirements of state law in the adoption of any rule with regard to these Block Grants.

The Block Grants and the DHHR Offices responsible for program administration are as follows:

(1) Alcohol and Drug Abuse and Mental Health Services - Office of Mental Health and Substance Abuse (OMHSA). Inquiries and comments may be addressed to Thomas H. Brittain, Ph.D., Assistant Secretary, Office of Mental Health and Substance Abuse, Box 4049, Baton Rouge, LA 70821. The application/proposal is

available for review at any OMHSA facility.

(2) Maternal and Child Health Services - Office of Health Services and Environmental Quality (OHSEQ). Inquiries and comments may be addressed to Roderick K. Banks, Acting Assistant Secretary, Office of Health Services and Environmental Quality, Box 60630, New Orleans, LA 70160. The application/proposal is available for review at any OHSEQ facility.

(3) Preventive Health and Health Services - Office of Health Services and Environmental Quality (OHSEQ). Inquiries and comments may be addressed to Roderick K. Banks, Acting Assistant Secretary, Office of Health Services and Environmental Quality, Box 60630, New Orleans, LA 70160. The application/proposal is available for review at any OHSEQ facility.

(4) Title XX Social Services - Office of Human Development (OHD). Inquiries and comments may be addressed to Arthur J. Dixon, Assistant Secretary, Office of Human Development, 1755 Florida Boulevard, Baton Rouge, LA 70802. The application/proposal is available for review at any OHD facility.

Applications/Proposals for each of the Block Grants may also be obtained by contacting the Governor's TIE LINE, Post Office Box 44004, Capitol Station, Baton Rouge, LA 70804, Phone: 1-800-272-9868.

Public hearings on the Block Grant Applications/Proposals are scheduled as follows:

(1) Preventive Health and Health Services, on May 5, 1982, at 9 a.m. at Insurance Rating Office, 950 North 5th Street, Plaza Floor Hearing Room, Baton Rouge, LA.

(2) Alcohol and Drug Abuse and Mental Health Services, on May 5, 1982, at 1 p.m. at Insurance Rating Office, 950 North 5th Street, Plaza Floor Hearing Room, Baton Rouge, LA.

(3) Maternal and Child Health Services, on May 6, 1982, at 9 a.m. at Insurance Rating Office, 950 North 5th Street, Plaza Floor Hearing Room, Baton Rouge, LA.

(4) Title XX Social Services, on May 6, 1982, at 1 p.m. at Insurance Rating Office, 950 North 5th Street, Plaza Floor Hearing Room, Baton Rouge, LA.

Roger P. Guissinger  
Secretary

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

#### **Rule Title: Alcohol and Drug Abuse and Mental Health Block Grants**

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

The implementation costs for FY 82-83 are estimated to be limited to the annualized cost of a program officer position amounting to \$6,058. This cost will be absorbed in the operating budget of the agency.

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

Based on information received, revenue collection will remain unchanged. The proposed 1983 federal budget does not include additional reductions in this block grant.

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

1. Groups heretofore applying for federal ADM funds will be able to approach the state, with more definitive knowledge of funding capabilities prior to expending unnecessary man hours developing applications for which funding may not be available.

2. However, those programs that are currently directly funded by the federal government may incur additional expenses in meeting state licensing regulation which is a prerequisite for funding. Agency is unable to determine the cost until a survey has been conducted.

3. Since the amount of the block is at the '82 level, the only negative affect for OMHSA programs will be the need to cover inflationary cost. The current Louisiana allotment for the ADAMH Block will be approximately \$4 million. If no increase is budgeted for '83, and assuming 10 percent inflation rate, the effect would be a loss in services equivalent to \$400,000. This translates into a loss of substance abuse services affecting approximately 168 citizens; six residential treatment; 162 out-patient treatment).

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

It is possible that, due to the lack of an inflationary adjustment in federal funding of this block grant for 1983, employment in the private sector providing these services may not be maintained at the 1981-82 level. Some individual providers may also be affected by proposed program mergers, transfers and reductions.

Thomas H. Brittain, Jr.  
Assistant Secretary

Mark C. Drennen  
Legislative Fiscal Officer

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

#### **Rule Title: Preventive Health and Health Services Block Grant (FY 1983)**

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

Neither increase nor decrease in costs to implement is expected, as DHHR will continue to administer these programs in accordance with existing federal and state laws and regulations. No workload change is anticipated, as the same amounts and kinds of services are expected to be delivered.

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

If the federal allotment to Louisiana for this block is less than the allotment to Louisiana FY '82, the state will experience a decrease in federal revenues. At this time only a small decrease (\$134,000) in federal funding of this block is anticipated for 1982-83, which is not expected to affect the kinds and amounts of services delivered.

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

No effect on patients is expected. No direct effect is anticipated on any groups or units of local government. (Indirect effects are expected for the City of New Orleans, which administers the Rodent Control program and the Area Councils which administer the Emergency Medical Services program through contracts with the Office of Hospitals.) DHHR has assured in its application that all programs funded under this block will be increased or reduced by equal proportions, as warranted by total allotment under this block. Louisiana's newly mandated rape control services will be provided.

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

No effect is anticipated on competition and employment, as the same kinds and amounts of services are to be offered. Should the amount of federal funds eventually appropriated be at such a decreased level as to warrant reductions in staff, unemployment will result. The level is unclear, as the program is currently operating on a continuing resolution, and funding levels for FY '82 and subsequent fiscal years have not yet been decided.

Joseph O. Kimbrell  
Deputy Assistant Secretary

Mark C. Drennen  
Legislative Fiscal Officer

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

**Rule Title: Maternal and Child Health Block Grant (FY '83)**

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

This block was implemented in FY '82. Neither increase nor decrease in implementation costs is expected, as DHHR will continue to administer these programs in accordance with existing federal and state laws and regulations. No workload change is anticipated, as the same amounts and kinds of services are expected to be delivered.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

A loss of \$908,000 in federal funds is currently anticipated for 1982-83 which does not include any additional cuts which might be included in the 1983 federal budget. The Executive Budget for 1982-83 provides state funds to replace the anticipated loss of federal funds. Naturally, if the federal allotment to Louisiana for this block is less than the FY '82 allotment, the state will experience a decrease in federal revenues.

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

No direct effect is anticipated on patients, groups, units of local government or state agencies other than DHHR.

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

No effect is anticipated on competition and employment, as the same kinds and amounts of services are to be offered. Should the amount of federal funds eventually appropriated be at such a decreased level as to warrant reductions in staff, unemployment will result. But the level is unclear, as the program is currently operating on a continuing resolution, and funding levels for FY '82 and subsequent fiscal years have not yet been decided.

Joseph O. Kimbrell  
Deputy Assistant Secretary

Mark C. Drennen  
Legislative Fiscal Officer

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

**Rule Title: Title XX CASP Plan for 1982-83**

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

Implementation cost of this plan is \$64,092,860. This includes \$44,939,240 federal funds, \$12,736,276 state funds and \$2,207,892 local funds as match and \$1,541,369 interagency transfer funds from within DHHR for a total of \$61,424,777 cost of the Block Grant Program plus \$2,668,083 state funds for the cost of 100 percent state funded purchase of services contracts to augment the Block Grant Program. All these funds are currently reflected in the DOA's budget recommendations for SFY 82-83.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

A \$1,076,569 decrease in federal funds available to the state, a \$292,766 decrease in local matching funds and a \$2,010,851 increase in state matching funds are estimated in SFY 1983 over SFY 1982.

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

This plan serves as a means of continuing the provisions of Title XX social services to the eligible population during SFY 1983 at the service providers decreased workload levels which evolved subsequent to federal funds reduction in SFY 1982. Social service providers under contracts funded with 100 percent state monies will operate for the first time under the CASP Plan.

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

This proposed action will have insignificant, if any, effect on competition and employment.

Arthur J. Dixon  
Assistant Secretary

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

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

The Department of Natural Resources, Office of Environmental Affairs proposes to adopt Rules revising a system of priorities whereby communities requesting federal assistance for the construction of wastewater treatment facilities will be ranked with respect to one another. These Rules are known collectively as the "State of Louisiana Construction Grants Priority System" and are used to determine which applicants may receive federal assistance. These proposed revisions were made necessary as a result of recent amendments to the federal Clean Water Act.

The proposed revised Rules are being enacted pursuant to the requirements of the Administrative Procedure Act of Louisiana as amended and to comply with provisions of 40CFR 35.915(a).

The proposed revised Rules will be presented at a public hearing on Thursday, May 6, 1982 at 10 a.m. in the Conservation Hearing Room, in the lobby of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana. Interested persons may submit comments at the public

hearing or may submit written comments to J. Dale Givens, Administrator, Water Pollution Control Division, Office of Environmental Affairs, Box 44066, Baton Rouge, Louisiana 70804. Written comments will be received until May 21, 1982.

At the same public hearing, the Department will present, for public review and comment, the proposed FY 1982 Construction Grants Project Priority list.

Copies of the "State of Louisiana Construction Grants Priority System" and the proposed FY 1982 Project Priority List will be available for public review at least 30 days prior to the Hearing at the Department of Natural Resources, Water Pollution Control Division, 625 N. 4th Street, Baton Rouge, Louisiana and in the Regional Planning Offices throughout the state at the following locations:

- District 1 333 St. Charles Avenue, Suite 900  
New Orleans, Louisiana
- District 2 333 North 19th Street  
Baton Rouge, Louisiana
- District 3 110 Burns Plaza  
Thibodaux, Louisiana
- District 4 501 St. John Street  
Lafayette, Louisiana
- District 5 328 Tujo Street, 4th Floor  
Lake Charles, Louisiana
- District 6 1220 MacArthur Drive  
Alexandria, Louisiana
- District 7 3305 Mansfield Road  
Shreveport, Louisiana
- District 8 2115 Justice Street  
Monroe, Louisiana

Frank P. Simoneaux  
Secretary

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

##### **Rule Title: "State of La. Construction Grants Priority System"**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)  
None - These revised rules make modifications to the procedures for evaluating projects but do not increase or decrease the level of effort required.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)  
None - No revenues are collected as part of this program.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)  
No municipality will be required to use local funds to comply with these rules. Since these rules will determine which municipalities will receive federal assistance, those communities that receive grants will benefit economically.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
There should be no effect on competition since federal regulations prohibit restrictive specifications. Employment opportunities for various construction trades may be improved in the local community for the duration of the construction phase of the project.

Jerry D. Hill  
Undersecretary  
Mark C. Drennen  
Legislative Fiscal Officer

## **NOTICE OF INTENT**

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

Pursuant to R.S. 40:1578.6 the Office of State Fire Marshal hereby intends to adopt the following administrative Ruling:

L.A.C. 17-4:22 Smoke and Fire Detection Systems

L.A.C. 17-4:22.1 All structures, watercraft and moveables built or remodeled after January 1, 1980 must have operable smoke and fire detection systems as called for in the appropriate edition of the Life Safety Code of the National Fire Protection Association and in L.A.C. 17-4:2 General Provisions and L.A.C. 17-4:4 Plans and Specifications for New Buildings. The Fire Marshal may require an inspection of the systems by a licensed electrical contractor in accordance with the provisions of L.A.C. 17-4:20.

L.A.C. 17-4:22.2 In all existing occupancies built or remodeled prior to January 1, 1980, smoke and fire detectors, which are either battery powered or connected to the house current, and which have been listed or approved by Underwriters Laboratories or Factory Mutual must be installed in every occupancy as called for in the 1981 edition of the Life Safety Code of the National Fire Protection Association as to location and capability.

Anyone having any questions with regard to this proposed administrative Ruling should contact Plauche F. Villere, Jr., Attorney for the State Fire Marshal, 500 Dufossat Street, New Orleans, Louisiana 70115 (504)-897-6600. There will be a hearing on May 5, 1982 at noon in his office.

Carrol L. Herring  
State Fire Marshal

#### **Fiscal and Economic Impact Statement For Administrative Rules Rule Title: L.A.C. 17-4:22 Smoke and Fire Detection Systems**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)  
It is estimated that there will be no implementation cost to the agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)  
It is estimated that adoption of this Rule will have no effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)  
The costs to affected groups cannot be determined at this time. However, provisions of this Rule require that battery operated smoke detectors be placed in multi-family dwellings which were constructed prior to 1981. The cost to affected groups will be \$20 (estimated cost of a battery operated smoke detector) times the number of required smoke detectors. In some instances the Rule will require one smoke detector per living unit, in others possibly one per bedroom. The cost will depend upon the number of smoke detectors required.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
It is estimated that there will be no effect on competition and employment due to implementation of this Rule.

Plauche Villere, Jr.  
Attorney

Mark C. Drennen  
Legislative Fiscal Officer

## NOTICE OF INTENT

### Department of Transportation and Development Office of the Undersecretary

Notice is hereby given that the Louisiana Department of Transportation and Development intends to adopt the following amendments to the Rules regarding "Purchasing Rules and Regulations" governing the purchase of materials by the Department. The Secretary will accept written comments and requests for a draft of the proposed amendments to the Rule until 4:15 p.m., May 5, 1982, at the following address: Glynn A. Blackledge, Procurement and Warehousing Administrator, Louisiana Department of Transportation and Development, Box 44245, Capitol Station, Baton Rouge, Louisiana, 70804.

The "Purchasing Rules and Regulations" are amended, to read, as follows:

#### Section I

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#### D. Submission of Bids

1. Bid Forms. All written bids, unless otherwise provided for, must be submitted on and in accordance with forms provided by the Department, properly signed with ink. Bid prices shall be typewritten or in ink. Bids must be received at the address specified in the Invitation for Bids prior to the time indicated on bid form in order to be considered. Telephone quotations for sealed bids will not be accepted.

2. Special Envelope. All bids should be submitted in special bid envelopes furnished for that purpose. Bids presented in other than special bid envelopes must be properly identified by showing Purchase Requisition number and bid opening date on the face of the envelope. In the event bid contains bulky subject material, the special bid envelope must be firmly affixed to the mailing envelope.

#### 3. Bid Samples and Descriptive Literature.

a. Descriptive literature means information available in the ordinary course of business which shows the characteristics, construction, packaging or operation of an item which enables the Department to determine whether the item meets the Department's specifications.

b. Bid sample means a sample to be furnished by a bidder to show the characteristics of the item offered in the bid.

c. Bid samples or descriptive literature may be required when it is necessary to evaluate the items bid.

d. The Invitation for Bids shall state whether bid samples or descriptive literature should be submitted. Unsolicited bid samples or descriptive literature are submitted at the bidder's risk.

e. When required, samples must be received no later than the time specified for bid opening, free of expense to the Department, marked plainly with name and address of bidder, bid number and opening date of bid. Failure to submit samples when requested shall result in non-consideration of bid.

4. Cancellation of Bid Request. A request for bids may be cancelled or all bids may be rejected if it is determined in writing by the Procurement and Warehousing Administrator or his designee that such action is taken in the best interest of the Department.

5. Bid Prices. Bid prices, unless otherwise specified, must be net and must include transportation and handling charges fully prepaid to destination and subject only to cash discount.

6. Taxes. All bids and quotations shall be submitted exclusive of all federal taxes. Tax exemption number will be furnished when necessary. Louisiana state sales tax should not be included in the bid price unless otherwise specified in the Invitation for Bids. State sales tax shall be added to invoice and will be paid by the Department.

#### O. Award

1. Rejection of Bids. The Department reserves the right to reject any or all bids in whole or in part, and to award by item or parts of items, or by any group of items. Written reasons for rejection of an individual bid will be supplied to a bidder upon written request from bidder. The Department reserves the right to waive technical defects when the best interest of the Department will be served.

2. Increase or Decrease in Quantities. Unless otherwise specified on bid, the Department reserves the right to increase or decrease the quantities of any item or items shown in the bid by ten percent.

3. Information on Bid Results. Bid tabulations will be mailed to each bidder.

4. Terms. Terms offered will be considered in determining the low bid. Time shall begin on date of delivery or from date correct invoice is received. Discounts for less than 30 days will not be considered in making an award.

5. Assignments. No contract may be assigned, sub-let or transferred without written consent of the Procurement and Warehousing Administrator.

#### Section VI: Authority

These Rules and Regulations are promulgated pursuant to L.R.S. 39:1551-1716, particularly L.R.S. 39:1581 and L.R.S. 48:204-208. Where the requirements of L.R.S. 48:204-208 are not consistent with the requirements of L.R.S. 39:1551-1716, L.R.S. 48:204-208 shall govern.

These amendments to the Rules regarding "Purchasing Rules and Regulations" are to be effective May 20, 1982. All interested persons may submit their views through May 5, 1982, to Glynn A. Blackledge, Procurement and Warehousing Administrator, Louisiana Department of Transportation and Development, Box 44245, Capital Station, Baton Rouge, Louisiana, 70804.

Paul J. Hardy  
Secretary

### Fiscal and Economic Impact Statement For Administrative Rules

#### Rule Title: Amendments to Purchasing Regulations

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

There will be no implementation costs or savings to the agency when these amendments to the Rules take effect.

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

There will be no effect on revenue collections as a result of the amendment to the Rules.

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

Costs and Benefits to affected groups will not be altered by these amendments to the Rules for purchasing. The Department of Transportation and Development currently reserves the right to decrease quantities of any item or items shown in the bid. This rule change merely limits the amount to be decreased to 10 percent.

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

There will be no measured impact on competition and employment.

Tom Colton  
Undersecretary

Mark C. Drennen  
Legislative Fiscal Officer

## NOTICE OF INTENT

### Department of Urban and Community Affairs Office of Planning and Technical Assistance

The Department of Urban and Community Affairs, Office of Planning and Technical Assistance, intends to adopt Rules on the administration of the Louisiana Community Development Block Grant Program. These Rules contain information governing eligible applicants, eligible activities, selection criteria and rating procedures.

The Community Development Block Grant (CDBG) Program was created by Title I of the Housing and Community Development Act of 1974. This program which became effective January 1, 1975, combined six former categorical grant and loan programs to allow for more flexibility and versatility to meet the individual needs of communities.

Programs under Title I were previously administered by the U.S. Department of Housing and Urban Development (HUD). The Federal Omnibus Budget and Reconciliation Act of 1981 allows a state to take over the administration of the Community Development Block Grant program within the "non-entitlement areas" (i.e. cities under 50,000 and parishes under 200,000). This takeover option is intended to give state governments more discretion in tailoring programs to meet specific community development needs.

Governor Treen has designated the Department of Urban and Community Affairs to administer the CDBG program in Louisiana. The Governor also appointed a Community Development Advisory Committee to aid in the development of a program suited to the needs of Louisiana. The proposed statement and guidelines are the product of this Committee with the aid of DUCA and State Planning Office staff. They have been developed for the purpose of administering the CDBG program in an efficient manner and giving added flexibility to local governments.

The Governor also designated the Interagency Review Panel, composed of representatives from various state agencies and the governor's office to review the proposed Rules. This Panel approved the Rules on March 24, 1982.

Any questions relative to the proposed statement should be submitted to the Assistant Secretary, Office of Planning and Technical Assistance by May 4, 1982.

\* The percentage distribution between Housing and Public Facilities will be based upon the number of applications received and amount requested in each category. Half of the funds will be distributed based on percentage of applications received in each category, and half on the basis of amount of funds requested in each category.

### COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM

#### PROPOSED STATEMENT

I. PROGRAM OBJECTIVES. The Small Cities Program provides grants to units of general local government in nonentitlement areas to undertake community development activities. The Small Cities Program, however, is competitive in nature and the demand for funds far exceeds the amount available. Therefore, eligible applicants selected for funding will be those communities having the greatest need as evidenced by poverty, unemployment and taxing capacity, and whose applications most adequately address locally-determined needs of low and moderate income persons, consistent with one or more of the following objectives, and consistent with the primary objectives of the Housing and Community Development Act of 1981:

(1) Strengthen community economic development through the creation of jobs, stimulation of private investment, and community revitalization.

(2) Elimination of slums and blight and the prevention of blighting influences.

(3) Elimination of conditions which are detrimental to health, safety, and public welfare.

#### II. GENERAL.

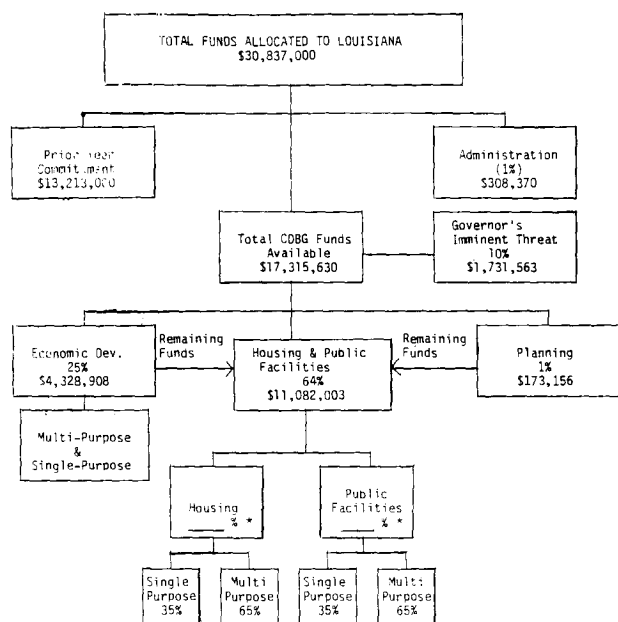
A. ELIGIBLE APPLICANTS. Eligible applicants are units of general local government, excluding the following areas: Alexandria, Baton Rouge, Bossier City, Jefferson Parish, Grand Isle, Gretna, Harahan, Jean Lafitte, Westwego, Kenner, Lafayette, Lake Charles, Monroe, New Orleans and Shreveport.

B. TYPES OF GRANTS. Recognizing that needs of communities vary widely, the Small Cities Program has two types of grants — Multi-Purpose and Single Purpose. Single purpose grants are those with major expenditures for only one activity in any one of the three areas previously outlined in the program objectives - Housing, Public Facilities, or Economic Development. A Multi-Purpose grant has major expenditures in more than one activity in one or more of the three areas - Housing, Public Facilities or Economic Development. When more than one of the three areas has major expenditures in an application, and it is thereby classified as a Multi-Purpose application, it is classified as a Multi-Purpose Housing, Public Facilities or Economic Development application depending on which area (Housing, Public Facilities or Economic Development) has the largest expenditure. If more money is spent for housing than either of the other areas, for example, it is a Multi-Purpose housing application, etc.

C. DISTRIBUTION OF FUNDS BETWEEN GRANTS. Figure 1 shows how the funds available will be allocated between the various type grants. Of the total CDBG funds allocated to the State of Louisiana, one percent will be used to administer the program. Commitments of \$13,213,000 have been made previously by HUD to cities for multi-year projects. Of the remaining uncommitted funds, one percent will be reserved to assist local communities to develop plans for community development, and 10 percent reserved for Imminent Threat grants.

Since creation and retention of permanent jobs is so critical to the economy of the State of Louisiana, 25 percent of the total CDBG funds will be allocated specifically for economic development type grants. Only economic development applications will compete for these funds. Single Purpose and Multi-Purpose economic development applications will be rated together on the

FIGURE 1



Specific Activity Criteria for economic development. All other activities in the multi-purpose economic development applications should directly support the basic economic development portion of the application. If there are remaining monies in the Economic Development fund, these monies will be transferred to the Housing and Public Facilities fund.

The remaining 64 percent of available CDBG funds will be used to fund Public Facility and Housing applications. This general fund will be divided into two pots, one specifically for Public Facility applications and the other for Housing. The exact distribution of these funds will be based upon the number of applications received and amount of funds requested in each category. Half of the money will be allocated based on the number of applications received in each category and half based on the amount of funds requested in each category. These funds will be allocated in a 65/35 percent split between multi-purpose/single purpose projects. This 65/35 split may be altered by the state depending on the number and quality of applications for the funds. If there is insufficient demand for the multi-purpose funds, then more can be put into the single purpose category. In considering demand for single and multi-purpose grants, the state will consider the quality of the projects applied for, based on the selection criteria contained herein.

**D. SIZE OF GRANTS.**

(1) Ceilings. The State has established funding ceilings of \$500,000 for Single Purpose and \$750,000 for Multi-Purpose Grants.

(2) Individual grant amounts. Both Single Purpose and Multi-Purpose Grants for specific grantees will be provided in amounts commensurate with the size of the applicant and the applicant's program. In determining appropriate grant amounts for each applicant, the state may consider an applicant's population, need, proposed activities, ability to carry out the proposed program, and previous funding levels.

**E. RESTRICTIONS ON APPLYING FOR GRANTS.**

(1) Each eligible unit of general local government may apply for a Single Purpose or a Multi-Purpose Grant, but not both, in each fiscal year.

(2) Units of general local government who have not closed out past CDBG programs, awarded by the state, will not be eligible to apply for funds. Close out procedures will be determined by the state.

(3) Capacity and performance; threshold considerations for grant approval. No grant is made to an applicant that lacks the capacity to undertake the proposed program. In addition, applicants which have participated in the Block Grant Program previously must have performed adequately. Performance and capacity determinations are made as of the date the application is due to the state, and may be the basis for rejecting an application from further consideration. In determining whether an applicant has performed adequately, the state will examine the applicant's performance in the following areas:

a) The rate of progress achieved in moving activities into execution and the rate of expenditure and obligation of community development funds.

b) The applicant's compliance with the laws, regulations and Executive Orders applicable to the Community Development Block Grant program, and the resolution of findings made as a result of the state's monitoring.

(4) The state shall not accept an application from an applicant that has an outstanding audit finding for any HUD program or has an outstanding monetary obligation to HUD or the state.

The state may provide waivers to these prohibitions, but in no instance shall a waiver be provided when funds are due to HUD or the state unless a satisfactory arrangement for repayment of the

debt has been made.

III. METHOD OF SELECTING GRANTEEES. The state has established selection and rating systems for both Multi-Purpose and Single Purpose Grants which identify the criteria used in selecting applicants. Applications are required for both types of grants. An applicant must include sufficient information in its application to permit the state to rate the application against the various selection criteria and must document to the state the source of information and the method used to compile the information for the application. The state will provide the information necessary to rate applicants on the general indicators of distress. Existing sources of information, such as areawide analyses, state plans or needs assessments, and data from the Bureau of the Census, should be used whenever possible. Local surveys may be necessary to document the information submitted in the application. Decisions made by the state in selecting grantees are documented and will be made available to the public upon request.

The state shall establish deadlines for submission of applications by publication of a Notice in the *Louisiana Register*.

A. DATA. Data used in the general indicators of distress is from the United States Bureau of the Census and the Department of Treasury.

B. PROGRAM DESIGN. The program as a whole must principally benefit low-and moderate-income persons and directly address and have an impact on the applicant's needs. All activities contained within such programs must either benefit low-to-moderate income persons, or aid in the prevention or elimination of slums or blight, or meet other community development needs having a particular urgency.

**C. SINGLE PURPOSE GRANTS**

(1) Definition. A Single Purpose Grant provides funds for one project, consisting of a single activity. Funds are available to address serious problems with housing and economic conditions which principally affect persons of low and moderate income, or public facilities which affect the public health and safety.

(2) Selection System For Single Purpose Grants. All single purpose applications will be rated and scored in two major categories: General Indicators of Distress (maximum 50 possible points) and the Specific Activity Category (maximum of 150 possible points). The total possible points for a single purpose grant is 200 points.

a) General Indicators of Distress. (50 Points) Each applicant will be rated against all other applicants in each of the following categories:

	Maximum Possible Points
1. Fiscal Distress Indicator	
per capita taxes	
per capita income	20
2. Percentage of Poverty Persons	15
3. Number of Poverty Persons	15
<b>TOTAL POSSIBLE POINTS</b>	<b>50</b>

1) Fiscal Distress Indicator - per capita taxes/per capita income - 20 points. All applicants are compared in terms of ratio of per capita taxes to per capita income. Individual scores are obtained by dividing each applicant's ratio, by the highest ratio obtained by any applicant and multiplying by 20.

2) Percentage of Poverty Persons - 15 points. All applicants are compared in terms of the percentage of their population below the poverty level. Individual scores are obtained by dividing each applicant's percentage of persons in poverty by the highest percentage of persons in poverty of any applicant and multiplying by 15.

3) Number of Poverty Persons - 15 points. All applicants are compared in terms of the number of persons whose incomes

are below the poverty level. Individual scores are obtained by dividing each applicant's absolute number of persons in poverty by the greatest number of persons in poverty of any applicant and multiplying by 15.

b) Specific Activity Criteria. (150 Points) There will be three specific activity categories: 1) Economic Development; 2) Public Facilities; and 3) Housing. Each applicant will be rated against all other applicants proposing projects in the same Specific Activity Category. The criteria for rating each of the specific activities are as follows:

1) ECONOMIC DEVELOPMENT

i. PROGRAM IMPACT (Maximum Possible Points - 75)

(1) Number of permanent jobs created or retained X 2

(2) Private/Public ratio: Private sector financial commitment/CDBG funds X 2

(3) Percent of funds recaptured by unit of local government X 1½

(4) Tax revenue attributable to local project X 2

Each application will be given preliminary points for each of the above items, relative to other applicant's performance for that specific item. Once the preliminary points for all four categories are determined and summed for all applicants, the applicants will again be ranked from highest to lowest number of total preliminary points. The top ranked application will receive 75 points. All other applicants will receive points based on how they score relative to that highest score:

$$\text{Program Impact} = \frac{\text{applicant's score} \times 75}{\text{Points highest score (total possible points)}}$$

If a project creates or retains fewer than 10 permanent jobs, or has a private funds/public funds ratio of less than 2:1, 0 points will be awarded for Program Impact.

ii. COST EFFECTIVENESS (Maximum Possible Points - 25)

This will be calculated by dividing total CDBG funds used by the number of permanent jobs created or retained to determine CDBG cost per permanent job created or retained. Raw scores will be arrayed and the top ranked application will receive 25 points. All other applicants will receive points based on how they score relative to the lowest cost per job created:

$$\text{Cost Effective Points} = \frac{\text{lowest cost per job} \times 25}{\text{applicants cost per job}}$$

No points will be awarded if cost per job created or retained exceeds \$10,000.

iii. BENEFIT TO LOW-MODERATE INCOME PERSONS (Maximum Possible Points - 50)

This will be calculated by determining the number of permanent jobs created or retained that are or will be held by low-moderate income persons (as defined by the state) and dividing that number by the total number of permanent jobs created or retained. The resulting raw scores would be arrayed and the top ranked applicant would received 50 points. All other applicants will receive points based on how they score relative to that highest score:

$$\text{Low/Mod Benefit Points} = \frac{\text{applicant's score} \times 50}{\text{highest score}}$$

2) PUBLIC FACILITIES

i. PROGRAM IMPACT

Maximum Impact 100

The project would bring a community's substandard infrastructure into conformance with state or national standards and/or would completely remedy documented infrastructure deficiencies that threaten public health and safety, and is cost effective.

Moderate Impact 65

The project would result in substantial progress being made towards achieving local conformance to state or national standards and/or towards remedying infrastructure deficiencies that pose documented threats to public health and safety, and is cost effective.

Minimal Impact 30

The project would improve a community's infrastructure but would address only documented needs which are not a threat to public health and safety and is cost effective.

Insignificant Impact 0

The project would improve a community's infrastructure but has insignificant documentation of community needs.

The state has rated most communities' water supply, sewer, and solid waste and utility systems. Each community has a fire insurance rating. Projects which would bring substandard systems into compliance with these standards would receive 100 points. Projects which would remedy **documented** threats to public health and safety would also receive 100 points. The applicant would have to document the threat (i.e., accidents occurring on a blind street corner or bottle neck, evidence of well contamination or seepage from septic tanks, etc.).

Projects which would make substantial progress toward remedying deficiencies but which would not completely resolve them or bring systems into state compliance would receive 65 points.

Projects which involve public improvements or facilities which do not pose threats to public health or safety would receive 30 points.

Projects which involve public improvements or facilities which do not include sufficient documentation will receive 0 points.

ii. BENEFIT TO LOW-MODERATE PERSONS (Maximum Possible Points - 50)

This will be calculated by dividing the number of low-moderate income persons benefiting (as defined by state) by the total number of persons benefiting. The resulting raw scores would be arrayed and the top ranked applicant would receive 50 points. All other applicants will receive points based on how they score relative to that highest score:

$$\text{Low/Mod Benefit Points} = \frac{\text{applicant's score} \times 50}{\text{highest score}}$$

3) HOUSING

i. PROGRAM IMPACT (Maximum Possible Points - 75)

This will be determined by dividing the total number of proposed units to be rehabilitated or demolished less 10 percent by the total number of substandard units in the total area in which rehabilitation or demolition will be permitted. That is:

$$\frac{\# \text{ of units to be rehabed or demolished less 10\%}}{\# \text{ of substandard units in area in which rehab or demolition will be permitted}} = \text{Raw Score}$$

The raw scores of each housing application will be ranked and the top ranked applicant(s) will receive 75 points. All other applicants will receive points based on how they score relative to that highest score:

$$\text{Program Impact Points} = \frac{\text{applicant's score} \times 75}{\text{highest score}}$$

If less than 25 percent of identified need would be met 0 points would be awarded. This system also permits up to 10 percent of the rehabs to be located outside of target areas without affecting impact scores in any way. Ten percent of the total rehab monies may also be used for emergency repairs. All units except the emergency rehabs must be brought up to at least the Section 8



Existing Housing Quality Standards and HUD's Cost Effective Energy Conservation Standards. Only owner-occupied units are eligible for rehabilitation.

ii. COST EFFECTIVENESS (Maximum Possible Points - 25)

Cost effectiveness will be measured by dividing actual funds budgeted for rehab (i.e., loans, grants, acquisitions, relocations, and demolitions) by the number of proposed rehabilitations. That is:

$$\frac{\text{loan, grant, acquisition, relocation, demolition costs}}{\text{Number of proposed rehabs}} = \text{Raw Score}$$

These scores will be arrayed and the top ranked applicant will receive 25 points. All other applicants will receive points based on how they score relative to that highest score:

$$\text{Cost Effective} = \frac{\text{lowest cost per unit}}{\text{applicant's cost per unit}} \times 25$$

iii. BENEFIT TO LOW-MODERATE INCOME PERSONS (Maximum Possible Points - 50)

Benefit to low-moderate income persons will be calculated by dividing the total number of households benefiting into the number of low-moderate income households (as defined by the state) benefiting. That is,

$$\frac{\text{Number of low-moderate households benefiting}}{\text{Total number of households benefiting}} = \text{Raw Score}$$

These scores will be arrayed and the top ranked applicant will receive 50 points. All other applicants will receive points based on how they score relative to that highest score:

$$\text{Low/Mod Benefit Points} = \frac{\text{applicant's score}}{\text{highest score}} \times 50$$

D. MULTI-PURPOSE GRANT

(1) Definition. A multi-purpose grant provides funds for major expenditures in more than one activity in one or more of the three program areas (Housing, Public Facilities, or Economic Development).

(2) Selection System for Housing and Public Facilities Multi-Purpose Grants. All Public Facilities multi-purpose applications will be rated and scored in two major categories, as will all Housing multi-purpose applications: General Indicators of Distress (Maximum 50 possible points) and the Specific Activity categories (150 points or more). Maximum possible points depend on the number of program areas for which the applicants apply.

a) General Indicators of Distress. (50 points) Each applicant will be rated against all other applicants on the same criteria listed under General Indicators of Distress for Single Purpose Grants.

b) Specific Activity Criteria. (150 points or more) Multi-purpose applicants will be rated on the same Specific Activity criteria as the single purpose grants. The scores received by the applicants will be based on the number of points they attain relative to the total number of possible points they could attain (300 if applying for two activities, 450 if three applying for the maximum of activities, etc.).

3. Selection System for Economic Development Multi-Purpose Grants. Multi-purpose and single purpose economic development applications will be rated together on the specific activity criteria for economic development. All other activities in the multi-purpose economic development applications should directly support the economic development portion of the application.

a) General Indicators of Distress. (50 points) Each applicant will be rated against all other applicants on the same criteria listed under General Indicators of Distress for Single Purpose Grants.

b) Specific Activity Criteria. (150 points) Multi-purpose economic development applicants will be rated on the same Specific Activity Criteria as the Single-Purpose Economic Development applicants.

E. SUBMISSION REQUIREMENTS.

Applications shall be submitted in a form prescribed by the state to the appropriate state office and shall consist of the following:

(1) Program narrative statement. The program narrative statement shall consist of the following:

i. A brief description of the applicant's community development problems/needs to be served by the proposed activity; an identification of which of the three possible problem areas (housing, public facilities which affect the health or safety, or economic conditions) that the project will address; and whether the program principally benefits low- and moderate-income persons, aids in the prevention or elimination of slums and blight, or meet other community development needs having a particular urgency.

ii. A description of the activity to be carried out with CDBG assistance and a financial statement estimating the cost of the project including information necessary for considering the cost-effectiveness factor. If the proposed activity is dependent on other funds for completion, the source of funds and the status of the commitment of them must also be indicated.

iii. A statement describing the impact the activity will have on the problem area selected and the needs of low- and moderate-income persons, including information necessary for considering the program impact factor.

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

(2) Maps. A map of the applicant's jurisdiction which identifies:

- i. census tracts and/or enumeration districts;
- ii. location of the proposed activities including boundaries of areas in which the activities will be concentrated;
- iii. location of areas with minorities, showing number and percent;
- iv. location of areas with low- and moderate-income persons, showing number and percent;
- v. the median income of the census tract(s) or enumeration districts in which the proposed activity is to be undertaken.

(3) Submission of Additional Data. Only that data received by the deadline established for applications will be considered in the selection process unless additional data is specifically requested, in writing, by the state. Unrequested material received after the deadline will be returned to the applicant.

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

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

(6) Certifications of Assurances. The certifications of assurance required by the state, relative to Federal and State Statutory requirements, shall be submitted by all applicants.

F. APPLICATION REVIEW PROCEDURE

(1) The application must be received before the deadline that has been established by the state, unless the state decides that

an extension of the deadline is warranted;

(2) The application requirements must be complete;

(3) The funds requested must not exceed the amount of the invitation by the state.

(4) Review and notification. Applications will be reviewed. Following the review, the state promptly notifies the applicant of the actions taken with regard to its application.

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

i. Where local environmental reviews have not yet been completed;

ii. Where the requirements regarding the provision of flood or drainage facilities have not yet been satisfied;

iii. To ensure that actual provision of other resources required to complete the proposed activities will be available within a reasonable period of time;

iv. To ensure the project can be completed within estimated costs.

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

i. Based on field review of the applicant's proposal or other information received, it is shown that the application was improperly rated, the rating of the application should be changed and no longer rates sufficiently high to warrant approval when compared with other applications in the competition, given funds available.

ii. On the basis of significant facts and data generally available and pertaining to community and housing needs and objectives, state determines that the applicant's description of such needs and objectives is plainly inconsistent with such facts and data. The data to be considered may be published data accessible to both the applicant and state such as census data, or other data available to both the applicant and state, such as recent local, areawide, or state comprehensive planning data.

iii. Other resources necessary for the completion of the proposed activity are no longer available or will not be available within a reasonable period of time.

iv. The activities cannot be completed within the estimated costs or resources available to the applicant.

#### G. PROGRAM AMENDMENTS FOR SINGLE PURPOSE AND MULTI-PURPOSE GRANTS.

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

(1) New or significantly altered activities are rated in accordance with the criteria for selection applicable at the time the original application was rated. The rating of the new program or activity proposed by the amendment must be equal to or greater than the lowest rating received by a funded activity or program during that cycle of application ratings.

(2) Consideration shall be given to whether any new activity proposed can be completed promptly.

IV. IMMINENT THREAT GRANTS. Ten percent of the total funds available for distribution by the state has been reserved for funding imminent threat projects. Imminent threat projects are those which have a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the

community, and where other financial resources are not available to meet such needs. Request for these funds will be made in a manner designated by the state. After a date which will be specified by the state, remaining monies will be transferred to the Housing and Public Facilities fund.

#### V. PLANNING GRANTS

A. Subprogram Objectives. Planning is simply a rational process for allocating scarce resources. Because having limited resources is a condition with which most Louisiana municipalities and parishes, all too often, find themselves, this technical assistance set aside for planning has been established. It will consist of one percent of the uncommitted Small Cities funds. Additionally and pragmatically, this planning set aside will fulfill one of the three certifications required by the Housing and Community Development Act of 1981, namely:

Sec. 106(d)(2)(C)(i) engages or will engage in planning for community development activities; . . .

B. Eligible Activities. According to the Housing and Community Development Act of 1981, eligible planning activities are:

Sec. 105 (a)(12)(A) to develop a comprehensive community plan; and

Sec. 105(a)(12)(B) to develop a policy-planning-management capacity so that the recipient of assistance under this title may more rationally and effectively: (i) determine its needs, (ii) set long term goals and short term objectives, (iii) devise programs and activities to meet these goals and objectives, (iv) evaluate the progress of programs in accomplishing these goals and objectives, and (v) carry out management, coordination, and monitoring of activities necessary for effective planning implementation. . . To the extent consistent with the preceding, preference will be given to those entities submitting planning requests in these areas: (1) Public Facilities, (2) Housing, and (3) Economic Development.

C. Eligible Applicants. Eligible applicants are units of general local governments eligible for CDBG funding.

D. Type of Grant. A matching grant program will be available. CDBG will provide 50 percent of the requested planning project amount and the applicant entity will provide the remaining 50 percent. The latter requirement is included to mitigate the accusation that "planning studies only gather dust on shelves." The rationale used here is if the local community contributes its own money then it has a vested interest in seeing that it gets a usable product.

Application Requirements:

(1) Application for grant of technical assistance will be required on an annual basis.

(2) The State will notify all eligible program participants of deadline dates for submittal of applications. Application for local assistance grants will take the form described below. Any incorporated municipality or parish, with the exception of entitlement areas, shall be considered eligible to apply for a local assistance grant. Such eligible localities will receive notification of application form availability, application process requirements, and deadline dates. A resolution from the planning commission, where such exists, recommending the planning program will be attached to a resolution from the locality's governing body. This governing body's resolution must approve the recommendations set forth in the planning commission resolution. Resolutions will conform to standard resolutions prepared by the state. The complete application must be submitted to the state and be postmarked no later than the date indicated in the letter of instructions. The state will mail a copy of the standard resolution to interested parties who contact the state for such information.

E. Allocation of Funds for Local Planning Technical Assistance

(1) Only applicants submitting a complete application by

the date discussed above will be considered. Selection of applicants for participation in the program will be determined based on HUD and state guidelines. Final determination of participation in the program will be made by the state, based on the following:

- a) Existing or anticipated need for planning to carry out a CDBG Small Cities Program;
- b) Prior successful participation in the DUCA/HUD 701 technical assistance planning program;
- c) Prior planning experience;
- d) Factors that can be utilized to determine relative planning needs of localities within the state, as determined by the state staff in consultation with other planning professionals.

(2) The planning program will be evaluated on an individual applicant basis at the time of contract execution. Such evaluations will be based on HUD guidelines and on availability of existing planning information as determined by the state in coordination with other state agencies.

(3) Eligible consultants can be either private or public entities who have an individual who meets the Professional Competency requirements of Part III, Section F of the Volume 4, Number 2 *Louisiana Register*, February 20, 1978.

(4) To the extent that the administrative requirements in the above *Register* pertain to the Planning Program, they shall be deemed effective.

Interested persons may comment on the proposed regulations, in writing, through May 4, 1982, at the following address: Gayle Joseph, Assistant Secretary, Office of Planning and Technical Assistance, Department of Urban and Community Affairs, Box 44455, Baton Rouge, LA, 70804. Gayle Joseph is the person responsible for responding to inquiries about the proposed Rules.

Linton Ardoin  
Secretary

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

#### **Rule Title: La. Community Development Block Grant Program**

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

The cost to the state for administering the program in 1982-83 will be \$331,334. This represents the state's 50 percent required match. HUD through the CDBG Program will also contribute 50 percent.

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

There will be no effect on revenue collections as a result of these regulations.

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

Thirty million dollars in CDBG will be distributed to municipalities and parishes in 1982-83. These grants will fund such projects as solid waste, sewer, drainage, water systems, housing, streets, economic development, etc. The state will evaluate and set certain priorities for funding these projects.

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

Most projects will involve temporary jobs, i.e., construction jobs. However, all economic development projects that are funded will have to provide at least ten jobs or retain existing ten jobs that would otherwise have been lost.

Gayle Joseph  
Assistant Secretary

Mark C. Drennen  
Legislative Fiscal Officer

# **Committee Reports**

## **COMMITTEE REPORT**

### **Department of Natural Resources Resource Recovery and Development Authority House of Representatives Natural Resources Committee Subcommittee on Oversight**

Pursuant to the provisions of R.S. 49:968, the Oversight Subcommittee of the House of Representatives Natural Resources Committee met on March 26, 1982, and reviewed certain changes in state regulations proposed by the Louisiana Resource Recovery and Development Authority, for which notice of intent was published in the March 20, 1982, *Louisiana Register* with the following results:

- 1) Amendments of Resource Recovery and Development Authority Rules of Procedure 3.4 and 3.5 - to change the authority's regular meeting date from the second Monday to the third Monday of each month - Approved by a vote of 6-0.

Arthur W. Sour, Jr.  
Chairman, Oversight Subcommittee

# **Potpourri**

## **POTPOURRI**

### **Department of Agriculture State Entomologist**

The State Entomologist, Louisiana Department of Agriculture, in accordance with the authority contained in Section III of the Sweet Potato Weevil Quarantine and Regulation, hereby gives notice that Part 2.B of the Notice of Quarantine published on January 20, 1982, is corrected to read as follows:

- B. A portion of the Parish of Caldwell, as follows:

The property of C. L. Stamper in the Southwest Quarter of the Northeast Quarter of Section 29, Township 13 North, Range 3 East, and all properties within a one-mile radius thereof.

Bob Odom  
Commissioner

## POTPOURRI

### Board of Trustees for State Colleges and Universities

The public hearing on PART VIII, Section 8.30 (Class Attendance Regulations) originally scheduled for April 23 by a Notice of Intent, is postponed until a later date.

Bill Junkin  
Executive Director

## POTPOURRI

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

The Department of Health and Human Resources, Office of Family Security, will hold a public hearing from 10 a.m. to 12 Noon, Wednesday, May 5, 1982, in the Auditorium, Orleans Parish Office of Family Security, 2601 Tulane Avenue, New Orleans, Louisiana, regarding the phasing-in of Monthly Reporting/Retrospective Budgeting in the Food Stamp Program.

Roger P. Guissinger  
Secretary

## POTPOURRI

### Department of Natural Resources Fishermen's Gear Compensation Fund Claims

In accordance with the provisions of the Fishermen's Gear Compensation Fund, Act 673 of 1979 and in particular Section 700.4 thereof; regulations adopted for the fund as published in the Louisiana Register on August 20, 1980; and also the rules of the Secretary of this Department, notice is hereby given that 16 completed claims were received during the month of March, 1982, amounting to \$21,608.04. Nine claims amounting to \$12,443.53 were paid during the month of March, 1982.

Public hearings to consider completed claims have been scheduled as follows:

Wednesday, May 12, 1982 at 10 a.m., in the Lafitte Civic Center, City Park Drive, Lafitte, Louisiana to consider payment of the following claims against the fund:

Claim No. 79-003

Lester J. Evans, Sr., while trawling on the vessel "Swamp Rat" in Bay Crabe, west of Belle Isle, Plaquemines Parish, encountered an unidentified submerged obstruction on September 5, 1979, at approximately 12 a.m., causing the loss of his 63 foot balloon trawl. Amount of claim: \$750.

Claim No. 79-075

Frederick F. Lewis, while trawling on the vessel "Mr. Roach" in the Mississippi River, Gulf Outlet Canal, approximately 600 feet southeast of Beacon 66 on the north side of canal, St. Bernard Parish, encountered a submerged pipe support barge on December 13, 1979, at approximately 11 a.m., causing damage to his 40 foot semi-balloon trawl. Amount of claim: \$675.

Claim No. 79-077

James Caulfield, Sr., while trawling on the vessel "St. Gerard" in Barataria Bay at the mouth of Bayou St. Denis, Jefferson Parish, encountered a submerged piling on October 8, 1979, at approximately 12 a.m., causing damage to his vessel. Amount of claim: \$1,550.

Claim No. 80-117

Dennis J. Rojas, while traveling to a fishing area on an unnamed Lafitte Skiff, Louisiana Registration Nunde LA 919KU in Sandy Point Bay, Plaquemines Parish, encountered a submerged dynamite pipe casing on May 26, 1980 at approximately 5:30 a.m., causing damage to his vessel. Amount of claim: \$509.19. Claim No. 81-385

Herman Alfonso, while trawling on the vessel "Pancho Villa" in Eloi Bay, approximately three miles west of Point Chicot, St. Bernard Parish, encountered an unidentified submerged obstruction, on October 16, 1981, at approximately 12:30 p.m., causing damage to his two 38 foot trawls and related gear. Amount of claim: \$1,965.

Claim No. 81-408

Ferrel J. Savoi, while trawling on the vessel "Foxy Mama" in Dixon Bay, approximately one-fourth mile east of Grand Pass, in five and one-half to six feet of water, Plaquemines Parish, encountered a submerged log on November 20, 1981, at approximately 4:30 p.m., causing damage to his trawl. Amount of claim: \$725.

Claim No. 82-430

James Caulfield, Jr., while trawling on the vessel "Sassy Lady" in the Gulf of Mexico, one and one-half miles west of Caminada Pass, Jefferson Parish, encountered an unidentified submerged obstruction on December 17, 1981, at approximately 3 p.m., causing damage to his trawl and related gear. Amount of claim: \$1,157.50.

Claim No. 82-437

Floyd A. Robin, while trawling on the vessel "Lady Bea" in the Gulf of Mexico near Four Bayou Pass, Jefferson Parish, encountered an unidentified submerged obstruction on February 8, 1982, at approximately 7 a.m., causing damage to his 50 foot trawl. Amount of claim: \$496.05.

Claim No. 82-438

Floyd A. Robin, while trawling on the vessel "Lady Bea" in the Gulf of Mexico near Joseph Harbor Bayou, Cameron Parish, encountered an unidentified submerged obstruction on February 4, 1982, at approximately 6 p.m., causing damage to his trawl. Amount of claim: \$297.55.

Claim No. 82-440

John Zar, III, while trawling on the vessel "Lady's Night" in the Barataria Waterway, approximately one-half mile south of Bayou Dupont, Jefferson Parish, encountered an unidentified submerged obstruction on November 29, 1981, at approximately 3 a.m., causing damage to his vessel. Amount of claim: \$5,000.

Claim No. 82-446

John Zar, III, while trawling on the vessel "Lady's Night" in the Barataria Waterway near Bayou Fifi, Jefferson Parish, encountered 75 feet of two inch cable, on December 21, 1981, at approximately 1 a.m., causing damage to his vessel. Amount of claim: \$4,541.48.

Friday, May 21, 1982 at 10 a.m., in the L.S.U. Cooperative Extension Service Office, Greater Lafourche Port Commission Building, Highway 308, Galliano, Louisiana to consider payment of the following claims against the fund:

Claim No. 79-064

David B. Lowery, while trawling on the vessel "Miss Barbara" in the Gulf of Mexico, three-fourths mile west of Freshwater Bayou and three-fourths mile from the beach, Vermilion Parish, encountered an unidentified submerged obstruction on November 18, 1979, at approximately 3 p.m., causing damage to his trawl. Amount of claim: \$420.

Claim No. 79-072

Gary J. Terrebonne, while trawling on the vessel "Betty T" in Caminada Bay, 800 feet southeast of the Southwest Louisiana Canal, Jefferson Parish, encountered an unidentified submerged

obstruction on November 12, 1979, at approximately 10 a.m., causing damage to his vessel. Amount of claim: \$379.90.

Claim No. 80-106

Antoine Chauvin, of Lady Rowena, Inc., while trawling on the vessel "Lady Rowena" in Terrebonne Bay at LORAN-C coordinates of 28,170.5 and 46,852.3, Terrebonne Parish, encountered an unidentified submerged obstruction on May 30, 1980, at approximately 9 a.m., causing damage to his 55 foot trawl. Amount of claim: \$521.

Claim No. 82-439

Leroy J. Terrebonne, while traveling in the vessel "Capome II" in Bayou Lafourche in front of Charpentier Dry Dock, encountered an unidentified submerged obstruction on February 15, 1982, at approximately 2 p.m., causing damage to his vessel. Amount of claim: \$2,229.34.

Claim No. 82-444

Clarence Scheurer, while traveling to a fishing area on the vessel "Honolulu" in Falgout Canal west of Bayou du Large, Terrebonne Parish, encountered an unidentified submerged obstruction on February 23, 1982, at approximately 5 p.m., causing damage to his vessel. Amount of claim: \$390.13.

Any written objections to these claims must be received by the close of business, two days before the scheduled hearing by the Secretary whose address is: Frank P. Simoneaux, Secretary, Department of Natural Resources, Box 44396, Capitol Station, Baton Rouge, Louisiana 70804.

At the hearings, any person may submit evidence on any phase of the claims.

Frank P. Simoneaux  
Secretary

## POTPOURRI

### Department of Revenue and Taxation Tax Commission

Pursuant to R.S. 47:1837 the following is the result of the Tax Commission's measurement of the level of appraisals and/or assessments and the degree of uniformity of assessments for land (residential lots) in each parish throughout the state for the tax year 1981 (Orleans 1982). This data shall constitute prima facie evidence of the uniformity or lack of uniformity with constitutional and/or statutory requirements for each parish in the State.

PARISH	MEAN (%)	MEDIAN (%)	COEFFICIENT OF DISPERSION (%)
Acadia	8.8	8.0	34.3
Allen	10.2	10.0	12.9
Ascension	10.4	10.2	18.6
Assumption	11.4	10.1	38.9
Avoyelles	9.8	9.2	17.2
Beauregard	8.5	8.0	22.7
Bienville	12.0 *	12.0 *	0.0
Bossier	10.5	10.1	8.6
Caddo	10.4	10.5	4.6
Calcasieu	10.5	10.0	19.3
Caldwell	7.3	5.0	46.0
Cameron	7.4	6.9	29.8
Catahoula	10.0	10.0	0.5
Claiborne	10.8	9.9	18.9
Concordia	7.3	8.6	28.6

PARISH	MEAN (%)	MEDIAN (%)	COEFFICIENT OF DISPERSION (%)
DeSota	8.1	8.2	1.0
East Baton Rouge	10.1	10.0	13.5
East Carroll	8.6	4.0	115.4
East Feliciana	9.9	10.0	10.5
Evangeline	7.1	7.7	30.8
Franklin	15.8	6.5	173.1
Grant	7.7	9.1	30.5
Iberia	10.6	10.8	6.8
Iberville	6.9	6.7	16.1
Jackson	4.7	4.4	17.5
Jefferson	8.3	8.4	25.7
Jefferson Davis	11.5	10.8	13.6
Lafayette	11.1	10.9	6.6
Lafourche	9.7	9.3	7.1
LaSalle	9.8	10.0	17.1
Lincoln	9.8	10.0	10.6
Livingston	8.0	7.8	40.3
Madison	13.9	10.8	38.8
Morehouse	11.2	10.4	11.6
Natchitoches	9.1	9.0	8.8
Orleans - 1st M.D.	8.7	9.4	11.4
2nd M.D.	7.4	7.3	9.6
3rd M.D.	8.7	8.8	12.2
4th M.D.	9.8	10.0	3.3
5th M.D.	10.3	9.9	9.9
6th M.D.	9.8	10.0	7.1
7th M.D.	8.3	8.3	0.4
Ouachita	10.8	10.0	21.3
Plaquemines	10.2	10.3	7.1
Pointe Coupee	11.4	10.4	18.9
Rapides	10.2	10.1	10.4
Red River	13.6	14.1	16.8
Richland	14.7	10.0	47.0
Sabine	9.1	9.2	17.9
St. Bernard	8.8	9.2	23.7
St. Charles	10.0	10.0	6.9
St. Helena	4.4	4.0	15.5
St. James	4.2	4.3	5.3
St. John the Baptist	11.5	11.5	7.7
St. Landry	9.6	10.0	18.8
St. Martin	9.7	9.7	17.0
St. Mary	10.3	10.0	8.6
St. Tammany	10.4	10.0	15.8
Tangipahoa	8.4	7.1	27.9
Tensas	9.4	8.7	26.6
Terrebonne	9.9	10.0	2.4
Union	9.4	10.0	18.9
Vermilion	9.5	9.2	13.2
Vernon	7.9	8.5	16.9
Washington	14.4	9.9	72.3
Webster	10.5	10.0	9.7
West Baton Rouge	10.0	10.0	1.7
West Carroll	10.9	10.0	13.5
West Feliciana	7.0	5.0	23.0
Winn	5.9	5.0	33.8

\* Caused by rounding off of assessments

J. Reginald Coco, Jr.  
Chairman

# Errata

## ERRATA

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

The office of the State Fire Marshal has determined that the numbering of a Rule concerning Required Inspections of Wiring, Plumbing and Fire Extinguishers, published on page 145 of the March, 1982 *Louisiana Register* was in error.

The Rule should be numbered L.A.C. 17-4:21 rather than L.A.C. 17-4:20, which refers to Emergency Generators for Health Care Facilities.

Carrol L. Herring  
State Fire Marshal

## ERRATA

### **Department of Transportation and Development Board of Registration for Professional Engineers and Land Surveyors**

A portion of the Rules adopted by the Board of Registration for Professional Engineers and Land Surveyors in the December, 1981 *Louisiana Register* contained an error.

In paragraph 6.4.1 on page 646, the word "probable" should be changed to "provable."

Paul L. Landry, P.E.  
Executive Secretary

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**Notes**