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Executive Orders

EXECUTIVE ORDER DCT 83-3

WHEREAS, by virtue of Executive Order No. 82-14 issued on June 3, 1982, I have created a Governor's Commission on Medical Malpractice to study problems related to medical review panel procedures in order to assure the adequate protection of all medical patients; and

WHEREAS, it is vital to the mission of the commission that it have sufficient time to study relevant information regarding the critical problem of medical malpractice insurance;

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 amend Executive Order No. 82-14 to provide that said commission shall make proposals for legislation to the Governor prior to the fifteenth day of April of 1983.

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 21st day of February, A.D., 1983.

David C. Treen
Governor of Louisiana

association in accordance with the following Rule:

(a) Definitions: when used in this Rule, "Savings liability" shall mean the aggregate amount of savings accounts or shares of members, including earnings credited to such accounts, less redemptions and withdrawals.

(b) An association, by a two-thirds vote of its board of directors, shall approve a plan to assume liability to pay savings or the liabilities of, transfer assets in consideration of the assumption of liabilities for any portion of the savings accounts, deposits made in, or other liabilities of such association to, or acquire the assets of or assume liability to pay any liabilities of any state or federally chartered association. The agreement shall state that it is effective only when approved by the Commissioner of Financial Institutions, State of Louisiana, and the Federal Home Loan Bank Board and shall specify (1) the location of its home office and branch offices; (2) the location and name of any disappearing main offices and branches; (3) the basis on which its savings accounts will be issued; (4) the location of savings accounts relocated due to main office of branch office closure; and (5) list all savings accounts of the disappearing association(s) that are in excess of the Federal Savings and Loan Insurance limit.

(c) Notwithstanding any other provision of this Rule, the Commissioner may require that the plan be submitted to the voting members of the acquiring association at a duly called meeting and that the plan, to be effective, be approved by them.

This Emergency Rule was necessary in order to allow the immediate transition of the savings liabilities of a savings and loan association that is being liquidated by the Federal Savings and Loan Insurance Corporation into a viable, solvent association. This action was taken in accordance with the emergency provision of the Administrative Procedure Act.

Hunter O. Wagner, Jr.
Commissioner

Emergency Rules

DECLARATION OF EMERGENCY

Department of Commerce Office of Financial Institutions

Under the authority granted by R.S. 6:902B, the Commissioner of Financial Institutions hereby adopts the following Rule, effective March 7, 1983, for the purpose of establishing a means by which State Chartered Savings and Loan Associations may acquire the savings accounts and liabilities of a savings and loan association that is being liquidated by the Federal Savings and Loan Insurance Corporation, and to give the Commissioner of Financial Institutions authority consistent with that granted the Federal Savings and Loan Insurance Corporation by Federal Savings and Loan Insurance Rules and Regulations 563.22 and the National Housing Act, Section 406.

RULE

Notwithstanding limitations imposed by Chapter 9, Title 6, Louisiana Revised Statutes, a State Chartered Savings and Loan Association may agree to acquire the savings liability of another

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

The State Board of Elementary and Secondary Education, at its meeting of February 24, 1983, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act R.S. 49:953B and adopted the following as Emergency Rule:

Bulletin 1625, *Statewide Inservice Regulations 1983-84 - Act 36*.

This emergency adoption is necessary because those school systems which opt to participate in the Act 36 Statewide Inservice Education program must have the Regulations in order to make their inservice education plans prior to the established deadline. Since school personnel from over the parishes are involved in planning the statewide inservice education program for teachers, sufficient time must be allowed for these persons to meet and plan their programs prior to submitting their plans to the Department of Education by the June 15 deadline.

James V. Soileau
Executive Director

DECLARATION OF EMERGENCY

Louisiana Commission on Law Enforcement and Administration of Criminal Justice and the Department of Public Safety Highway Safety Commission

The Louisiana Commission on Law Enforcement and Administration of Criminal Justice and the Department of Public Safety, Highway Safety Commission, have exercised those powers conferred by the emergency provision of the Administrative Procedure Act, R.S. 49:953B and promulgated the following Rules. This action has been taken for the reason that, in the 1982 Regular Session of the Legislature, R.S. 14:98(B), (C), (D) was amended and reenacted and a new subsection (G) was enacted, relative to the crime of operating a vehicle while intoxicated and to provide for certain penalties (Act 14). These mandatory requirements became effective January 1, 1983. Act 14 specifically states that convicted DWI offenders must serve ten days in jail or, if sentence is suspended, two days in jail and four days community work release, with appropriate screening and schools.

Because this Act placed an additional financial burden on local governments and because many DWI offenders are not being adjudicated, the Louisiana Legislature, in Special Session in January of 1983, established the DWI Law Enforcement Fund (R.S. 48:1258) to assist local governments.

The Emergency Rules provide for the expedient disbursement of the \$2 million DWI Law Enforcement Fund and will allow local governments and local law enforcement agencies to more effectively combat the drinking drivers who continue to kill and maim Louisiana citizens.

1. Only local governmental or local law enforcement agencies may apply for DWI enforcement fund money. A private, non-profit or related organization does not meet eligibility requirements unless included in a proposal from a local government or local police agency.

2. Proposals for grant funding will be accepted only when presented on the prescribed DWI enforcement fund form available upon request from the Governor's Office, Louisiana Commission on Law Enforcement and Administration of Criminal Justice or the Louisiana Highway Safety Commission.

3. Any local governmental agency or local law enforcement agency requesting aid is required to submit identical proposals (with original signatures) to each of the following addresses:

- A. Office of the Governor
P. O. Box 44004
Baton Rouge, LA 70804
- B. Louisiana Commission on Law Enforcement and Administration of Criminal Justice
1885 Wooddale Boulevard
Baton Rouge, LA 70806
- C. Louisiana Highway Safety Commission
P. O. Box 44061
Baton Rouge, LA 70804

4. R.S. 48:1358 establishes the following six categories as eligible for grant funding:

- A. Enforcement personnel and equipment;
- B. Prosecution;
- C. Supervision of work release programs;
- D. Probation supervision;
- E. Acquisition and operation of incarceration facilities; and
- F. Alcohol and substance abuse programs.

A proposal for grant funds may include one or more of the above categories.

5. The Louisiana Commission on Law Enforcement and Administration of Criminal Justice and the Louisiana Highway

Safety Commission shall prioritize requests using the following criteria:

- A. Acquisition and operation of incarceration facilities and supervision of work release programs;
- B. Probation supervision;
- C. Enforcement personnel and equipment;
- D. Prosecution;
- E. Alcohol and substance abuse programs.

6. Patrol vehicles (cars) will not be considered eligible items for funding. Purchases of large pieces of equipment or items will be reviewed on an individual basis.

7. The Louisiana Commission on Law Enforcement and Administration of Criminal Justice and the Louisiana Highway Safety Commission shall review applications and make recommendations for funding to the Governor within 30 days after receipt of the proposal. At the expiration of at least 45 days after receipt of request the Governor may make a grant to the requesting local governmental or local law enforcement agency.

8. R.S. 48:1358 states that the Governor may require such reporting measures as he deems advisable to insure that funds allocated are expended in accordance with the intent of the Legislature and the provisions of Section B of 48:1358 compliance measures are as follows:

A. Quarterly progress reports shall be submitted during the term of the contract to include funds expended by category, items purchased plus support documentation (purchase orders), hours worked, and supplies.

B. Only those items listed in the approved application will be purchased. However, if it is necessary to make a change, a written amendment must be submitted to the two Commissions and approved prior to making the purchase.

C. A maximum of five percent fluctuation in any cost category is authorized provided complete justification is included in the next quarterly report.

D. Legible copies of all support documentation must accompany any report of expenditures. A separate file must be maintained on all project activities and documentation for audit purposes according to state law.

9. The two Commissions may monitor grant projects as deemed necessary.

10. All monies not expended at the end of the grant period shall be returned to the state.

Elmer B. Litchfield
Executive Director
Commission of Law
Enforcement and
Administration of
Criminal Justice

Stephen M. Young
Executive Director
Highway Safety
Commission

Rules

RULE

Department of Agriculture State Entomologist

Notice is hereby given that the Department of Agriculture, State Entomologist, under the authority granted in LSA 3:1655 and in accordance with Notice of Intent published on June 20, 1982, has adopted the following Rule relative to inspection fees for nurseries and greenhouses:

Fees shall be levied for the inspection of nursery stock

grown or propagated for sale or distribution as follows:

a. \$25 for nurseries with acreage of more than 2,500 square feet and/or greenhouse space of more than 200 square feet.

b. \$5 for nurseries with acreage of 2,500 square feet or less and/or greenhouse space of 200 square feet or less.

The above fees will be pro-rated for the period July 1, 1982, through January 31, 1983. The following pro-rated portion of the annual fee will be due for the period July 1, 1982, through January 31, 1983:

a. \$14.50 for nurseries with acreage of more than 2,500 square feet and/or greenhouse space of more than 200 square feet.

b. \$3 for nurseries with acreage of 2,500 square feet or less and/or greenhouse space of 200 square feet or less.

Thereafter, the total fees of \$25 and \$5, as above stated, shall be payable for each annual period beginning on February 1 and ending on January 31.

All monies derived from the collection of said fees shall be deposited in a special fund and used to help defray the expenses incurred for salaries for inspecting said nursery stock.

Bob Odom
Commissioner

RULE

Department of Commerce Office of Financial Institutions

The Commissioner of Financial Institutions has adopted the following Rules and Regulations, to be effective March 20, 1983.

STATE LICENSING OF QUALIFIED SMALL BUSINESS FINANCING COMPANIES

Rule 1. Purpose

It is the purpose of these Rules and Regulations to provide procedures for the equitable and efficient licensing of qualified small business financing companies and the monitoring of same in order to establish the continued eligibility of said companies to participate in the equity leveraging program provided for in R.S. 33:9081-9092 and R.S. 33:9061-9072, respectively. These Rules and Regulations implement specifically: R.S. 33:9068 governing state licenses, authority, and application procedures; R.S. 33:9070, governing prohibited and restricted activities, conflicts of interest, and penalties; and R.S. 33:9071, governing reporting and recordkeeping.

Rule 2. Definitions

(1) CDC "Community Development Corporation" means a community-based non profit corporation organized under the general laws of the state to carry out certain community services, and funded as such by the Community Services Administration or other federal agencies of the United States.

(2) "Commissioner" shall mean the Commissioner of Financial Institutions, State of Louisiana.

(3) "Development Company" means an enterprise incorporated under the laws of the state, formed for the purpose of furthering the economic development of its community and environs, and with authority to promote and assist the growth and development of small business concerns in the areas covered by their operations. Such corporation may be organized either as a profit or non profit enterprise.

(4) "Leverage" shall mean federal leverage, private leverage, public leverage, and state leverage.

(5) MESBIC "Minority Enterprise Small Business Investment Corporation" means a corporation, organized under the general laws of the state, to provide capital to minority small business and licensed according to applicable federal laws and regulations.

(6) "Qualified Small Business Financing Company" shall mean either a corporation, or a limited partnership organized pursuant to federal regulations, and in conformity with R.S. 33:9082, et seq, to which a federal license or a state chartered, or authorization has been granted to operate as a SBIC, MESBIC, CDC, or Development Company.

(7) SBIC "Small Business Investment Corporation" means a corporation organized under the general laws of the state to provide capital to small businesses and licensed according to applicable federal laws and regulations.

(8) "Small Business Financing Companies" shall mean a company organized under the general laws of the state to provide capital to small businesses and licensed according to applicable federal and state laws and regulations.

Rule 3. Procedures for Preparing and Filing Applications

3.1. Any qualified small business financing company may apply to the Commissioner of Financial Institutions for a state license establishing the eligibility of said company to participate in the equity leveraging program provided for in R.S. 33:9081-9092 and R.S. 33:9061-9072, respectively.

3.2. The application for such a license by a qualified small business financing company shall be forwarded to the Commissioner of Financial Institutions on OFI Forms 2, beginning on March 20, 1983. Two signed copies of the application (including exhibits and all other accompanying papers and documents) shall be filed with the Commissioner of Financial Institutions, Post Office Box 44095, Capitol Station, Baton Rouge, LA 70804, or 5420 Corporate Boulevard, Suite 207, Baton Rouge, LA 70808, as per the instructions accompanying OFI Form 2, hereinbelow provided. A notice of receipt shall be mailed or otherwise delivered to the applicant as soon as practical upon receipt by the Commissioner.

3.3. Application forms with accompanying instructions, copies of these Rules and Regulations, the Rules and Regulations of the Louisiana Small Business Equity Corporation, and the authorizing legislation provided for in R.S. 33:9081-9092 and R.S. 33:9061-9072 may be obtained in person at 5420 Corporate Boulevard, Suite 207, Baton Rouge, LA, or by letter of request mailed to: Commissioner of Financial Institutions, Post Office Box 44095, Capitol Station, Baton Rouge, LA 70804.

3.4. Each application shall be accompanied by a certified or bank cashier's check in the amount of \$500, payable to "Commissioner of Financial Institutions," as an examination and filing fee. In the event the application is denied, the \$500 examination and filing fee is non-refundable.

3.5. The application shall also be accompanied by a certified copy of a resolution or resolutions of the Board of Directors of such applicant (and of any corporation partnership or person controlling such applicant) specifically authorizing the person or persons signing the application and any consent on behalf of the applicant to sign and file the same.

3.6. If amendments are required to be made to the application either by request of the Commissioner or the applicant, one copy of each amendment shall be filed with the Commissioner by the applicant promptly upon the occurrence of the event necessitating such amendment. The applicant shall be responsible for accuracy of the application and any and all changes of facts, circumstances or certification of information contained in the original application shall be promptly amended before final review and determination by the Commissioner as to the award of a license.

3.7. Any application or any amendment or exhibit thereto may be withdrawn by the applicant upon written request to the Commissioner. The request shall be signed and shall state the grounds upon which made. The request shall be deemed granted seven days after receipt by the Commissioner, unless he shall order conditions to the acceptance thereof, in which event withdrawal will be effective upon written notice to him of compliance therewith. If an application is withdrawn, the examination and filing fee paid upon filing the application will not be returned. The papers comprising any withdrawn application or amendment or exhibit thereto shall not be removed from the files of the Commissioner, but shall be retained therein.

3.8. All persons signing an application shall be deemed, in the absence of a statement to the contrary, to possess the following powers:

- (a) to amend the application; or
- (b) to request the withdrawal of an application, or amendment or an exhibit.

3.9. An application filed in compliance with these Rules may be accompanied by a request that the Commissioner transmit a decision on the application without first conducting a detailed investigation or holding a hearing. The Commissioner may upon his discretion after consultation with applicable federal agencies and after review of the application and documents contained therein, deem that no detailed investigation is required. However, in the event that an application is denied, and applicant desires to protest the denial or requests an investigation or hearing, he shall promptly file a surety bond issued by a bonding company licensed to do business in the State of Louisiana, in the principal amount of \$5,000 (or such lesser amount as the Commissioner may permit upon request) conditioned to provide for payments of the costs of any investigation or hearing with respect to the application.

Rule 4. Application and Instructions

Application for a license to operate a Small Business Financing Company shall be made on OFI Forms 2 and 2A according to instructions contained therein and OFI Form 2B. Copies of these forms and instructions may be obtained in person or by mail at the address referred to in Rule 3.3 above.

Rule 5. Review of License Application

5.1. In his review of said application for license, and any amendments made thereto, the Commissioner of Financial Institutions shall ascertain and shall certify in writing the following:

- (a) That the applicant company is, in fact, a holder of a valid license, authorization, or charter to operate as a qualified small business financing company within the State of Louisiana;
- (b) That the applicant company is currently in compliance with all applicable federal and state regulations governing or affecting the operation of said companies;
- (c) That the applicant company has the required capital to participate in the equity leverage program, or, in the case of an applicant company proposing to receive state leverage funds, conditional upon its own promise of first having secured or increased its own private paid-in capital, the financial capacity to raise such capital;
- (d) That the applicant company has and shall maintain a qualified and competent board of directors and management to assure the continued proper operation of the company;
- (e) That the proposed or actual board members and management of the applicant company are fully conversant with the legislative intent of R.S. 33:9081-9092 and R.S. 33:9061-9072 respectively, the purposes of such legislation, and the Rules and Regulations promulgated by the Commissioner of Financial Institutions and the Louisiana Small Business Equity Corporation with respect to said legislation and are fully committed to carry out the letter and spirit of same;

(f) That the applicant company has made public notice in a newspaper of general circulation in the proposed area of operation at least one week following the filing of the application in the manner prescribed in OFI Form 2 and OFI Form 2B; and

(g) That the applicant company has or shall have and shall maintain a reasonably accessible office, which will display the license, and the name of the Licensee, have a listed telephone number, and be open to the public during regular business hours.

5.2. After receipt and due consideration of the application, the Commissioner of Financial Institutions shall approve or deny the application and shall notify the applicant of such action. If the application is approved, notice of such approval, together with a copy of the license shall be transmitted to the Louisiana Small Business Equity Corporation and the licensee may apply to said corporation for financial assistance in accordance with the provisions of R.S. 33:9081-9092 and the Rules and Regulations of the Corporation. If, however, the application for license is denied by the Commissioner, he must specify in writing the reasons for such denial and shall forward same to the applicant. Included among the bases for such denial may be findings to the effect that:

(a) The applicant is not a qualified small business financing concern under R.S. 33:9081-9092.

(b) The applicant is in the process of having its license, charter, or authorization revoked or is in litigation or in some other process affecting its further solvency or its status as a licensee or

(c) The board or management of the applicant does not possess, in the judgment of the Commissioner, sufficient competence to manage properly and prudently the funds potentially provided to it under the provisions of R.S. 33:9081-9092.

(d) The applicant has not demonstrated that it is fully conversant with the legislative intent of R.S. 33:9081-9092, and with the regulations developed pursuant to it, or that it is fully committed to carry out the letter and spirit of said regulations.

Rule 6. Continued Review of the Operations of the State Licensee

6.1. The Commissioner of Financial Institutions shall retain the authority to periodically review the operations of any state licensee, upon his own initiation or upon request of the Louisiana Small Business Equity Corporation. Such reviews shall attempt to ascertain information relevant to the bases for denial, hereinabove described, as well as any other information deemed relevant to the sound management and intended use of the funds provided for by R.S. 33:9081-9092.

Based upon the results of such periodic review, the Commissioner of Financial Institutions shall retain the right to:

(a) Continue the license status of the licensed small business financing company.

(b) Outline those corrective steps which must be taken by the licensed small business financing company in order to retain that license.

(c) Revoke the state license of the small business financing company.

In the event that the outlined corrective steps are not taken, or the license of a small business financing company is revoked, all funds which the licensee has received under the provisions of R.S. 33:9081-9092 shall be immediately due and payable, except that where a senior lender such as the Small Business Administration has provided additional leverage to the licensee, executive action to collect such funds shall not be taken without prior consultation with, and full regard for the rights of priority of, such senior lenders.

6.2. Every licensee shall provide a copy of the quarterly report required under R.S. 33:9071 to the Commissioner at the same time as such report is provided to the Louisiana Small Business Equity Corporation.

6.3. Every licensee shall maintain current financial records and books of account in accordance with accepted accounting

standards. The Commissioner shall be furnished a copy of financial reports at the same time and with the same regularity as these are prepared for management, stockholders, partners, or other regulating agencies, but not less than once annually, together with accompanying independent public accountant's certificates.

6.4. The Commissioner may inspect the records of any licensee during normal business hours, and may charge reasonable inspection fees. In the event of discrepancies or other related cause, the Commissioner may cause the books of the licensees to be audited at the licensee's expense.

Rule 7. Transfer and Surrender of Licenses

7.1. A state license issued pursuant to these Rules and Regulations shall not be transferred in any manner without prior written approval by the Commissioner of Financial Institutions. A state license shall not be surrendered without prior approval by the Commissioner.

Rule 8. Coordination

8.1. The Commissioner of Financial Institutions shall take such steps as may be necessary and appropriate to coordinate and cooperate with the Louisiana Small Business Equity Corporation, federal agencies and departments, state agencies and departments, local governmental agencies and departments, private sector organizations and small businesses in order to assure that the purposes of R.S. 33:9081-9092 and R.S. 33:9061-9072 are met to the fullest extent possible.

Hunter O. Wagner, Jr.
Commissioner of Financial Institutions

OFFICE OF FINANCIAL INSTITUTIONS
QUALIFIED SMALL BUSINESS FINANCING COMPANY

License Application

Date of Application _____

Item 1. Name of Applicant

(Note: Small Business Financing Company includes, but is not limited to Community Development Corporations (non-profit), State Development Companies, Local Development Companies, Minority Enterprise Small Investment Corporations, and a qualified small business financing company.)

Item 2. Location of Applicant

Street and No. _____

City and State _____

Parish _____

Zip Code _____ Telephone _____

Item 3. Type of Company

a) Investment

Small Business Investment Company

Minority Enterprise Small Business Investment Corporation

b) Development

Certified Development Company

Community Development Company

Other

Specify:

Item 4. Type of Authorization for Application: (copy must be attached)

a) Federal License

b) Charter filed with Secretary of State, State of Louisiana

c) Certificate of Authority granted by a Federal Agency ;

State Agency ; Other Municipality or Political Subdivision

d) Other Explain:

Item 5. Capitalization

a) Corporation ⁽¹⁾

Number of fully paid shares @ _____ = _____

Undivided profits _____

Other net worth or equity accounts _____

Less organizational expense (newly chartered) (_____)

TOTAL NET WORTH _____

(1) If other than newly chartered, 3 years of financial and operating statements must be attached. Newly chartered must have pro-forma statements.

b) Partnership ⁽²⁾

Number of partners @ _____ contribution _____

Less organizational expense (new) (_____)

NET CONTRIBUTION _____

(2) 3 years of financial and operating statements or pro-forma statements must accompany application.

c) Non-profit Corporation ⁽³⁾

Assets _____

Liabilities _____

(3) 3 years of financial and operating statements or pro-forma statements must be attached.

d) Other

Explain:

Item 6. What will be the source of the required "Louisiana Fund" investment in order that state leverage funds may be received?

a) Existing net worth or equity

b) Additional paid-in capital

(1) Have the funds been paid-in? Yes No If no, when?

(2) Have commitments or pledges been obtained? Yes No

c) Partner Contribution

(1) Have contributions already been made? Yes No If no, when?

(2) Have commitments or pledges been obtained? Yes No

d) Borrowed money

(1) Lender: _____

(2) Amount: _____

(3) Terms of loan: _____

e) Other

Explain:

Item 7. In what geographical area will funds be utilized?

Item 8. Need for licensee in operating area. (May attach the applicable portion of a SBA or other federal agency application if submitted in the last two years)

Item 9. Plan of Operations

Give any affiliation between the Investment Advisor and any Associate of the applicant and state if Investment Advisor is connected in any way with any licensee.

Give affiliation or association between any officer, director, or general manager or 10% owner of the applicant and any other licensee or the Investment Advisor of any other licensee.

(Note: May submit the applicable portion of a SBA or other federal agency application if submitted in the last two years.)

Item 10. Management and Control

- a) List directors, how selected, length of present term, and percentage of ownership; or
- b) List partners and percentage of partnership.
- c) List all parties or entities that own or will own 10% or more of the outstanding stock that are not directors;
- d) List all officers and percentage of ownership.

Item 11. Articles

- a) A copy of the Articles of Incorporation; certified by the Secretary of State, shall be filed with OFI; or (Attachment No. _____)
- b) The partnership agreement provided if a partnership; or (Attachment No. _____)
- c) Applicable license or authorization and/or bylaws, operating procedures or whatever is used as operational guidelines must be furnished for all other applicants. (Attachment No. _____)

Item 12. Bylaws of Applicant (If not required in Item 11) (Attachment No. _____)

Item 13. Certified copies of minutes of the meeting of directors at which the present directors were elected. (Attachment No. _____)

Item 14. Certified copies of minutes of the meeting of directors at which the present corporate officers were appointed. (Attachment No. _____)

Item 15. Certified copies of a resolution of the Board of Directors authorizing the execution and submission of this license application. (Attachment No. _____)

Item 16. Name of bank or banks in which cash is or will be deposited and the name of the custodian of securities, if any. _____

Item 17. Letter or letters addressed to OFI from bank(s) or custodian(s) to evidence cash or securities on deposit to the account of the applicant or in escrow and setting forth therein any encumbrances or restrictions against such deposits. (Attachment No. _____)

Item 18. Certified copy of SBA Certification Certificate. (Attachment No. _____)

Item 19. A written opinion of independent counsel for the applicant addressed to OFI stating that:

- a) The applicant has complied with all applicable local, state, and federal laws in the formation and organization of the company; (Attachment No. _____)
- b) The applicant, in selling its securities to obtain the required private capital, has complied with every law, regulation, and obligation relating to or controlling the sale of its securities and is and will be authorized and entitled to receive and retain the funds paid or to be paid to it by each entity in consideration for said securities issued or to be issued by the applicant. (Attachment No. _____)

Item 20. Names of persons assisting in preparation of this application.

- a) In connection with the preparation or presentation of this application, list the names, addresses, description of services, total compensation paid, or to be paid, of all attorneys, accountants, appraisers, agents, and all other parties engaged by or on behalf of the applicant for the purpose of rendering professional or other services of any nature whatever to the applicant. (Attachment No. _____)
 - b) What is the source of payment for these expenditures? _____
-
-

Item 21. Projection of income and expenses

Provide a 3-year projection of income and expenses, taking into consideration SBA and LASBEC leverage and increases in private capital. (Attachment No. _____)

Item 22. Fiscal year-end: _____

Item 23. Declaration of Applicant

(Note: This declaration is to be executed by the Applicant Corporation, Corporate General Partner, or Development Company, and in their individual capacities by all officers and directors of the Applicant Corporation, CGP, or Company, either proposed or duly elected, and by all persons who own or intend to own, directly or indirectly, 10% or more of the voting securities of the Applicant Corporation or CGP.

- (a) We represent that the Licensee will be operated in full conformity with the Small Business Investment Act of 1958, as amended; the Small Business Administration Regulations pertaining thereto; and the Louisiana Small Business Investment Law of 1980.

(b) We have not and will not, directly or indirectly, use any funds advanced by any small business investment company to any small business concern, or use any funds available as a result of funds advanced by a small business investment company to a small business concern, to purchase any securities of the Licensee or for the purpose of repaying any obligation incurred in connection with the furnishing of funds to be used for the purchase of any securities of the Licensee.

(c) We hereby certify that all information submitted in this OFI Form 2 and in the exhibits submitted therewith, or in connection therewith, is true and correct to the best of the knowledge and belief of each one of us and that it is being submitted for the purpose of obtaining a license to operate as a small business financing company. We further agree that all statements made in this OFI Form 2 and in the said exhibits are to be considered material for the purpose of inducing OFI to issue a license in reliance on the said statements.

EXECUTION

(Name of Licensee)

By: _____
(Signature)

(Typed Name)

(Title)

ATTEST:

(Secretary) Dated this _____ Day of _____, 19____

INDIVIDUAL EXECUTION

(Signature)

(Typed Name)

(Signature)

(Typed Name)

(Signature)

(Typed Name)

(Signature)

(Typed Name)

(Signature)

(Typed Name)

(Signature)

(Typed Name)

(Signature)

(Typed Name)

(Signature)

(Typed Name)

(Signature)

(Typed Name)

(Signature)

(Typed Name)

APPLICATION PREPARER/CONTACT: _____
(Name)

(Address)

(Telephone)

OFFICE OF FINANCIAL INSTITUTIONS

STATEMENT OF PERSONAL HISTORY AND QUALIFICATION OF MANAGEMENT (1)

See Information and General Instructions, OFI Form 2B

Name of Applicant or Licensee

Address (Street, City, State and ZIP Code)

1. First Name in Full	Middle Name in Full (If none, so state)	Last
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2. Date of Birth (Month, day & year)	3. Place of Birth (City, State or Foreign Country)	4. Citizen of U. S.? <input type="checkbox"/> Yes <input type="checkbox"/> No
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5. Relationship with Applicant

Director

Officer

10% share or stockholder

6. Starting with present address, list residence addresses for last ten years:

<u>From (Date)</u>	<u>To (Date)</u>	<u>Address</u>
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7. Employment and Professional History and Education: Attach a summary of business or professional experience during the last ten years up to and including the present, stating the periods of each primary activity, the names, addresses and nature of business of the firms, concerns or entities with which associated; title, position in such concerns; basic functions and responsibilities; and a summary of your education showing highest level attained (such as high school graduate, some college, one year college, three years college, bachelor's degree, master's degree, etc. - giving, when applicable, name of higher educational institution, your specialization, and date of degree), together with a summary of any special experience or qualification pertinent to the Applicant's management responsibilities.

8. Present Affiliations: Attach a list of all business concerns with which you are presently affiliated as an officer, director, or in any other official capacity, or by way of direct or indirect ownership or control of 10% or more of any class of stock of, or proprietary interest in, such concerns. Show names, addresses, and nature of business of such concerns, and details of relationship and ownership; including the percentage of any stock or proprietary interest owned.

9. List Three Character References: (Other than former employers, relatives or fellow Applicants.)

<u>Full Name</u>	<u>Home or Business Address</u>	<u>Business or Occupation</u>
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10. Have you ever been, directly or indirectly, the subject of an insolvency, bankruptcy, or creditor's rights proceeding, or has any corporation of which you have been an officer, director, or controlling shareholder, been the subject of such proceedings? Yes No (If yes, furnish complete details of such proceedings in a separate exhibit, including, if pertinent, the court, title of proceedings, date and docket number, as well as the ultimate disposition thereof.)

11. Have you ever been convicted of any criminal offense other than a misdemeanor involving minor motor vehicle violations? Yes No (If yes, furnish details as described in Item 10)

12. Have you, or has any corporation, partnership or other business entity with which you are presently or have heretofore been affiliated (as defined in Item 8, above), ever been convicted of a felony or other criminal offense involving dishonesty or breach of trust, or found civilly liable or permanently or temporarily enjoined by a court by reason of any act or practice involving fraud or breach of trust? Yes No (If yes, furnish relevant details of any such proceeding in a separate exhibit including the information, indictment or complaint and the court, title of proceeding, date and docket number)

13. Have you ever been refused bond? Yes No (If yes, explain)

14. Are you affiliated with any other Licensee or are you a close relative of any person affiliated with the Applicant or Licensee. Yes No (If yes, explain.)

15. During any part of the past five years has a request for financial assistance been made to any Federal or State agency by you or any corporation, partnership or other business entity with which you are presently or have been heretofore affiliated (as defined in Item 8, above)? Yes No (If yes, furnish details in a separate exhibit, including current status of any assistance received.)

16. Describe any affiliation, past or present, with any other Small Business Financing Company.

17. Is any LASBEC employee or any member of an Advisory Council for the Louisiana Small Business Equity Corporation related to you by blood, marriage or adoption? Does any LASBEC employee or member of any such Advisory Council have present or have they had any past, direct or indirect, financial interest in or affiliation with any concern of which you are a director, officer, or owner of 10% or more of any class of its stock or other proprietary interest? Yes No (If yes, list their names, addresses, and relationships on a separate attachment.)

18. If you own or will own 10% or more of the private capital of the Licensee, were borrowed funds used or will they be used in purchasing said private capital? Yes No (If yes, attach a statement, giving full details, including your net worth, amount borrowed or to be borrowed, source of funds borrowed or to be borrowed, security and/or guarantors and terms of repayment.)

19. Have you or any concern with which you are affiliated directly, or indirectly, borrowed funds from or sold securities to any licensed small business investment company? Yes No (If yes, attach a statement giving all pertinent details relative thereto, including the names of all parties to the transaction, the amounts involved, terms, use of proceeds, etc.)

) May attach the applicable portion of an SBA or other federal agency application if submitted in last two years.

The information on this form will be used in connection with an investigation of your experience and character.

The nature and scope of the investigation may include contact with banks, other financial institutions, individuals, business associates, law enforcement offices, and any areas which will assist OFI in making an adequate appraisal of your general business reputation, character, management experience and financial soundness. This constitutes the notifications required by section 606 of the Federal Fair Credit Reporting Act.

CERTIFICATE: I hereby certify that all information submitted in this Form 2A, and in the Exhibits submitted therewith or in connection therewith, is true and complete to the best of my knowledge and belief. I have read OFI Form 2 "License Application," filed by _____ and the amendments thereto, and hereby agree that in my proposed capacity as _____ (show affiliation) I will be bound by the representations made in said application and amendments.

Signature

Title

Date

INFORMATION AND GENERAL INSTRUCTIONS

FOR LICENSE APPLICANTS

Under the Louisiana Small Business Investment
Law of 1980, as Amended

A small business financing company means either a corporation, or a limited partnership organized pursuant to federal regulations, and in conformity with the Louisiana Small Business Investment Law of 1980, to which a federal license or a state charter, or authorization has been granted to operate as a SBIC, MESBIC, CDC, or development company. Such a company must comply with all applicable State and Federal laws affecting its operations, as well as all existing and future rules and regulations issued under the Small Business Investment Act of 1958, as amended and the Louisiana Small Business Investment Law of 1980, as amended.

Prospective applicants should be familiar with the Acts, Laws and Regulations referred to in the preceding paragraph.

OFI Form 2

OFI Form 2 "License Application" is to be prepared in duplicate and delivered to the Commissioner of Financial Institutions, Suite 207, 5420 Corporate Boulevard, Baton Rouge, Louisiana, 70808, or mailed to the Commissioner of Financial Institutions, P. O. Box 44095, Capitol Station, Baton Rouge, Louisiana, 70804. The license application must include a \$500.00 license processing fee, payable to the Commissioner of Financial Institutions. This fee is not returnable, even if the application is denied. Please complete all items which are applicable to the form of the applicant (corporation or limited partnership).

All exhibits accompanying the license application should be typed on good quality bond paper. The required duplicates may be a carbon copy, on good manifold paper, or it may be a copying machine reproduction. Each sheet of the exhibits must be identified at the top by a number reference to the related item, the caption designated for such item, the name of the license applicant, and the date of submission. Separate sheets must be used for each exhibit. If more than one sheet is necessary for an exhibit, such sheets must be stapled together at the top.

Before the Commissioner issues a license, he must receive from applicant's legal counsel a statement that all SEC and SBA rules and regulations have been complied with.

OFI Form 2A

OFI Form 2A "Statement of Personal History and Qualification of Management", is to be filed in duplicate when the License Application (OFI Form 2) is filed with the Commissioner. A Form 2A is required for each officer (including the general manager), director, and direct or indirect owner of 10% or more of the voting securities of the license applicant, as well as each officer, director and manager of the Corporate General Partner (CGP) of a limited partnership. If a corporation or entity other than a natural person owns or will own 10% or more, 2A's shall be filed by each stockholder or owner of such equity whose ownership of the Small Business Financing Company would by attribution, amount to 10% or more. In addition, the CGP or such corporation or entity shall file as an exhibit its own balance sheet as of a reasonably recent date prior to the filing.

Notice of Publication

After filing the application with the Commissioner, applicants shall publish public notice of such application in a newspaper of general circulation in the proposed area of operation for at least one week. The notice shall include the name and location of the proposed licensee, its areas of operation and the names and addresses of the officers, directors, and owners of ten or more percent of any class of stock, or the corporate general partner, and the corporate general partner's name and address, and each partner owning 10% or more of the unincorporated licensee's private capital.

Hunter O. Wagner
Commissioner

RULE

Department of Commerce Louisiana Small Business Equity Corporation

The Louisiana Small Business Equity Corporation (LASBEC), Department of Commerce, does hereby adopt the following Rules and Regulations to be effective.

Rule 1. Purpose and Intent

It is the purpose of these Rules and Regulations to provide procedures for the effective implementation of the Louisiana Small Business Investment Law of 1980.

The Louisiana Small Business Investment Law of 1980 was authorized by Act 697 of the 1980 Regular Session of the Louisiana Legislature. On authority of Revised Statutes 24:253, the provisions of Act 697 were designated as Chapter 29 of Title 33 of the Louisiana Revised Statutes of 1950, containing Revised Statutes 33:9061 through 33:9072.

It is the purpose of said Law to stimulate the flow of private equity capital and long-term loans and other financial assistance for the sound financing of the development, expansion and retention of small business concerns in the state as a means of providing high levels of employment and income growth and expanded social and economic opportunities, especially to disadvantaged persons and within distressed areas. The Law will be implemented and administered by the Louisiana Small Business Equity Corporation pursuant to Chapter 30 of Title 33:9081 through 9092 of the Louisiana Revised Statutes of 1950.

It is the intent of the law to contribute to this purpose through the provision of equity leverage financing and other financial assistance to qualified small business financing companies and small business concerns. The law, therefore, shall be implemented in such a manner as to assure maximum federal, public and private leverage. It is the intent of the law to keep financial decision-making to the greatest extent possible in private hands and to keep state administrative costs as low as possible. It is also the intent of the law that the greatest possible portion of the funds authorized by the law be placed through licensees in small business growth concerns, which, in general, are those which contribute most directly to greater employment, productivity, and production of wealth in the state, as opposed to those small concerns whose growth potential is limited or whose market tends to be inelastic as a function of supply.

Exceptions to this policy are permitted to be made when the recipient small business concerns are either disadvantaged concerns or are firms locating in distressed areas as defined in the law or in state enterprise zones as authorized by R.S. 51:1788. In such cases, however, priority shall be given to disadvantaged or distressed area concerns which are also growth concerns or concerns located in state enterprise zones.

Rule 2. Definitions

When used in these Rules, unless the context otherwise requires, the following words will have the following meanings:

(1) "Associate of LASBEC" means any of the following:

(a) An officer, director, employee, or any person regularly serving LASBEC in the capacity of a paid investment adviser or attorney at law.

(b) Any close relative of any person described in Subparagraph (a) of this Paragraph.

(c) For the purpose of this definition, any person in any of the relationships described in Subparagraphs (a) and (b) of this Paragraph within six months before or after the date on which LASBEC provided licensee's assistance, shall be deemed to have been in such relationship as of the date of LASBEC's assistance.

(d) The term "associate of LASBEC" shall not include an

unpaid adviser of LASBEC, unless such an adviser is also involved in any of the relationships described under Subparagraphs (a) through (c) above.

(2) "Board" or "Board of Directors" means the governing board of LASBEC.

(3) "Candidate project" means a business idea to be developed in the form of a feasibility study, for promotion by a public or private body, there being a demonstrated need for the business but for which there exists at the time no entrepreneurial group with the technical expertise and financial capability which has committed to carry out the project.

(4) "Certified Development Company" means a development company organized to operate on a local, regional or statewide basis, as either a private nonprofit corporation or a for-profit stock corporation, to sell debentures pertaining to identifiable small concerns with SBA's guarantee, and to render other assistance to small businesses.

(5) "Close relative" means ancestor, lineal descendant, brother or sister and lineal descendants of either, spouse, father-in-law, mother-in-law, son-in-law, brother-in-law, daughter-in-law, or sister-in-law.

(6) "Community Development Corporation (CDC)" means a community-based, nonprofit corporation organized under the general laws of the state to carry out certain community services, and assisted as such by the Community Services Administration or one or another federal agencies of the United States.

(7) "Control" means the possession, direct or indirect, or the power to direct or cause the direction of the management and policies of a licensee or a small concern whether through the ownership of voting securities, by contract, or otherwise.

(8) "Cooperative Economic Development Corporation" means a nonprofit economic development corporation organized under the authority of R.S. 33:9020 et seq. to develop the economy of the state and local subdivisions thereof.

(9) "Corporation" means the Louisiana Small Business Equity Corporation (LASBEC).

(10) "Development company" means an enterprise incorporated under the laws of the state, formed for the purpose of furthering the economic development of its community and environs, and with authority to promote and assist the growth and development of small business concerns in the areas covered by their operations. Such corporation may be organized either as a profit or nonprofit enterprise. The term includes, but is not limited to, the following types of companies: certified development companies, community development corporations, cooperative economic development corporations, and EDA-assisted development companies and revolving funds.

(11) "Disadvantaged concern" means a small concern owned by a person or persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

(12) "Distressed area" means any subarea of a political subdivision, which has been traditionally recognized by custom or by previous governmental designation to be a subarea, and which possesses all of the following characteristics: a per capita income which is 80 percent or less of the median income of the political subdivision in which it is located; an unemployment rate which is six percent or higher and which is three percent higher than the average unemployment rate of the political subdivision taken as a whole; and a percentage of individuals and families in poverty that is ten percent or more of the entire subarea; all of which characteristics must be certified to by the political subdivision in which the subarea is located.

(13) "Feasibility studies" means studies which are directly and immediately relevant to the potential creation or expansion of

a small business concern. Such studies would include preliminary engineering and architectural plans, location studies, marketing studies, organizational plans, studies of the demand and supply of labor, water and sewerage, soil surveys and foundation studies, studies of competition, distribution, transportation, loan packaging, financial forecasts, taxes, fiscal and other incentives, and other related studies of the business environment, all of which studies are directed toward the practical and real establishment of a small business concern.

(14) "Federal leverage" means financial assistance provided to a qualified small business financing company by the Small Business Administration or by any other federal agency, such as through the purchase or guaranty of debt instruments, or through the purchase of preferred securities, or through the grant or loan of funds.

(15) "Headquarters/Headquartered" means, for purposes of this section, a location of a business having significant assets in Louisiana as determined by the Department of Commerce.

(16) "Investment company" means either a corporation, or a limited partnership, to which a license has been granted by SBA for the purpose of providing capital to small businesses. The term includes investment companies licensed by SBA pursuant to Section 301(c) or Section 301(d) of the Small Business Investment Act, 15 U.S.C. 661 et. seq., and 1940 Act Companies which have also been licensed in accordance with applicable federal law and regulations.

(17) "Joint economic committee" means a joint committee established or designated by the legislature to oversee the implementation of the LASBEC laws.

(18) "LASBEC" means the Louisiana Small Business Equity Corporation.

(19) "LASBEC laws" means R.S. 33:9061 through 9072, as amended, and R.S. 33:9081 through 9092, as amended.

(20) "Licensee" means state licensee.

(21) "Leverage" means federal leverage, private leverage, public leverage, and state leverage.

(22) "Long-term loans" means loans for a term of not less than five years nor more than 30 years, with due allowance for prepayment arrangements, as provided for in accordance with the provisions of the LASBEC laws and these Rules.

(23) "Louisiana business" means a business headquartered and operating in Louisiana.

(24) "Matching private capital" means that portion of the private capital of a state licensee used to match state leverage in a proportion never less than one-fourth of the cumulative total of state leverage funds.

(25) "Minority Enterprise Small Business Investment Company (MESBIC)" means either a corporation, or a limited partnership licensed pursuant to Section 301(d) of the Small Business Investment Act, 15 U.S.C. 661 et. seq., the investment policy of which is limited to making investments solely in small concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose partnership in the free enterprise system is hampered because of social or economic disadvantage.

(26) "New product or service" means any product, device, technique, process, or service, which is or may be exploitable commercially, the production or provision of which does not exist in the state; such term shall not refer to pure research but shall be construed to apply to such products, devices, techniques, processes, or services, which have advanced beyond the theoretical stage and are readily capable of being, or have been reduced to practice.

(27) "Person" means a natural person or a legal entity.

(28) "Private capital" means the combined paid-in capital

and paid-in surplus or partnership capital of a qualified small business financing company, whether derived from a private or a public source, but exclusive of federal or state leverage, which capital is either cash or property actually received in exchange for shares of stock or partnership shares issued by the company, or cash and property contributed to the company without obligation therefor, or cash and property for which the licensee is indebted on a long-term subordinated basis.

(29) "Private leverage" means private financial assistance over and above that required under the provisions of the LASBEC laws to be matched with state leverage, and which is provided to a qualified small business financing company.

(30) "Public leverage" means public financial assistance over and above that which may be required, under the provisions of the LASBEC laws, to be matched with state leverage and which is provided to a qualified small business financing company.

(31) "Qualified financial institution" means any banking corporation or institution, insurance company, or related corporation or other institution engaged primarily in lending or investing funds, which corporation or institution has been selected by the corporation as an institution to which funds or guarantees are provided for the purpose of inducing said institutions to provide such financial assistance as is foreseen under the LASBEC laws to qualified small business financing companies in amounts at least equal to the total of such funds or guarantees so provided.

(32) "Qualified small business financing company" means either a corporation, or a limited partnership organized pursuant to federal regulations, and in conformity with the provisions of the LASBEC laws, to which a federal license or a state charter, or authorization has been granted to operate as an investment company, or a development company.

(33) "SBA" means the Small Business Administration.

(34) "SIC Codes" means the industrial classification system provided in the latest issue of the Standard Industrial Classification Manual, prepared by the Office of Management and Budget, and available from the U.S. Government Printing Office.

(35) "Small business concern" means a small business as defined by SBA, which for purposes of size eligibility or other factors, meets the applicable criteria set forth in 13 CFR 211, as amended.

(36) "Small business growth concern" means a small business concern which contributes most directly to greater employment, productivity, innovation, and the production of wealth in the state, as provided for in Section 9068 of the Louisiana Small Business Investment Law of 1980.

(37) "Small Business Investment Company (SBIC)" means an investment company organized to provide capital to small businesses and licensed according to applicable federal laws and regulations.

(38) "State leverage" means financial assistance provided to a state licensee, either directly or in cooperation with qualified financial institutions, either through the purchase or guarantee of debentures or other debt instruments, or through the grant or loan of funds, or through the purchase of equity securities as provided under the LASBEC laws.

(39) "State licensee" means a qualified small business financing company to which a state license has been granted pursuant to the provision of the LASBEC laws.

Rule 3. Equity Leverage Financing Program

Rule 3.1 Licensing Requirement

Under the equity leverage financing program, the Louisiana Small Business Equity Corporation (LASBEC) may provide direct loans and guarantees of loans and investments to expand the capital resources of qualified small business financing companies. To be eligible for such assistance, such companies

must first obtain a state license from the Commissioner of Financial Institutions according to the procedures established under the Louisiana Small Business Investment Law of 1980 and under the Rules adopted by the Commissioner for the implementation of the licensing process.

Upon receipt of a state license from the Commissioner, a licensed qualified small business financing company, hereinafter to be referred to as a state licensee or licensee, may apply to LASBEC for financial assistance under this program in accordance with the procedures to be specified in these Rules.

Rule 3.2 Intent of Application/Proposal Procedures

It is the intent of LASBEC to establish a competitive application process through which the applications of the various licensees may be evaluated one against another in terms of LASBEC's policy priorities as specified in these Rules. The purpose of establishing such a competitive process is: (1) to be fair and equitable to all licensees; (2) to create a climate for creativity and efficiency; (3) to secure the best possible financial arrangements for LASBEC and the state; and (4) to establish the most effective mechanisms for stimulating the flow of private equity capital and long-term loans for the sound financing of small businesses throughout the state.

In accordance with the intent and purpose specified above, LASBEC shall develop and issue an Invitation for Application/Proposals to all state licensees. Said invitation shall contain:

- (1) A statement of the purpose and intent of LASBEC;
- (2) A copy of the regulations relating to the Equity Leverage Financing Program;
- (3) Instructions relative to the proposal;
- (4) The deadline for responding to the proposal; and
- (5) An application form for the application/proposal.

Rule 3.3 General Form of the Application/Proposal

The application/proposal form shall require each licensee to provide:

- (1) A brief history of the licensee;
- (2) A list of the number, type and dollar amount of financings which the licensee has provided in the past three years; and the geographical area in which such financings were made;
- (3) The application/proposal itself which shall contain the information as required for each type of licensee as specified in Rules 3.4 and 3.5;
- (4) An accounting plan which will show how the state licensee proposes to establish an account for the funds it may have in the Louisiana Fund;
- (5) Certifications that the board and management of the licensee are cognizant of the intent and provisions of the equity leverage financing program as specified in the LASBEC laws and these Rules; and
- (6) A resolution or other appropriate legal instrument authorizing the submittal of said application/proposal.

Rule 3.4 Development Companies

A. General - Development Companies

A development company, which is a state licensee, may apply to LASBEC for financial assistance under the equity leverage financing program in accordance with the provisions of this Rule and the provisions of other Rules which may be applicable to application/proposals.

In its application/proposal to LASBEC, a state licensee must agree to the following general terms and conditions:

(1) The licensee must provide matching private capital of at least \$1 for every \$4 being requested to be lent or guaranteed by LASBEC.

Such matching private capital may be in the form of cash, securities as allowed under the LASBEC laws, or pledges of capital to be provided when the state leverage funds are drawn.

(2) The licensee must create and thereafter account separ-

ately for, an account to be called the Louisiana Fund which shall contain eventually:

(a) The licensee's matching private capital which may never be in a proportion less than one-fourth of the amount of the cumulative total of state leverage funds;

(b) All state leverage funds provided under the equity leverage financing program;

(c) All interest earned on the deposit or loan of the funds specified above; and

(d) All federal or other leverage as may be available or which may be received in the future as a result of the LASBEC program.

(3) The licensee must lend or invest the funds placed in the Louisiana Fund only in those small firms which meet the criteria established in the LASBEC laws and in these Rules.

(4) The licensee must construct its loan and investment policies so as to maximize the possibilities of receiving federal and other leverage.

(5) The licensee must comply with all provisions of law and the Rules issued by LASBEC and the Commissioner of Financial Institutions.

Upon receipt of a licensee's application/proposal, LASBEC may exercise its authority to:

- (1) Directly lend funds to the licensee; or
- (2) Guarantee the loans made by a qualified financial institution to the licensee.

B. Direct Loans - Development Companies

LASBEC may provide a direct loan to a licensee for an amount not to exceed four times that amount placed in the Louisiana Fund by the licensee as matching private capital.

A direct loan shall be repayable in a term not less than five nor more than 30 years and shall be so subordinated to those of other providers of long-term leverage funds as to count as equity or paid-in capital for purposes of obtaining additional leverage. Prepayment of such a direct loan is permitted and is even encouraged. The terms of such prepayment may be negotiated by LASBEC and the licensee at any time.

LASBEC will not stipulate in these Rules a specific interest rate or any other condition on its direct loans. Rather, it will evaluate the interest rate and other conditions proposed by each licensee in each respective application/proposal in terms of:

- (1) Its competitive merit vis-a-vis other proposals;
- (2) LASBEC's need for funds to continue and to expand the program; and
- (3) LASBEC's case by case judgement as to the licensee's needs and the requirements of prudent loan management.

Direct loans may be made by LASBEC to a licensee under several different types of arrangements:

(1) Loans. LASBEC may make a loan to a licensee for a fixed amount and for a term and at an interest rate as proposed by the licensee and accepted by the LASBEC Board.

(2) Line of Credit. LASBEC may establish a line of credit up to a specified amount which will be available to a licensee for a certain length of time. The term of loans drawn from the line of credit and the interest rate on such loans will be determined by the licensee's needs at the time and LASBEC's acceptance.

(3) Pool of Credit. LASBEC may establish a pool of credit offering specified lines of credit to each licensed development company which may choose to apply to participate in said pool and which has been accepted by LASBEC for such participation. The lines of credit in the pool will be available to each licensee for a period of eight months after the establishment of the pool. After eight months have transpired, the pool will then be available to each accepted licensee on a first come-first served basis. The terms of loans drawn down from such lines of credit will be determined

by agreement between LASBEC and each licensee. The interest rate on such loans will be determined by LASBEC at the time of establishment of the pool after due consultation with all development companies.

(4) Other. LASBEC may provide a direct loan to a licensee under any creative arrangement proposed by a licensee which is consistent with the intent and letter of the LASBEC laws.

C. Guaranteed Loans - Development Companies

LASBEC may guarantee a loan made by a qualified financial institution to a licensee up to four times that amount placed in the Louisiana Fund by the licensee as matching private capital.

A guaranteed loan shall be repayable in a term not less than five nor more than 30 years and shall be so subordinated to those of other providers of long-term leverage funds as to count as equity or paid-in capital for purposes of obtaining additional leverage. Prepayment of a guaranteed loan, as allowed by the agreement between the qualified financial institution and the licensee, is also allowed by LASBEC. The terms and conditions of such prepayment shall be whatever is agreed upon between the financial institution and the licensee.

The interest rate on such a loan will be determined by negotiation and agreement between the licensee and the qualified financial institution.

Loans made by a qualified financial institution to a licensee may take several alternative forms:

(1) Loan. A qualified financial institution may make a loan to a licensee for a fixed amount and for a term and at an interest rate as agreed upon by the institution and the licensee and approved by LASBEC.

(2) Line of Credit. A qualified financial institution may establish a line of credit up to a specified amount which may be available to a licensee for a certain length of time. The terms, interest-rates and conditions on the loans drawn from such a line of credit will be determined by the institution and the licensee at the time of each such loan, subject to the approval of LASBEC.

(3) Pool of Credit. A qualified financial institution may establish a pool of credit offering specified lines of credit to several licensed development companies which may choose to participate in said pool. The lines of credit will be available to participating licensees on a first-come, first-served basis. The terms, interest rates and conditions on the loans drawn from such lines of credit will be determined at the time of each loan, subject to the approval of LASBEC.

(4) Other. LASBEC may guarantee a loan to a licensee under any creative arrangement proposed by a licensee which is consistent with the intent and letter of the LASBEC laws.

LASBEC's guarantees of such loans may include any one or any combination of the following:

- (1) A guarantee of principal only;
- (2) A guarantee of interest and principal;
- (3) A guarantee extended for the full term of the loan;
- (4) A guarantee extended for a portion of the term of the loan;
- (5) A guarantee of the full amount of the principal and/or interest and principal;
- (6) A guarantee of a fixed percentage of the amount of the principal and/or interest and principal; and
- (7) A guarantee of a declining percentage of the amount of the principal and/or interest and principal.

LASBEC will not guarantee a loan made by a licensee to its client companies. LASBEC will only guarantee loans made by qualified financial institutions to licensees. All loans provided or guaranteed by LASBEC shall be secured by no less than the assets which the licensees may have or may expect to have in their Louisiana Funds, with due consideration to such preferences as

may exist in favor of creditors, lien-holders and other suppliers of capital.

LASBEC is prepared to exercise its guarantees in any number of reasonable ways. One of these ways will be to place funds on deposit in or otherwise with the qualified financial institution which has agreed to make a loan to the licensee. The interest to be paid on such a deposit is negotiable and must be one of the items proposed by the licensee in its application/proposal.

D. Eligible Purposes - Development Companies

Direct loans or guaranteed loans may be used for any legitimate purpose consistent with the objectives of the LASBEC program and the federal programs which LASBEC is intended to complement. Such purposes may include, but will not be limited to: (1) the provision of front-end financing for site development in connection with multi-use projects; (2) the provision of financing to supply needed "equity injection" funds into a project; (3) the provision of venture capital or working capital to support a project.

E. Application/Proposal

Each licensed development company may submit an application/proposal to LASBEC in accordance with the procedures to be indicated in the invitation for application/proposals and as specified in these Rules.

In its application/proposal to LASBEC, each licensee shall state:

In the Case of Direct Loans:

- (1) The amount of matching private capital which the licensee is willing to place in the Louisiana Fund.
- (2) The nature of the matching private capital which the licensee is pledging and the way in which such capital will be placed in the Louisiana Fund.
- (3) The amount of funds to be loaned by LASBEC to the licensee.
- (4) The type of direct loan requested, whether in the form of a loan, a line of credit or participation in a pool of credit.
- (5) The term, interest rate and other conditions required by the licensee for the requested loan.
- (6) The type of financing the licensee intends to provide as a result of participation in the LASBEC program.

In the Case of Guarantees:

- (1) The amount of matching private capital which the licensee is willing to place in the Louisiana Fund.
- (2) The nature of the matching private capital which the licensee is pledging and the way in which such capital will be placed in the Louisiana Fund.
- (3) The amount of funds to be loaned to the licensee by a qualified financial institution.
- (4) The type of loan to be made by the qualified financial institution, that is, whether the loan is a fixed loan, a line of credit or participation in a pool of credit.
- (5) The terms and conditions of the agreement between the qualified financial institution and the licensee, specifying the terms of the loan or line of credit, the rate of interest and, in the case of a pool of credit arrangement, the amount of such participation.
- (6) The nature of the guarantee requested from LASBEC.
- (7) If the guarantee is in the form of a deposit, the amount of funds proposed to be placed on deposit by LASBEC as a guarantee to the qualified financial institution.
- (8) The terms and conditions to be placed on the guarantee, that is, whether:
 - (a) The guarantee is for principal only, or for interest and principal;
 - (b) The guarantee extends for the full term of the loan, or for a portion of the term;
 - (c) The guarantee is for the full amount of the principal and/or interest, or for a percentage of the principal and/or interest;

(d) The guarantee is for a fixed amount or percentage, or for a declining amount or percentage; or

(e) Any one or any combination of the above.

(9) An estimate of the time that it will take the licensee and the qualified financial institution to conclude an agreement with each other and with LASBEC.

(10) The type of financing the licensee intends to provide as a result of participation in the LASBEC program.

In their application/proposals, licensees are encouraged to request several alternative financial arrangements. For example, licensees may submit proposals which request fixed loans, lines of credit and/or participation in a pool of credit. In submitting such alternatives, each licensee, however, must indicate the specific terms, conditions and other pertinent dimensions and/or requirements affecting each alternative. Such alternative requests should be prioritized in terms of the licensee's performance. It is also encouraged that the amounts requested for each alternative be explained in language indicating a range of choice from a minimum level to the highest desired level of assistance available.

Rule 3.5 Investment Companies

A. General - Investment Companies

An investment company, which is a state licensee, may apply to LASBEC for financial assistance under the equity leverage financing program in accordance with the provisions of this Rule and the provisions of other Rules which may be applicable to application/proposals.

In its application/proposal to LASBEC, a state licensee must agree to the following general terms and conditions:

(1) The licensee must provide matching private capital of at least \$1 for every \$4 being requested to be lent or guaranteed by LASBEC.

Such matching private capital may be in the form of cash, securities as allowed under the LASBEC laws, or pledges of capital to be provided when the state leverage funds are drawn.

(2) The licensee must create and thereafter account separately for, an account to be called the Louisiana Fund which shall contain eventually:

(a) The licensee's matching private capital which may never be in a proportion less than one-fourth of the amount of the cumulative total of state leverage funds;

(b) All state leverage funds provided under the equity leverage financing program;

(c) All federal or other leverage as may be available or which may be received in the future as a result of the LASBEC program.

(3) The licensee must lend or invest the funds placed in the Louisiana Funds only in those small firms which meet the criteria established in the LASBEC laws and in these Rules.

(4) The licensee must construct its loan and investment policies so as to maximize the possibilities of receiving federal and other leverage.

(5) The licensee must comply with all provisions of law and the Rules issued by LASBEC and the Commissioner of Financial Institutions.

Upon receipt of a licensee's application, LASBEC may exercise its authority to:

(1) Directly lend funds to the licensee;

(2) Guarantee the loans made by a qualified financial institution to the licensee; and

(3) Guarantee equity investments made by a qualified financial institution in the licensee.

B. Direct Loans - Investment Companies

LASBEC may provide a direct loan to a licensed investment company for an amount not to exceed four times that amount placed in the Louisiana Fund by the licensee as matching

private capital. However, because loans from public bodies do not qualify for SBA leverage under current federal regulations, LASBEC does not encourage requests for such assistance. LASBEC may consider funding such a proposal only if it can be demonstrated by the licensee that:

(1) A determination has been made by SBA that LASBEC-guaranteed investments are not eligible for federal leverage;

(2) The loan can leverage public or private funds to a proportion that would be equal to or greater than that which would be available under SBA leverage; or

(3) The direct loan option is the best means consistent with the intent and purpose of the LASBEC law through which the licensee can participate in the program.

A direct loan shall be repayable in a term not less than five nor more than 30 years and shall be so subordinated to those of other providers of long-term leverage funds as to count as equity or paid-in capital for purposes of obtaining additional leverage. Prepayment of such a direct loan is permitted and is even encouraged. The terms of such prepayment may be negotiated by LASBEC and the licensee at any time.

LASBEC will not stipulate in these Rules a specific interest rate or any other conditions on its direct loans. Rather, it will evaluate the interest rate and other conditions proposed by each licensee in each respective application/proposal in terms of:

(1) Its competitive merit vis-a-vis other proposals;

(2) LASBEC's need for funds to continue and to expand the program; and

(3) LASBEC's case by case judgment as to the licensee's needs and the requirement of prudent loan management.

Direct loans may be made by LASBEC to a licensee under several different types of arrangements:

(1) Loan. LASBEC may make a loan to a licensee for a fixed amount and for a term and at an interest rate as proposed by a licensee and accepted by the LASBEC Board.

(2) Line of Credit. LASBEC may establish a line of credit up to a specified amount which will be available to a licensee for a certain length of time. The term of loans drawn from the line of credit and the interest rate on such loans will be determined by the licensee's needs at the time and LASBEC's acceptance.

(3) Pool of Credit. LASBEC may establish a pool of credit offering specified lines of credit to each licensed investment company which may choose to apply to participate in said pool and which has been accepted by LASBEC for such participation. The lines of credit in the pool will be available to each licensee for a period of eight months after the establishment of the pool. After eight months have transpired, the pool will then be available to each accepted licensee on a first-come, first-served basis. The terms of loans drawn down from such lines of credit will be determined by agreement between LASBEC and each licensee. The interest rate on such loans will be determined by LASBEC at the time of establishment of the pool after due consultation with all development companies.

(4) Other. LASBEC may provide a direct loan to a licensee under any creative arrangement proposed by a licensee which is consistent with the intent and letter of the LASBEC laws.

C. Guaranteed Loans - Investment Companies

LASBEC may guarantee a loan made by a qualified financial institution to a licensee up to four times that amount placed in the Louisiana Fund by the licensee as matching private capital. However, because such a loan would, in all probability, not qualify for SBA leverage under current federal regulations, LASBEC would, as in the case of a direct loan, not encourage a request for such assistance. LASBEC may consider funding such a proposal only if it could be demonstrated by the licensee that:

(1) Such a guaranteed loan, if properly structured (for

example, in the form of a subordinated debenture) is eligible for SBA leverage under current federal regulations; or

(2) A determination has been made by SBA that LASBEC-guaranteed investments are not eligible for federal leverage; or

(3) The loan can leverage public or private funds to a proportion that would be equal to or greater than that which would be available under SBA leverage; or

(4) The guaranteed loan option is the best means consistent with the intent and purpose of the LASBEC law through which the licensee can participate in the program.

A guaranteed loan shall be repayable in a term not less than five nor more than 30 years and shall be so subordinated to those of other providers of long-term leverage funds as to count as equity or paid-in capital for purposes of obtaining additional leverage. Prepayment of a guaranteed loan, as allowed by the agreement between the qualified financial institution and the licensee, is also allowed by LASBEC. The terms and conditions of such prepayment shall be whatever is agreed upon between the financial institution and the licensee.

The interest rate on such a loan will be determined by negotiation and agreement between the licensee and the qualified financial institution.

Loans made by a qualified financial institution to a licensee may take several alternative forms:

(1) **Loan.** A qualified financial institution may make a loan to a licensee for a fixed amount and for a term and at an interest rate as agreed upon by the institution and the licensee and approved by LASBEC.

(2) **Line of Credit.** A qualified financial institution may establish a line of credit up to a specified amount which may be available to a licensee for a certain length of time. The terms, interest rates and conditions on the loans drawn from such a line of credit will be determined by the institution and the licensee at the time of each such loan, subject to the approval of LASBEC.

(3) **Pool of Credit.** A qualified financial institution may establish a pool of credit offering specified lines of credit to several licensed development companies which may choose to participate in said pool. The lines of credit will be available to participating licensees on a first-come, first-served basis. The terms, interest rates and conditions on the loans drawn from such lines of credit will be determined by the institution and the licensees at the time of each loan, subject to the approval of LASBEC.

(4) **Other.** LASBEC may guarantee a loan to a licensee under any creative arrangement proposed by a licensee which is consistent with the intent and letter of the LASBEC laws.

LASBEC's guarantee of such loans may include any one or any combination of the following:

(1) A guarantee of principal only;

(2) A guarantee of interest and principal;

(3) A guarantee extended for the full term of the loan;

(4) A guarantee extended for a portion of the term of the loan;

(5) A guarantee of the full amount of the principal and/or interest and principal;

(6) A guarantee of a fixed percentage of the amount of the principal and/or interest and principal; or

(7) A guarantee of a declining percentage of the amount of the principal and/or interest and principal.

LASBEC will not guarantee a loan made by a licensee to its client companies. LASBEC will only guarantee loans made by qualified financial institutions to licensees. All loans provided or guaranteed by LASBEC shall be secured by no less than the assets which the licensees may have or may expect to have in their Louisiana Funds, with due consideration to such preferences as

may exist in favor of creditors, lien-holders and other suppliers of capital.

LASBEC is prepared to exercise its guarantee in any number of reasonable ways. One of these ways will be to place funds on deposit in or otherwise with the qualified financial institution which has agreed to make a loan to the licensee. The interest to be paid on such a deposit is negotiable and must be one of the items proposed by the licensee in its application/proposal.

D. Guaranteed Investments - Investment Companies

LASBEC may guarantee an equity investment made by a qualified financial institution in a licensee up to four times that amount placed in the Louisiana Fund by the licensee as matching private capital.

Such an investment may be for partnership shares or stock. Said investment shall be made in accordance with the LASBEC laws.

LASBEC's guarantee of such investments may include any or any combination of the following:

(1) A guarantee of only the amount of investment against loss;

(2) A guarantee of the amount of investment and the dividend rate or rate of return against loss;

(3) A guarantee of the full amount of the investment and/or the dividend rate or rate of return against loss;

(4) A guarantee of a fixed percentage of the amount of investment and/or a fixed percentage of the dividend rate or rate of return against loss; or

(5) A guarantee of a declining percentage of the amount of investment and/or a declining percentage of the dividend rate or rate of return against loss.

LASBEC will not guarantee investments made by licensees in its client companies. All investments guaranteed by LASBEC shall be secured by no less than the assets which the licensees may have or may expect to have in their Louisiana Funds, with due consideration to such preferences as may exist in favor of creditors, lien-holders and other suppliers of capital. LASBEC shall negotiate with each licensee at the time of its application/proposal, arrangements for securing repayment of LASBEC's guarantee if called upon.

LASBEC is prepared to exercise its guarantees in any number of reasonable ways. One of these ways will be to place funds on deposit in or otherwise with the qualified financial institution which has agreed to invest in or lend to the licensee. The interest to be paid on such a deposit is negotiable and must be one of the items proposed by the licensee in its application/proposal.

LASBEC will not stipulate in these Rules a specific length of time for which a guarantee shall be available. Rather, it will request each licensee to propose the length of time for the guarantee in its respective application/proposal.

E. Eligible Purposes - Investment Companies

Direct or guaranteed loans, or guaranteed investments, may be used for any legitimate purpose consistent with the objectives of the LASBEC program and SBA's small business investment company program which LASBEC is intended to complement.

F. Applicant/Proposal - Investment Companies

Each licensed investment company may submit an application/proposal to LASBEC in accordance with the procedures to be indicated in the invitation for application/proposal and as specified in these Rules.

In its application/proposal to LASBEC, each licensee shall state:

In the Case of Direct Loans:

(1) The amount of matching private capital which the licensee is willing to place in the Louisiana Fund.

(2) The nature of the matching private capital which the licensee is pledging and the way in which such capital will be placed in the Louisiana Fund.

(3) The amount of funds to be loaned by LASBEC to the licensee.

(4) The type of direct loan requested, whether in the form of a loan, a line of credit or participation in a pool of credit.

(5) The term interest rate and other conditions required by the licensee for the requested loan.

(6) The type of financing the licensee intends to provide as a result of participation in the LASBEC program.

In the Case of Guaranteed Loans:

(1) The amount of matching private capital which the licensee is willing to place in the Louisiana Fund;

(2) The nature of the matching private capital which the licensee is pledging and the way in which such capital will be placed in the Louisiana Fund.

(3) The amount of funds to be lent to the licensee by a qualified financial institution.

(4) The type of loan to be made by the qualified financial institution, that is, whether the loan is a fixed loan, a line of credit or participation in a pool of credit.

(5) The terms and conditions of the agreement between the qualified financial institution and the licensee, specifying the terms of the loan or line of credit, the rate of interest and, in the case of a pool of credit arrangement, the amount of such participation.

(6) The nature of the guarantee requested from LASBEC.

(7) If the guarantee is in the form of a deposit, the amount of funds proposed to be placed on deposit by LASBEC as a guarantee to the qualified financial institution.

(8) The terms and conditions to be placed on the guarantee, that is, whether:

(a) The guarantee is for principal only, or for interest and principal;

(b) The guarantee extends for the full term of the loan; or for a portion of the term;

(c) The guarantee is for the full amount of the principal and/or interest, or for a percentage of the principal and/or interest;

(d) The guarantee is for a fixed amount or percentage, or for a declining amount or percentage; or

(e) Any one or any combination of the above.

(9) An estimate of the time that it will take the licensee and the qualified financial institution to conclude an agreement with each other and with LASBEC.

(10) The type of financing the licensee intends to provide as a result of participation in the LASBEC program.

In the Case of Guaranteed Investments:

(1) The amount of matching private capital which the licensee is willing to place in the Louisiana Fund.

(2) The nature of the matching private capital which the licensee is pledging and the way in which such capital will be placed in the Louisiana Fund.

(3) The amount of funds to be invested in the licensee by a qualified financial institution.

(4) The type of investment to be made by the qualified financial institution.

(5) The terms and conditions of the agreement between the qualified financial institution and the licensee, specifying the terms of the investment, the dividend rate to be paid, if agreed-upon, and other such relevant information which may be part of said equity arrangement.

(6) The nature of the guarantee requested from LASBEC.

(7) If the guarantee is in the form of a deposit, the amount of funds proposed to be placed on deposit by LASBEC as a guarantee to the qualified financial institution.

(8) The terms and conditions to be placed on the guaran-

tee, that is, whether:

(a) The guarantee is for only the amount of investment or for investment and the dividend rate or rate of return;

(b) The guarantee is for the full amount of the investment and/or the dividend rate or rate of return;

(c) The guarantee is for a fixed percentage of the amount of investment and/or for a fixed percentage of the dividend rate or rate of return; or

(d) The guarantee is for a declining percentage of the amount of investment and/or for a declining percentage of the dividend rate or rate of return;

(e) Any one or any combination of the above.

(9) The length of time in which the guarantee shall be extended.

(10) Arrangements for securing LASBEC's guarantee if called upon.

(11) An estimate of the time that it will take the licensee and the qualified financial institution to conclude an agreement with each other and with LASBEC.

(12) The type of financing the licensee intends to provide as a result of participation in the LASBEC program.

In their application/proposals, licensees are encouraged to request several alternative financial arrangements. For example, licensees may submit proposals which request direct loans, guaranteed loans or investments. In submitting such alternatives, each licensee, however, must indicate the specific terms, conditions and other pertinent dimensions and/or requirements affecting each alternative. Such alternative requests should be prioritized in terms of the licensee's preference. It is also encouraged that the amounts requested for each alternative be explained in language indicating a range of choice from a minimal level to the highest desired level of assistance available.

Rule 3.6 Preproposal Conference

Prior to the submission of application/proposals, LASBEC will invite licensees to a public meeting to discuss the general terms and conditions which the licensees are considering submitting in their proposals. The purpose of such a meeting is:

(1) To indicate the perspective and thinking of the Board relative to different types of financial arrangements;

(2) To answer questions and resolve issues that the licensees may have with respect to the program and its regulations;

(3) To discuss financial arrangements that the licensees might submit to LASBEC; and

(4) To provide lists of the names of qualified financial institutions that might be interested in participating in the LASBEC program.

Rule 3.7 The Review Process

The Chairman of LASBEC shall appoint an evaluation committee consisting of LASBEC Board and Advisory Committee members to review and evaluate each application/proposal.

In performing its review, the committee shall carefully analyze the information provided by the licensee in Part E of its application/proposal and shall comparatively evaluate all proposals in terms of each or any combination of the following policy priorities:

Priorities Relative to Direct Loans:

(1) Priority shall be given to proposals which clearly demonstrate an understanding of and commitment to the purpose and intent of the LASBEC program.

(2) Priority shall be given to proposals that request the smaller ratio of funds to be lent by LASBEC relative to the licensees matching capital.

(3) Priority shall be given to proposals which have the shorter comparative terms.

(4) Priority shall be given to proposals which offer the higher rates of interest.

(5) Priority shall be given to proposals which offer the better opportunities for fulfilling the intent of the LASBEC laws throughout the state as may be determined by the LASBEC Board.

Priorities Relative to Guarantees:

(1) Priority shall be given to proposals which clearly demonstrate an understanding of and commitment to the purpose and intent of the LASBEC program.

(2) Priority shall be given to proposals that request the lesser amount of guaranteed funds from LASBEC relative to the licensees matching capital and the capital to be provided by the qualified financial institution.

(3) Priority shall be given to proposals that request guarantees for only the amount of the principal or the amount of the investment and not the specified rates of return.

(4) In the case of guarantees requested for interest and/or for specified rates of return, priority shall be given to proposals requesting the lesser amount of guarantee relative to interest and to rates of return.

(5) Priority shall be given to proposals which have the shorter comparative terms for the guarantee.

(6) Priority shall be given to proposals which request the lower percentage of guarantee for either the principal or investment amount, or for interest rates or specified rates of return.

(7) Priority shall be given to proposals which offer the better opportunities for fulfilling the intent of the LASBEC laws throughout the state as may be determined by the LASBEC Board.

Rule 3.8 Approval Process

After the review and evaluation process has been completed, the LASBEC Board shall meet to consider the findings and recommendations of the evaluation committee.

On the basis of reasonable and fair criteria and judgment, the LASBEC Board shall then decide relative to each proposal whether or not to:

- (1) Accept and fund the proposal as presented;
- (2) Accept the proposal with conditions;
- (3) Accept but not fund the proposal at this time; or
- (4) Reject the proposal as presented.

After making such decisions, the LASBEC Board shall then direct by resolution its staff and the evaluation committee to negotiate such conditions as the Board may have decided and to prepare all necessary legal agreements with the respective licensees for effecting the same.

Upon completion of all required legal documents, the staff and evaluation committee shall then present said draft agreements for final review and decision by the LASBEC Board.

After final approval of all required legal documents, the LASBEC Board shall then by resolution direct its officers and staff to disburse funds in accordance with the approved legal agreements.

Rule 3.9 Federal Law and Regulations

The LASBEC program is intended to complement the programs of the federal government which relate to qualified small business financing companies and to state licensees. LASBEC does not intend that the provisions of its program shall supercede existing federal regulations. Whenever a party claims that a conflict exists, it shall submit to LASBEC an opinion of individual counsel citing authorities for the resolution of the issues involved.

Rule 3.10 Prohibited and Restricted Activities, Conflicts of Interest and Penalties

Prohibited and restricted activities, conflicts of interest and penalties are specified in the LASBEC laws. The LASBEC Board and its associates, and the state licensees and their associates shall act at all times in accordance with such provisions. Failure to

comply with such provisions may result in the penalties specified in the LASBEC laws.

Rule 3.11 Reporting and Record-Keeping

Reporting and record-keeping with respect to the equity leveraging program shall be in accordance with the LASBEC laws.

Rule 3.12 Prevention of Arbitrage and Inactivity

It is the intention and expectation of LASBEC that the disbursement of the funds generated by the equity leverage financing program to small businesses will be accomplished in a reasonably short period of time. At the same time, LASBEC recognizes that licensees often need to wait for those financings that are consistent with their policies. Furthermore, LASBEC does not want to encourage hasty and improvident loan and investment decisions. There is, however, a need to prevent the improper use of LASBEC funds solely as a means to obtain a benefit from the difference in interest rates that may arise in the LASBEC program. There is also a need to encourage the efficient disbursement of funds from the Louisiana Fund to small businesses.

In order to promote such efficient disbursement of state leverage funds, without encouraging improvident loan and investment decisions, the LASBEC Board shall apply the following procedures and penalties:

(1) Procedures - After the first year following the loan of funds by LASBEC, or the loan or investment of funds by a qualified financial institution to or in a licensee under this program, the LASBEC Board shall examine the performance of each licensee in terms of its activity in the past year with respect to the loan or investment of state leverage funds. In the event that after such examination the LASBEC Board determines that the licensee has either willfully engaged in arbitrage manipulations or has been unreasonably slow in disbursing funds from the Louisiana Fund to small businesses, the LASBEC Board shall notify said licensee in writing of its findings and shall allow 30 days for the licensee to respond to such findings. The licensee shall respond in writing to a committee to be appointed by the chairman for this purpose and may request a meeting with such committee.

After an examination of the response of the licensee to the findings of the Board and its committee, the LASBEC Board shall make a final determination as to whether or not to invoke the penalty as specified below.

(2) Penalty - If after a final determination by the LASBEC Board that a licensee has willfully engaged in arbitrage manipulations, LASBEC will require the licensee to pay to LASBEC 100 percent of the interest generated on the initial state leverage funds that may have been guaranteed or lent by LASBEC. If after a final determination by the LASBEC Board that a licensee has been unreasonably slow in disbursing funds from the Louisiana Fund to small businesses, LASBEC may require the licensee to pay to LASBEC up to 100 percent of the interest generated on the initial state leverage funds that may have been guaranteed or lent by LASBEC. The sum shall be paid to the account of LASBEC on a monthly basis until such time as all initial state leverage funds which have been so guaranteed or lent are disbursed by the licensee to small businesses.

(3) The penalty pertaining to the prevention of arbitrage and inactivity shall not in any way apply to the funds lent to or invested in small businesses by the licensee, but only to those initial state leverage funds which have been guaranteed or lent by LASBEC and which are remaining in the Louisiana Fund.

C. Emmett Pugh
Chairman

RULES

Board of Elementary and Secondary Education

Rule 4.00.73 — The Board approved for final adoption, Revised Bulletin 1213, *Minimum Standards for School Buses in Louisiana* as amended.

Rule 4.00.04.d — The Board adopted amendments to Act 754 Regulations, Sections 513-517 relative to the state-level review process.

Rule 4.00.04.e — The Board adopted an amendment to Act 754 Regulations, subsections 130A and 130B relative to membership of the State Special Education Advisory Council.

James V. Soileau
Executive Director

RULE

Division of Administration Facility Planning and Control

DEMOLITION OR DISPOSING OF STATE OWNED BUILDINGS

In order to assure compliance with Act 537 of the 1982 Session the following procedure will be followed when demolition or disposing of a State owned building is necessary:

1. Upon receipt of a properly authorized request, including description, site plan and two photographs, from any State agency to raze, demolish or otherwise dispose of any building or structure owned by the State of Louisiana, except highways, bridges, and railroads, Facility Planning and Control shall immediately notify all state legislators representing the parish in which the involved structure is located and the State Historic Preservation Officer. (Legislation only requires notification to legislators representing the **district** in which the structure is located, but interest in the disposition of State Property is parish-wide and not limited to district boundaries).

2. The letter to the legislators and the State Historic Preservation Officer should identify the building or structure to be razed, demolished or otherwise disposed of, the location, reasons for such action, brief description of the work involved, etc. Recipients of such a letter are to be assured that under no conditions shall a request for property disposition be approved by Facility Planning and Control prior to 30 days from the date of notification. Should any of the above protest to this demolition, Facility Planning and Control will not authorize demolition until the State agency gets the protest officially lifted.

3. After the receipt of a request for approval of disposition, Facility Planning and Control will issue a written order to the appropriate Facility Planning and Control field engineer to make an inspection of the subject building or structure. His report will include his recommendations regarding disposition, any suggested alternatives or possible use of the structure by other state agencies, a description of any moveable property which may currently be in demand elsewhere or which may have value as surplus property, etc.

4. Copies of the inspection report by the field engineer are to be sent to the Departments of Building and Grounds and Surplus Property. Contents of the report may require a response from those Departments.

5. If it is concluded that it is appropriate to raze, demolish or otherwise dispose of the building or structure, the user agency will be required to furnish a written report to Facility Planning and Control as to how the structure will be disposed of, the estimated costs involved and the source of the funding.

6. Act 537 requires that all work exceeding the contract limit of \$30,000 shall be advertised and awarded by contract to the lowest responsible bidder. The contract limit of \$30,000 for each of 10 succeeding calendar years after 1982 shall be increased by a factor equal to 3 percent per year. If funding is available through Facility Planning and Control and public bidding is required, this procedure will be handled by the Facility Planning and Control Department.

7. Although not required by law for projects of \$30,000 or less, the user agency should obtain three or more proposals for every approved disposal project in this category when feasible and expeditious. Such proposals, along with the user's recommendations, should then be forwarded to Facility Planning and Control for consideration for an award of contract.

8. Any professional services contract requirements will be handled by Facility Planning and Control.

E. L. Henry
Commissioner

RULE

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, shall implement a Rule to clarify criteria used in determining approval of rehabilitation plans for individuals who are likely to realize substantial gains in self-care, self-help, or rehabilitation. This criteria is presently in use and does not represent a change in policy. The criteria has been clarified in the Title XIX State Plan, Attachment 3.1-A, Item 13.d.

RULE

1) Self-care and self-help are defined as the ability of the individual to take care of personal needs, e.g., eating, dressing, ability to walk, talk, or use devices unassisted.

2) Rehabilitation is defined as a program to prevent further impairment of physical deformity and malfunction, and enable significantly increased ability of the individual to require less care by others.

3) Less care by others is defined as the ability of the client to use a minimum of assistance to take care of personal needs.

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, shall implement effective April 1, 1983 the following changes in the Food Stamp Program as set forth in the Food Stamp State Manual. These changes are mandated by Federal Regulations as published in the *Federal Register*, Vol. 47, No. 238, Friday, December 10, 1982, pp. 55463-55469 and Vol. 47, No. 240, Tuesday, December 14, 1982, pp. 55903-55910. The appropriate sections of the Food Stamp State Manual will be revised to incorporate the mandated changes.

Section 12-239 will be expanded to include new policy on

sponsored aliens. A portion of the income and resources of an alien's sponsor and the sponsor's spouse shall be used in determining the eligibility and allotment level of a sponsored alien.

Section 12-222 will be expanded to amend the definition of household composition as follows: 1. The definition of "elderly and disabled" in the household definition has been expanded to include disabled veterans and their disabled surviving spouses and children. 2. Siblings living together must be considered one household unless at least one of the siblings is elderly or disabled. 3. The definition of a household is expanded to provide that elderly individuals (and their spouses) who cannot prepare their own meals because they suffer from disabilities considered permanent under the Social Security Act or some other physical or mental non-disease related disabilities may be a separate household even if living and eating with others. This is limited to those cases where the gross income of the individuals with whom the elderly or disabled person resides does not exceed 165 percent of the poverty level.

Section 12-230 will be amended to reflect the following changes with regard to post-secondary students. The definition of dependent care for students with dependents will be amended. Students with dependents must be responsible for a dependent household member under the age of six; or be responsible for the care of dependent household member who has reached the age of six but is under age 12 where the Office of Family Security has determined that adequate child care is not available; or receiving benefits from Aid to Families with Dependent Children.

Section 12-235 will be expanded to include in a household's resources individual retirement accounts less the amount that would be lost as penalty for early withdrawal of the entire account.

Section 12-236 will be revised to amend the income eligibility standards. Households with no elderly or disabled members will be subject to both the gross and net income eligibility tests. To be eligible, these households must meet both the net and gross income standards.

Section 12-238 will be amended to revise the definition and method of determining initial month's benefits. The definition of "initial months" for a household which has previously participated includes the first month for which an allotment is issued following *any period of time* which the household was not certified for participation, provided that the household does not have an application pending. In determining initial month benefits, the result of the proration will be rounded down to the nearest lower dollar increment. If the calculation results in an allotment of less than \$10, then no benefits will be issued.

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, shall implement a Rule in the Medical Assistance Program to amend Medicaid eligibility policy. Effective April 1, 1983, an individual will not be eligible for Title XIX payment for long term care or other services until he has been in the facility for a full calendar month, unless Medicaid eligibility was established prior to placement in the long term care facility. Any Medicaid eligible recipient except a Medically Needy recipient will continue to be eligible for Title XIX payment or long term care services for

the month of admission and prior to being in the facility the first full calendar month.

An individual eligible for Medicaid under the special income level, will not be eligible for Title XIX payment for long term care or other services for the partial month of admission to the facility with the following exceptions: (1) If such an individual receives care in a combination of Title XIX facilities, such as a hospital, Skilled Nursing Facility (SNF) or Intermediate Care Facility (ICF) for a full calendar month, he has established eligibility for the purposes of applying the special income level. Continuity of institutional status must be maintained for the entire full calendar month; (2) An individual is a recipient of Home and Community Based Services under Title XIX prior to placement in an institution. For such individuals, Title XIX payment would begin on the date of admission as Medicaid eligibility has been established.

An individual eligible under the special income level who is discharged from a long term care facility prior to the end of the first calendar month, shall not be eligible for Title XIX payment. If such an individual dies during the first full calendar month, he will be eligible from the first day of the first full calendar month but not for any partial month prior to that.

An individual under the special income level who becomes eligible for Title XIX after being in the facility the first full calendar month, will not be eligible for any Medicaid services for any partial month of admission.

An individual eligible for Title XIX under the special income level is defined as an individual in an institution having an income greater than the maximum SSI benefit amount payable to an individual in his own home, but less than the CAP rate (300 percent of the SSI Standard Payment Amount).

The first full calendar month is defined as the month in which the individual has been in the institution for the entire calendar month (i.e. from the first day of the month through the end of the month).

This action is being taken to bring the Louisiana Medical Assistance Program into compliance with Federal Regulation 42 CFR 435.722(c).

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, elects the following change in Support Enforcement Program.

RULE

The IV-D Program shall charge a fee of \$10 per request for Non-AFDC locate only requests. An additional \$4 charge shall be made if no Social Security number of the absent parent is provided.

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, elects the following change in Support Enforcement Program.

RULE

The IV-D Program shall establish involuntary military allotments through any absent parent/member's branch of military service when that absent parent has failed to make payments equal to the support payable for two months or longer and to liquidate any arrearages when the absent parent is 12 or more weeks in arrears with a court order for child support.

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, has adopted a Rule in the Medical Assistance Program to clarify that Title XIX allows payment for rehabilitative services in an Intermediate Care Facility I and II. These services may be provided only by a Title XVIII-certified rehabilitation center, Title XVIII-certified home health agency or Title XVIII-certified hospital outpatient rehabilitative service. The long term care facility must have in effect a written agreement with any of the above for provision of the required services. Intermediate Care Facilities I and II which admit or retain a Title XIX recipient in need of rehabilitative services shall be responsible for arranging for the required services. The cost of rehabilitative services in an Intermediate Care Facility I or II is not an allowable cost under Title XIX reimbursement principles.

Skilled nursing facilities (SNF) which admit or retain a Title XIX recipient in need of rehabilitative services, shall be responsible for providing or arranging for, under written agreement, specialized rehabilitative services as part of the SNF services for these individuals. The cost of rehabilitative services in a SNF is an allowable cost under Title XIX reimbursement principles.

The agency has also adopted a Rule which prohibits physicians, who have a significant ownership interest in or contractual relationship with a home health agency, from preparing a certification of need for Home Health Agency Services or establishing and reviewing a plan of treatment for those services for the home health agency. This is in accordance with Federal Regulations published in the October 26, 1982 *Federal Register* (Volume 47, Number 207, Page 47392).

Significant financial or contractual relationship shall be defined as a relationship that involves a direct or indirect business transaction that, in any fiscal year, amount to more than \$25,000 or five percent of the agency's total operating expenses, whichever is less. Business transactions shall be defined as contracts, agreements, purchase orders, or leases to obtain services, supplies, equipment and space.

A physician shall be considered to have a "significant ownership interest" if he or she:

1) Has a direct or indirect ownership interest of five percent or more in the capital, the stock or the profits of the home health agency;

2) Has an ownership interest of five percent or more in any mortgage, deed of trust, note or other obligation that is secured by the agency, if that interest equals five percent or more of the agency's assets; or

3) Is an officer or director of a home health agency organized as a corporation or a partner in a home health agency organized as a partnership.

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, shall amend a Rule published in the January 20, 1983, issue of the *Louisiana Register*. The original Rule states that Title XIX recipients in Intermediate Care Facilities be visited by a physician at least every 60 days following admission unless the physician decides that this frequency is unnecessary and records the reasons for that decision.

RULE

Physicians will no longer be required to visit Title XIX recipients certified for Intermediate Care Facilities I and II (ICFs I and II), including ICF recipients in Skilled Nursing Facilities (SNF) at least every 60 days following admission if the treating physician determines that this frequency is unnecessary. The rationale for this decision must be documented in the recipient's medical record. A minimum of one physician visit per recipient per year shall be required.

This change does not affect separate requirements for recertification by a physician regarding continued need for care and/or review or revision of the plan of care for the recipient.

This action is necessary in order to incorporate recommendations made at a meeting of the Subcommittee on Oversight, Joint Committee on Health and Welfare, which was held on January 13, 1983.

Roger P. Guissinger
Secretary

Notices of Intent

NOTICE OF INTENT

**Department of Agriculture
Advisory Commission of Pesticides**

In accordance with the provisions of LSA 49:951, et seq., the Administrative Procedure Act, and LSA 3:3213, relative to the powers of the Advisory Commission on Pesticides, notice is hereby

given that the Commissioner of Agriculture and the Advisory Commission on Pesticides will conduct a public hearing on April 6, 1983, at 1 p.m. at the State Capitol, Baton Rouge, Louisiana. Prior to the said public hearing, regional hearings will be conducted by the Commissioner and the Advisory Commission on Pesticides at the following dates, times, and locations:

March 9, 1983 - 7 p.m., Jeff Davis Parish Fairgrounds, Multi-Purpose Building, South Highway 26, Jennings, LA.

March 10, 1983 - 7 p.m., Louisiana State University at Alexandria, Science Auditorium, Highway 71 South, Alexandria, LA.

March 16, 1983 - 7 p.m., Ouachita Agriculture Center, Agricultural Auditorium, 704 Cypress Street, West Monroe, LA.

March 17, 1983 - 7 p.m., Louisiana State Exhibit Museum, 3015 Greenwood Road, Shreveport, LA.

March 22, 1983 - 7 p.m., Jefferson Parish Courthouse, 2nd Floor Council Chambers, 2nd Street & Derbigny, Gretna, LA.

PUBLIC HEARING — April 5, 1983 - 1 p.m., Louisiana State Capitol, House Committee Room 6, Baton Rouge, LA.

The purpose of the above public hearings will be to consider the adoption of comprehensive Rules and Regulations for the administration of the pesticides regulatory program, including, but not by way of limitations, the following subject areas: authority; definitions; operation of the Commission; registration of pesticides; certification of applicators, sales supervisors, and agricultural consultants; licensing of firms; pesticide wastes; fees; application of pesticides; aerial application of pesticides to rights-of-way to control woody vegetation; enforcement; exemptions; and other similar subjects. Interested persons may secure a copy of the text of the proposed Rules and Regulations by written or verbal request to Harry Calhoun, Director, Pesticides and Environmental Programs, Box 44153, Baton Rouge, LA 70804, or in person at his office at 9181 Interline Highway, Baton Rouge, LA.

Comments will be accepted by Harry Calhoun up to and including April 3, 1983, or may be presented in person at any of the above hearings. All interested persons will be provided an opportunity to submit data, arguments, and views, orally or in writing, at all of the above hearings.

Bob Odum
Commissioner

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Pesticides

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

No implementation costs (savings) to agency.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

No anticipated effect on revenue collections. The only change in fees is a nominal increase (\$10) in the fee for examinations administered in regional offices instead of the Baton Rouge office. No projection of the number of examinations which will be administered in regional offices is possible at the present time.

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

No estimated costs to affected groups. Consolidation and clarification of existing Rules will benefit the affected groups in that a more usable code of regulations will result from adoption of the proposed Rules.

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

No estimated effect on competition or employment.

John W. Impson
Asst. Commissioner

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT Department of Agriculture Seed Commission

In accordance with the provisions of LSA 49:951, et seq., the Administrative Procedure Act, and LSA 3:1433, relative to the authority of the Seed Commission, notice is hereby given that the Department of Agriculture, Seed Commission, will conduct public hearings at the following locations and dates:

Alexandria, Louisiana — County Agent's Office, March 29, 1983, 7 p.m.

Baton Rouge, Louisiana — State Capitol, Twenty-first Floor, April 6, 1983, 10 a.m.

The purpose of these hearings is to consider adoption of the following amendments, deletions, and/or additions to the Louisiana Seed Certification Standards:

Existing seed lot size limitations will be deleted from Rule 7.0 and Rule 7.0 will be amended to read as follows:

7.0 Lot of Seed

7.1 The applicant shall assign a specific, unique number or other mark to each lot of seed when the seed is conditioned.

7.2 Each container in a given lot of seed shall be marked with the number or other mark assigned to that lot.

7.3 Seed lots may be blended if the variety and class are the same.

7.4 All seed must be bagged in new bags, unless other types of containers are approved by the Department of Agriculture prior to bagging.

Rule 12.0 of the Louisiana Seed Certification Standards will be amended by the deletion of the weeds listed below from the list of noxious weeds contained therein and the establishment of limitations for the noxious weeds listed below.

A. The following weeds will be deleted from the listing of noxious weeds: Wild Raddish (*Raphanus raphanistrum*); Wild Carrot (*Daucus carota*); Teaweed (*Sida rhombifolia*); and Redroot Pigweed (*Amaranthus retroflexus*).

B. Limitations, as shown below, will be established for the following noxious weeds: Morning Glory (*Ipomoea* spp.), 18 per lb.; Wild Poinsettia (*Euphorbia heterophylla*, E. Dentata), 18 per lb.

Rule 33.1 of the Louisiana Seed Certification Standards will be amended to read as follows:

33.1 Conditions governing the shipment or movement of Seed Irish Potatoes into Louisiana

A. Seed Irish potatoes must pass field and storage seed certification requirements of the seed certifying agency in the state of origin.

B. The tolerances for insects and diseases shall be the same as those set forth in the Louisiana Seed Certification Standards for Seed Irish Potatoes (Rule 36.0).

C. Each container of seed moved into, offered for sale, or sold in Louisiana shall have attached thereto an official foundation, registered, or certified seed tag issued by the properly constituted and recognized seed certifying agency of the state of origin.

A new Rule 9.0 establishing standards for approval of

certified seed conditioning plants will be adopted. Interested persons may secure a copy of the draft proposal for the new regulation by contacting John Armstrong at the address shown below.

The existing Rule 9.0, entitled "Interagency Certification (Out-of-State Seeds)," will be moved and re-numbered to be Rule 16.0 without any changes in the substantive provisions of the Rule as presently in effect.

The existing Rules 16.0 and 45.0, setting forth standards for certification of specific seed crops, will be re-numbered, consecutively, as Rules 20.0 through 49.0, leaving a reservation for the addition of new Rules 17.0, 18.0, and 19.0 at a future date.

The purpose of the re-numbering of Rules is to preserve sufficient Rule numbers to accommodate any necessary future amendments to the general provisions affecting all classes of seed and all seed crops.

After re-numbering as provided above, Rules 20.0 through 49.0 of the Louisiana Seed Certification Standards will be amended by adding field and seed certification standards for Breeder seed in each Rule.

Rule VI of the Louisiana Seed Law Regulations, entitled "List and Limitations of Noxious Weed Seeds," will be amended to conform, in its entirety, to Rule 12.0 of the Seed Certification Standards as amended above.

The Seed Commission may also consider the adoption of other provisions of the Seed Certification Standards and/or the Louisiana Seed Law Regulations at the above public hearings.

Comments will be accepted by John Armstrong, State Seed Analyst, Box 16390-A, Baton Rouge, LA 70893, or in person at his office at the Harry D. Wilson Building, LSU Campus, Baton Rouge, LA.

All interested persons will be afforded an opportunity to submit data or arguments, orally or in writing, at the said public hearings.

Bob Odom
Commissioner

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

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

No implementation costs (savings) to agency.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

No estimated effect on revenue collections.

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

Rule changes as follows will result in reduced costs and simplification of procedures for all persons in the affected groups: (a) deletion of four noxious weeds from the noxious weed listing for both the regulatory and the certified seed programs, (b) establishment of specific limitations for two additional noxious weeds, (c) elimination of seed lot size limitations, (d) adoption of the same standards for certification of in-state Irish potatoes and out-of-state Irish potatoes, and (e) adoption of specific standards for Breeder seeds. The adoption of new seed conditioning plant standards may result in slight changes of procedures in the plants, but will also assure varietal purity, which is of utmost importance to farmers purchasing certified seeds.

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

None of the proposed changes, deletions, or additions to present regulations will have any appreciable impact on competition. The adoption of new standards for approval of seed conditioning plants may result in the creation of an additional five (maximum) new job opportunities statewide.

John Compton
Deputy Commissioner

Mark C. Drennen
Legislative Fiscal Officer

**NOTICE OF INTENT
Department of Agriculture
Structural Pest Control Commission**

Notice is hereby given that the Department of Agriculture, Structural Pest Control Commission, under the authority granted under R.S. 40:1261, et seq., will conduct a public hearing on April 7, 1983, at 1 p.m., in the State Capitol, Baton Rouge, LA, for consideration of the following amendments and additions to the

Commission's Rules and Regulations:

Rule 3.4, relative to fees for place of business permits, will be amended to read as follows:

3.4 The fee for issuance of a permit for operation shall be \$100 for firms which employ two or less employees and \$150 for firms which employ three or more employees.

Rule 3.5, relative to fees for renewal of such permits, will be amended to read as follows:

3.5 The fee for renewal of a permit for operation shall be \$100 for firms which employ two or less employees and \$150 for firms which employ three or more employees.

Rule 5.3, relative to examination fees, will be amended to read as follows:

5.3 Each applicant for examination shall pay a fee of \$50 at the time of submission of the application, which fee shall be non-refundable.

Rule 8.0, entitled "Contracts for Termite Control Work", will be amended by adding thereto a new Rule 8.6 reading as follows:

8.6 No fee shall be due to the Commission for the first 10 termite contracts performed in each fiscal year by a structural pest control operator. The operator must, however, report the performance of the first ten contracts for termite control work in the report required under Rule 8.4 above. The fee established in R.S. 40:1272 is applicable to the eleventh and all subsequent contracts for termite control work in each fiscal year.

Written comments will be accepted by James Arceneaux, Assistant Director, Structural Pest Control Commission, 9181 Interline Boulevard, Baton Rouge, LA, up to and including April 6, 1983.

All interested persons will be afforded an opportunity to offer data, arguments, or testimony, orally or in writing, at the above hearing.

Bob Odom
Commissioner

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

Rule Title: Structural Pest Control

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

No estimated implementation costs (savings) to agency. Act 35, 1st Ex. Sess. of 1983, changes fees imposed on licensed pest control operators, but does not change any procedures or paperwork requirements.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

An additional \$44,435 in self-generated revenues is anticipated for each fiscal year. The additional revenue results from:

- 1) An increase in place of business permits from \$50 to \$100 annually for firms employing 2 or less employees and from \$50 to \$150 annually for firms employing 3 or more employees
- 2) An increase in examination fees from \$25 to \$50
- 3) An increase in termite contract fees from \$4 per contract to \$4.50 per contract, offset by an exclusion for the first 10 contracts performed each fiscal year.

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

Licensed structural pest control operators will pay all additional costs. The above fee increases were supported by the industry leadership.

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

No anticipated effect on competition or employment.

John Compton
Deputy Commissioner

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 504/342-5398 or by writing to Box 44185, Baton Rouge, LA 70804.

The office will be open from 8 a.m. to 4:45 p.m. and interested persons may call Kevin Couhig during this time for a copy of this Rule.

All interested persons may submit written comments relative to this Rule through April 3, 1983.

Kevin Couhig, Director
Division of Financial Incentives

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

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

There are no estimated implementation costs or savings to the agency.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

Since additional Rules will preclude consideration of certain types of applications, it is hoped that tax abatement will not be as high as without proposed Rules.

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

Certain potential applicants would have to bear normal tax burden because of ineligibility for program under new Rules. Insufficient experience with program to give dollar estimate.

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

There is no estimated effect on competition and employment.

Kevin Couhig
Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

1. Standards, Methods of Implementation and Measures of Accountability for Chapter I, ECIA.

2. Migrant Education State Plan for fiscal year 1984.

3. Regulations for Statewide Inservice Education for Teachers for 1983-84 School Session. (also an Emergency Rule)

4. Amendment to Act 754 Regulations to include allotment and funding for Occupational and Physical Therapists under the Minimum Foundation Program.

5. The Board approved funding salary increments for ancillary personnel equivalent to increments for a specialist degree based on 60 graduate hours of a planned program.

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., April 4, 1983 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: State Rules Chapter I ECIA

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

There will be no additional implementation costs to the agency.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There will be no effect on revenue collections.

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

There will be no additional costs, and benefits derived will be the assistance to local educational agencies by clarifying requirements for compliance with mandates.

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: FY-84 Migrant State Plan**

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

Migrant Education is a 100 percent Federally-funded program. Its administration does not necessitate employment of persons funded from other sources. A FY-84 allocation of approximately the same as the FY-83 allocation of \$5.6 million is anticipated.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There will be no effect on revenue collections.

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

Approximately 12,000 children living in Louisiana for at least a portion of the school year will receive instructional or supportive services through the Migrant Education program. A FY-84 allocation of approximately the same as the FY-83 allocation of \$5.6 million is anticipated.

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

The Migrant Education program creates full-time instructional positions for more than 225 persons, most of whom are paraprofessional teaching aides. Approximately 50 additional full-time positions are funded for recruitment personnel, records personnel, and state office staff. A number of part-time or shared-time positions are also funded with these monies. The program has little if any effect on competition.

George B. Benton, Jr.
Deputy Superintendent

Mark C. Drennen
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Act 36**

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

The estimated implementation cost is \$214 plus postage and handling of a copy of the Regulations to be sent to each of the 67 city and parish school systems which will be absorbed in the operating budget of the agency.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

None.

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

The benefit is the opportunity for credible and valuable inservice education for teachers as determined by the local systems.

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

None.

George B. Benton, Jr.
Deputy Superintendent

Mark C. Drennen
Legislative Fiscal Officer

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

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

A review of reports, which would indicate the increases in the number of therapists employed each year, was used to project the number of therapists that would be needed for the 1983-84 school year. It is projected that approximately 100 therapists will be needed. The cost per therapist, under the Minimum Foundation Program, would be \$14,000. This would mean a total projected cost of \$1,400,000 for occupational and physical therapists under the Minimum Foundation Program for the 1983-84 school year.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There is no estimated effect on revenue collections.

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

The estimated cost to the Minimum Foundation Program is \$1,400,000. An additional 45 school systems will be able to provide occupational therapy services and 22 systems will be able to provide physical therapy services.

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

Competition and employment will be greatly enhanced with more equal recognition of salaries.

George B. Benton, Jr.
Deputy Superintendent

Mark C. Drennen
Legislative Fiscal Officer

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

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

An estimated twenty-five percent of the 258 school psychologists and all of the 197 school social workers in the State are trained at the 60 hour masters degree level which under this Rule would be considered equivalent to a "specialist" degree when it consists of a planned course of study of 60 semester hours or more. These estimated 262 employees would each receive approximately a \$500 salary increase costing a total of \$131,000 in 1983-84 under the Minimum Foundation Program.

For the 1984-85 school year, it is estimated that approximately 35 percent of the school psychologists and all social workers would be trained at this 60 hour level resulting in \$143,500 in salary increases.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There is no estimated effect on revenue collections.

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

Professionals trained in degree programs of 60 hours or more will benefit by receiving increased salary at the "specialist" level. Local school systems may experience enhanced recruitment opportunities and better retention of professional staff.

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

Competition and employment will be greatly enhanced with more equal recognition of training.

George B. Benton, Jr.
Deputy Superintendent

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT
Office of the Governor
Engineers Selection Board

PROPOSED RULES FOR SELECTION PROCEDURE

Pursuant to the provisions of Act 721, 1975 Regular Legislative Session (R.S. 38:2310 through R.S. 38:2316, Revised Statutes of 1950) effective date, September 12, 1975, the Louisiana Engineers Selection Board, hereinafter referred to as Board, has promulgated such Rules and Procedures as it deemed necessary to carry out the provisions of the said statutes. These Rules were established by the Board, and are subject to change by said Board, in accordance with the Administrative Procedure Act.

Article I
Information

Any person may obtain information concerning the Board, its Rules, Regulations and Procedures from the Board's Secretary at the Office of Facility Planning and Control Department, Office of the Governor, Box 44095, Baton Rouge, LA 70804. Request for information shall be made verbally or in writing. There may be a nominal fee charged to defray the cost of information furnished.

Article II
Public Notification

Section 1. Upon being advised by the Division of Administration, Facility Planning and Control Department, that an agency intends to contract for design service, the chairman shall request the Official Advertisement to be published by the Division of Administration. There shall be a 10-day application period, commencing with the day of the first publication of the Official Advertisement, and ending on the day of the deadline for receiving applications. During this period, the Official Advertisement shall be published in the Official State Journal, one time.

Section 2. The Official Advertisement specified above shall include the following information:

- a. The name, location and user agency for which the engineer is to be selected.
- b. Time and instructions for applicants to submit application to the Board.
- c. A statement that details are available upon request from the user agency.
- d. Time frame in which the engineer must complete the work.
- e. The project budget.
- f. The fee, as determined by the Division of Administration,

together with contractual obligations as contained in the current Capital Improvement Projects Procedure Manual for Design and Construction.

g. The tentative date of the Board meeting at which applications will be considered.

Section 3. Special selections for emergency reasons will be made under one of two methods. The first of these methods should be used whenever possible.

Section 4. The first method will require a one-week application period. The Official Advertisement will be published one time in the publication listed in Section 1. The deadline for applications shall be one week after the advertisement. The selection shall be made one week after the deadline for applications.

Section 5. The second method shall be to make a selection within 24 hours of the notice to the Board by the Division of Administration. The Division of Administration shall contact the chairman, vice-chairman, and other members in alphabetical order by telephone. The first person contacted shall select a time and place for the meeting which shall be held on the day following notification by the Division of Administration. Members not attending the meeting in person will be contacted by telephone for their vote. The Board shall make the selection from names submitted by the user agency or any Board member. The user agency shall submit names of at least three firms.

Article III

Communications With Applicant Firms

No member of the Board shall communicate in any manner concerning a project application with any representative of an applicant firm or anyone communicating on behalf of an applicant firm. This restriction shall apply from the time advertisement of a project begins until the opening of the Board meeting at which the project application will be considered.

Article IV
Application

Section 1. Any applicant (proprietorship, partnership, corporation or joint venture of any of these) meeting the requirements of Title 38 of the Louisiana Revised Statutes of 1950, R.S. 38:2310 through R.S. 38:2316, may submit an application for selection consideration for a particular project upon which Official Advertisement has been published. The information submitted shall contain data concerning its experience, previous projects undertaken, present state projects now being performed, scope and amount of work on hand, and any other information that the Board deems appropriate.

Section 2. The Louisiana Engineers Selection Board hereby adopts the use of Standard Form LE-1 - Engineer Selection Board Services as the format for submitting a firm's experience to the Board.

Any special information requested in the advertisement shall be submitted with the required LE-1 form. Incomplete submittals become property of the Board, to be disposed of as it sees proper.

Section 3. All selection applications shall be filed with the Secretary within the time prescribed by the Board. The Secretary shall time date when received, all applications. All applications are to be received by the Board at the Facility Planning and Control Department during the time prescribed in the advertisement. The burden for timely and complete submittal lies solely with the applicant, and additionally will in no way be affected by non-delivery of the application by the U. S. Postal Service or other common carrier.

Section 4. The submission of an application on a particular project shall be considered by the Board to mean that based on

available information:

- a. That the applicant is aware of the scope of work of the project.
- b. That the applicant can perform the work within the time frame stated.
- c. That the applicant concurs that the project budget is reasonable.
- d. That the fee is equitable.
- e. That the engineering contract shall contain a prohibition against contingent fees.
- f. That the applicant is familiar with the terms and conditions set forth in the current Capital Improvement Projects Procedure Manual for Design and Construction, and will comply therewith.

Should an applicant determine that any of the above items are incomplete, inadequate, or insufficient, the applicant is invited to submit a letter stating in detail the applicant's findings, and the Board will consider this information in this selection process. No unsolicited additional information shall be considered. The Board reserves the right to reject all applications for selection consideration and to readvertise any Official Advertisement.

Section 5. The Board may, at its option and with the concurrence of the Division of Administration and the user agency, conduct design competitions in accordance with nationally accepted professional standards. Final selection of the applicant from among the competition submissions will be made within 30 days of deadline date of receipt of the entries. No closed competitions will be allowed.

Article V
Application Review

After the deadline for applications, the Division of Administration shall forward copies of the applications together with any available description of the job to the Board members. A special meeting of the Board shall be called within 10 days after the deadline for application.

Article VI
Final Applicant Selection

Section 1. The Board shall make its final selection from the submitted applications. The Board reserves the right to require interviews, or additional information, in excess of that required in the Official Advertisement, when it deems necessary.

Section 2. The final selection shall occur no later than 60 days following the Official Advertisement.

Section 3. Upon the final selection of the applicant, the Chairman shall notify the Division of Administration, Facility Planning and Control Department, said notification to be made in accordance with the terms of Act 721.

Article VII
Selection Procedure

Selection procedure is as follows:

- 1. User agency will give scope of project.
- 2. Call for discussion of applications.
- 3. Board will take weighted vote (each member may vote for as many as three (or two) or as few as one of the firms under consideration).
- 4. Select firm from two or three firms with most votes on a "one" vote basis. (If less than eight applicants, select from top two; if eight or more than eight applicants, select from top three.)
- 5. If there is a tie, revote with discussion. If after voting a second time, there is still a tie, the Board may have additional votes and discussion or may postpone the selection until the next meeting.

Article VIII
Severability

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

sions, items, or applications of these Rules which can be given effect without the invalid provision, items, or applications and to this end the provisions of these Rules are hereby declared severable.

Interested persons may submit written comments through April 3, 1983 to Kathy B. Cox, Secretary, Louisiana Engineers Selection Board, Floor 13, Republic Tower Building, Baton Rouge, LA 70804.

Harvey Koch
Chairman

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

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

There will be no estimated implementation costs or savings to the agency.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There will be no effect on revenues.

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

It is felt that these changes in the Rules will give all applicants more equitable consideration.

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

There will be no effect on competition or employment.

Harvey Koch
Chairman

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 to amend the standard deduction allowed Title XIX recipients of long term care or Home and Community Based Services who have earned income. The proposed standard deduction tracks that currently allowed AFDC recipients under Title IV-A.

Proposed Rule

The Medical Assistance Program shall adopt the standard deduction amount specified below for Title XIX recipients of Home and Community Based Services and long term care services (except Intermediate Care Facility for the Handicapped), who have earned income. The appropriate standard deduction amount shall be deducted from the individual's earned income in determining the amount of countable income to be applied towards the recipient's liability income for Title XIX services received.

The standard deduction amounts are:

Number of Hours of Employment	Deductible Amount
1-27	\$12.50
28-55	25.00
56-82	37.50
83-109	50.00
110-136	62.50
137 or more	75.00

The above standard deductions are applicable for all Home

and Community Based Services recipients and all long term care recipients except those in Intermediate Care Facilities for the Handicapped (ICF/H). ICF/H recipient shall continue to utilize the earned income disregard effective December 1, 1982 published in the November 20, 1982 *Louisiana Register* (Volume 8, Number 11, page 598).

Interested persons may submit written comments through April 4, 1983, at the following address: R. K. Banks, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA 70804. He is the person responsible for responding to inquiries regarding this proposed Rule.

A public hearing on the proposed Rule will be held Friday, April 8, 1983, in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, Louisiana, beginning at 11 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

Roger P. Guissinger
Secretary

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

**Rule Title: Amend Standard Deduction for LTC/HCBS
Recipients with Earned Income**

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

It is estimated that the proposed Rule would result in an increased cost for vendor payments for LTC and HCBS as patient liability for these services would be decreased as a result of the amount of earned income included as countable income being decreased. The increase in costs is estimated to be \$17,600 for FY 82-83; and \$105,600 each for FY 83-84 and FY 84-85.

A one-time expenditure of notifying recipients and providers of this policy change is estimated to be \$346.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

Federal revenues will be increased as a result of FFP for the increase in expenditures for vendor payments for LTC and HCBS. The estimated increases are as follows: \$11,324 for FY 82-83; \$65,683 for FY 83-84 and \$64,997 for FY 84-85.

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

Title XIX recipients who receive long term care or Home and Community Based services shall benefit from the proposed Rule as they will be able to retain a greater percentage of their earned income and patient liability will be decreased.

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

No effect on competition and employment is anticipated as a result of the proposed Rule.

R. K. Banks
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 the following Rule.

PROPOSED RULE

Effective July 1, 1983, the Medical Assistance Program shall no longer make payments to physicians for the collection of specimens in their offices.

This action is necessary in order to contain expenditures in the Medical Assistance Program.

Interested persons may submit written comments through April 4, 1983 at the following address: R. K. Banks, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA 70804. He is the person responsible for responding to inquiries regarding the proposed Rule. A copy of this notice is available for review in each parish Office of Family Security.

A public hearing on the proposed Rule will be held on April 7, 1983, in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, LA, beginning at 3 p.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing, at said hearing.

Roger P. Guissinger
Secretary

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

Rule Title: Cease Payment of Specimen Collection

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

This proposed Rule would result in the following savings to the agency:

FY 82-83	-0-
FY 83-84	\$44,650
FY 84-85	\$95,936

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

Federal revenues would be decreased by \$33,913 in FY 83-84 and \$59,049 in FY 84-85 (the FFP match for those fiscal years).

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

The physician providers would no longer be able to receive reimbursement for specimen collection.

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

There is no effect on competition and employment.

R. K. Banks
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 adopt effective May 1, 1983, the following Rule in the Medical Assistance Program on determining

countable value of burial spaces and funds set aside for burial.

Proposed Rule

Burial spaces for the applicant/recipient, his or her spouse and members of the immediate family shall be excluded in determining eligibility for Medicaid.

An exclusion of \$1500 shall be applicable to funds set aside for burial of an applicant/recipient and an additional \$1500 exclusion shall be applicable to funds set aside for burial of the spouse of an applicant/recipient. This \$1500 excludable amount for each individual shall be reduced by the value of funds held in an irrevocable burial trust arrangement. The \$1500 excludable amount shall be further reduced by the face value of insurance on the individuals life which has been excluded in determining resource eligibility.

Interest earned on the funds set aside for burial shall not be considered income in determining Medicaid eligibility for vendor payment for long term care services.

This action is being taken in order to comply with Federal Regulations published in the December 8, 1982, *Federal Register* (Vol. 47, No. 236, pages 55212-55214).

Interested persons may submit written comments through April 4, 1983 at the following address: R. K. Banks, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA 70804. He is the person responsible for responding to inquiries regarding this proposed Rule.

A public hearing on the proposed Rule will be held Thursday, April 7, 1983, in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, LA, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

Roger P. Guissinger
Secretary

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Countable Value of Burial Spaces and Funds

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

Implementation of the proposed Rule will result in a cost of \$16,609 in FY 82-83 and a savings in subsequent years as follows: FY 82-83 - (\$23,782); FY 83-84 - (\$193,390); FY 84-85 - (\$203,059).

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

Federal revenues will be decreased due to the decrease in expenditures and the concomitant decrease in Federal financial participation. The reductions are as follows: FY 82-83 - \$23,782; FY 83-84 - \$120,289 and FY 84-85 - \$124,983.

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

Individuals applying for long term care services may be found ineligible for Medicaid coverage for an average period of one month under this more restrictive policy. The cost to such a person in a long term care facility is estimated to be \$805.79 per month. Funeral homes and insurance companies which provide pre-need funeral arrangements may be adversely affected if some individuals withdraw funds or

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

No effect on competition and employment is anticipated.

R. K. Banks
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, proposes to amend the Title XIX State Plan to discontinue the use of Professional Standards Review Organizations (PSRO) for review of medical necessity of services and to return to its original policy of applying Patient Activity Study/Length of Stay (PAS/LOS) criteria to all Medicaid claims for hospital services. The current Rule states that hospitals under binding review by a PSRO will have its Medicaid claims paid in accordance with the determination made by the PSRO. In areas without a PSRO, the Patient Activity Study/Length of Stay (PAS/LOS) is used by the fiscal intermediary to process the claims and the hospital's utilization review committee continues to function as a means of determining medical necessity. The state currently contracts with three PSROs to provide this review.

Proposed Rule

Effective July 1, 1983, the Medical Assistance Program shall no longer utilize PSROs for the purpose of medical care review and the determination of medical necessity on Medicaid claims submitted by hospitals. Patient Activity Study/Length of Stay (PAS/LOS) criteria as published by the Commission on Professional and Hospital Activities for the United States Southern Region shall be applied to all Medicaid claims for hospital services for the determination of the medical necessity for such services. The appropriate PAS/LOS criteria shall be applied by the Title XIX fiscal intermediary.

The Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35) deleted the requirement that PSROs perform review of services furnished to Medicaid recipients. States now have the option of contracting with PSROs for the performance of medical or utilization review functions or to utilize another method to accomplish the utilization required by Title XIX (*Federal Register*, October 1, 1981, Vol. 46, No. 190, Pages 48564-48571).

Interested persons may submit written comments through April 4, 1983 at the following address: R. K. Banks, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA 70804. He is the person responsible for responding to inquiries regarding this proposed Rule.

A public hearing on the proposed Rule will be held Wednesday, April 6, 1983 in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, LA, beginning at 3 p.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

Roger P. Guissinger
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Discontinue Use of Professional
Standards Review Organizations (PSRO)**

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

This proposed Rule change is anticipated to result in a savings to the agency as current contracts would not be renewed. The estimated savings are as follows: FY 83-84 - \$905,229; and FY 84-85 - \$977,676. No savings is estimated for FY 82-83 as current contracts would still be in effect.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

Federal revenues will be decreased as a result of the proposed Rule as Federal financial participation would no longer be provided as payment for PSROs would be discontinued. The estimated reduction in FFP is as follows: \$678,922 for FY 83-84 and \$733,257 for FY 84-85.

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

The three organizations currently under contract to perform PSRO reviews would be adversely affected by the loss of the contracts. The total loss of revenue for these PSROs is \$905,229 for FY 83-84 and \$977,676 for FY 84-85. Hospitals which had abolished Utilization Review Committees with the implementation of PSROs will be required to revive these committees as they are an integral part of the PAS/LOS procedures. The cost to these hospitals cannot be estimated.

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

No effect on competition and employment is anticipated.

R. K. Banks
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 the following Rule.

PROPOSED RULE

Effective July 1, 1983, the Medical Assistance Program hereby eliminates the Podiatry Program and shall no longer make payment to licensed podiatrists for any podiatry services.

The original Rule was published in the April 20, 1982, issue of the *Louisiana Register* and stated that the Medical Assistance Program shall make payment to licensed podiatrists for up to three podiatry services per recipient per calendar year. There are no provisions for any additional services.

This action is necessary in order to contain expenditures in the Medical Assistance Program.

Interested persons may submit written comments through April 4, 1983, at the following address: R. K. Banks, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA 70804. He is the person responsible for responding to inquiries regarding the proposed Rule. A copy of this notice is available for review in each parish Office of Family Security.

A public hearing on the proposed Rule will be held on April 7, 1983, in the Louisiana State Library Auditorium, 760 Riverside,

Baton Rouge, LA, beginning at 1 p.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing, at said hearing.

Roger P. Guissinger
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Elimination of Podiatry Program,
Effective 7/1/83**

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

This proposed Rule would result in the following savings to the agency:

FY 82-83	-0-
FY 83-84	\$1,019,817
FY 84-85	\$1,080,869

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

Federal revenues would be decreased by \$640,467 in FY 83-84 and \$665,275 in FY 84-85 (the FFP match for those fiscal years).

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

The recipients of Medical Assistance would no longer be covered for three podiatry services per recipient, per calendar year. These recipients and the podiatry providers would be the groups affected by these proposed changes.

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

There is no effect on competition and employment.

R. K. Banks
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 the following Rule:

PROPOSED RULE

Effective July 1, 1983, the Medical Assistance Program shall no longer make payment to providers for hearing aids, repairs and batteries for Title XIX recipients over the age of twenty-one.

This action is necessary in order to contain expenditures in the Medical Assistance Program.

Interested persons may submit written comments through April 4, 1983, at the following address: R. K. Banks, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA 70804. He is the person responsible for responding to inquiries regarding the proposed Rule. A copy of this notice is available for review in each parish Office of Family Security.

A public hearing on the proposed Rule will be held on April 6, 1983, in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, LA, beginning at 1 p.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing, at said hearing.

Roger P. Guissinger
Secretary

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

**Rule Title: Eliminate payment for hearing aids, batteries
and repairs for Title XIX recipients over age 21.**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
FY 82-83 — 0-; FY 83-84 — \$128,065; FY 84-85 — \$205,352. It is estimated that the above specified savings will result from implementation of the proposed Rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
Revenues would be decreased by \$85,606 in FY 83-84 and \$126,394.15 in FY 84-85 (the FFP match for those years).
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
Recipients over age 21 would have to use other resources such as Vocational Rehabilitation, service agencies, relatives, or personal income, to obtain hearing aids, batteries and repairs now provided by Medicaid.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
No effect on competition and employment is anticipated.

R. K. Banks
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 adopt the following Rule to implement Supplemental Security Income (SSI) policy on transfer of resources to become eligible for benefits as authorized under Public Law 96-611 and amendments to Section 1613 of the Social Security Act.

PROPOSED RULE

Effective July 1, 1983 the Medical Assistance Program shall, in determining eligibility for Medicaid for all applications filed on or after July 1, 1983, presume that an individual or his/her eligible spouse who disposes of resources for less than the fair market value within the 24 months prior to application for Medicaid has done so for the purpose of establishing Medicaid eligibility. Therefore, the difference between fair market value and compensation received will be countable in determining Medicaid eligibility for the individual (couple) for a maximum of 24 months from the date of disposal of the resource. The presumption can be rebutted if the applicant can provide convincing evidence that the disposal was exclusively for some other purpose. The burden of proof in rebuttal is with the applicant (responsible party).

Interested persons may submit written comments through April 4, 1983, at the following address: R. K. Banks, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA 70804. He is the person responsible for responding to inquiries regarding this proposed Rule.

A public hearing on the proposed Rule will be held Tuesday, April 5, 1983, in the Louisiana State Library Auditorium, 760

Riverside, Baton Rouge, LA, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

Roger P. Guissing
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Implementation of SSI Transfer
of Resources Policy**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
The proposed Rule will result in an estimated savings due to periods of ineligibility for Title XIX applicants/recipients who are affected by the proposed policy. This ineligibility of an average of twelve months per recipients for 659 recipients in FY 83-84 and 666 recipients in FY 84-85 will result in the following savings:
FY 83-84 - \$6,323,346
FY 84-85 - \$7,018,574
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
Federal revenues will be decreased as a result of the decrease in expenditures for individuals who would become ineligible and the concomitant reduction in FFP. The estimated decreases are as follows: FY 83-84 - \$3,939,080; FY 84-85 - \$4,319,932.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
Approximately 659 LTC applicants would be ineligible for Medicaid for an average period of twelve months. These recipients would be responsible for paying for medical services at an estimated monthly cost of \$805.79 per recipient. The total estimated average costs to these recipients is \$9,669.48 per recipient for FY 83-84 and \$10,538.40 for FY 84-85.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
No effect is anticipated.

R. K. Banks
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Department of Health and Human Resources, Office of Family Security, proposes to amend the Rule adopted effective February 1, 1983 (January 20, 1983 *Louisiana Register*, Volume 9, Number 1, page 14) on therapeutic leave days for Intermediate Care Facilities for the Handicapped (ICF-H) recipients reimbursable under Title XIX. The amendment imposes limits for the number of days reimbursable under Title XIX for certain types of absences which are exempt from consideration as therapeutic leave days. These absences include trial discharge, summer camp, and elopement days.

Proposed Rule
The Medical Assistance Program shall impose the following

limitations for the number of days reimbursable under Title XIX for ICF-H recipients who are absent for the specified purposes: Summer camp - 15 days per year, Trial discharge leave - 15 days per occurrence, Elopement days - 3 days per occurrence.

When absences for the above purposes exceed the limit, additional days may only be reimbursed under Title XIX if included in the total number of therapeutic leave days claimed for the ICF-H recipient, within the recipient's and facility's allotment of leave days.

This action is necessary to contain costs in the Medical Assistance Program and also to prevent Title XIX payment for long term care services beyond a reasonable absence period.

Interested persons may submit written comments through April 4, 1983, at the following address: R. K. Banks, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA 70804. He is the person responsible for responding to inquiries regarding this proposed Rule.

Roger P. Guissinger
Secretary

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Limits on Exemptions for Therapeutic Leave Days for Title XIX Recipients in ICF-H's

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

It is anticipated that the proposed Rule will result in savings to the agency due to the limited service days which may be billed under the types of absences specified. However, actual costs cannot be predicted as no data is available for predicting the number of days involved in summer camps, trial discharges and elopements. A one-time expenditure of \$188 is anticipated for the costs of notifying providers and recipients of the change in leave day policy.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

It is anticipated that revenues from Federal funds will decrease (as expenditures decrease) as a result of the proposed Rule, but actual amounts cannot be predicted as noted in I. above.

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

Payments for services to ICF/H recipients will be reduced in those cases where the three specified activities exceed the limits imposed for the facility to bill for service days.

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

No effect on competition and employment is anticipated as a result of the proposed Rule.

R. K. Banks
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 the following Rule:

PROPOSED RULE

Effective July 1, 1983, the Medical Assistance Program will require prior authorization for Title XIX reimbursement for stainless steel dental crowns for EPSDT eligibles.

Under current policy all other types of dental crowns require prior authorization for Title XIX reimbursement. This action is necessary in order to contain expenditures in the Medical Assistance Program.

Interested persons may submit written comments through April 4, 1983, at the following address: R. K. Banks, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA 70804. He is the person responsible for responding to inquiries regarding the proposed Rule. A copy of this notice is available for review in each parish Office of Family Security.

A public hearing on the proposed Rule will be held on April 6, 1983, in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, LA, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

Roger P. Guissinger
Secretary

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Prior Authorization for Dental Crowns

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

FY 82-83	-0-
FY 83-84	\$44,756
FY 84-85	\$45,460

The Proposed Rule would result in the savings given above.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

Revenues would be decreased by \$27,868 in FY 83-84 and \$27,981 in FY 84-85 (the FFP match for those fiscal years).

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

Those eligible Title XIX EPSDT recipients who would have received crowns will, with implementation of this action, be offered a less costly service; such as silver amalgam fillings, or in select cases, tooth extractions. Requesting prior authorization will delay delivery of service. However, current provisions for emergency care will continue. Dentist-providers will have added restrictions to their practice of dentistry.

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

There will be no effect on competition and employment.

R. K. Banks
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

Department of Health and Human Resources, Office of Family Security proposes to adopt the following Rule in the Medic-

al Assistance Program to reduce the number of days reimbursable under Title XIX when long term care recipients are absent for acute hospital care to ten days per hospitalization. Current policy allows reimbursement for up to 15 days per hospitalization.

PROPOSED RULE

Effective May 1, 1983, recipients of Title XIX long term care services (skilled nursing facility, intermediate care facility I and II, intermediate care facility/handicapped and mental and tuberculosis hospital services) shall be eligible for continued payment to the facility during temporary absences for acute hospital care for up to ten days per hospitalization.

This reduction in coverage is a cost containment measure necessary to confine expenditures in the Medical Assistance Program to the amount budgeted for FY 83-84. Title XIX regulations do not require states to extend payments beyond actual service days but allow federal financial participation for such benefits allowable under the Title XIX State Plan. Louisiana's Title XIX State Plan is being amended to reflect the proposed reduction in leave days for acute hospital care.

Interested persons may submit written comments through April 4, 1983 at the following address: R. K. Banks, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA 70804. He is the person responsible for responding to inquiries regarding this proposed Rule.

A public hearing on the proposed Rule will be held Friday, April 8, 1983 in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, LA, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing at said hearing.

Roger P. Guissinger
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Reduction in Hospital Leave Days
for Long Term Care Recipients**

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

It is anticipated that the proposed Rule will result in a savings to the agency of \$4305 for the remainder of FY 1982-83; \$27,638 for FY 83-84 and \$29,573 for FY 84-85. These savings result from the reduction of Title XIX coverage of hospital leave days. A one time cost of \$426 for FY 82-83 is anticipated to notify providers and recipients of this change in policy.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

Revenues from federal funds will decrease as a result of decreased expenditures for hospital leave days. Estimated savings are \$2,557 for FY 82-83; \$17,191 for FY 83-84 and \$18,205 for FY 84-85.

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

Recipients will be eligible for coverage for long term care facility services during hospitalizations for a reduced number of days.

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

No effect on competition and employment is anticipated as a result of the proposed Rules.

R. K. Banks
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 adopt the following Rule in the Medical Assistance Program.

PROPOSED RULE

Effective July 1, 1983, the Medical Assistance Program shall limit the reimbursement rate for Title XIX services provided by a Home Health Agency to the current reimbursement rates for FY 82-83.

This action is being proposed as part of a series of cost containment measures in the Medical Assistance Program to contain expenditures within the budget for FY 83-84.

Interested persons may submit written comments through April 4, 1983 at the following address: R. K. Banks, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA 70804. He is the person responsible for responding to inquiries regarding this proposed Rule.

A public hearing on the proposed Rule will be held Tuesday, April 5, 1983 in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, LA, beginning at 3 p.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

Roger P. Guissinger
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Reimbursement Rates for
Home Health Service**

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

The estimated savings to the agency would be \$195,634 for FY 83-84 and \$197,592 for FY 84-85 if rates are limited to the FY 82-83 level and no increase in reimbursement rates is implemented.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

Federal revenues would be decreased as a result of the proposed Rule as expenditures for home health services would not be increased. The reductions are as follows: \$121,684 for FY 83-84 and \$121,618 for FY 84-85.

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

Home Health Agencies would not receive an increase in reimbursement rates as these rates would be capped at the 1982-83 reimbursement rate. This would result in a loss of potential revenues totalling \$195,634 for FY 83-84 and \$197,592 for FY 84-85 for those providers.

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

No effect on competition and employment is anticipated as a result of the proposed Rule.

R. K. Banks
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

Effective April 20, 1983, the Department of Health and Human Resources, Office of Health Services and Environmental Quality proposes to amend its list of acceptable mechanical sewage treatment plants for individual homes. Plants manufactured under the name of the Delta Process Equipment, Incorporated, would be added to the list and the plant description information for some listings would be revised.

The "Regulations Controlling Sewage Disposal for Individual Rural Homes," as promulgated on March 20, 1980 by the State of Louisiana, Department of Health and Human Resources, Office of Health Services and Environmental Quality, require, as a prerequisite to the State approval of a manufacturer's line of mechanical plants for individual homes, evidence prepared by an independent testing laboratory of compliance with the National Sanitation Foundation (NSF) Standard 40, titled "Individual Aerobic Wastewater Treatment Plants." The Delta Process Equipment, Incorporated, mechanical sewage treatment plant, model number HU-0.5, meets the requirements of the State regulations cited above as evidenced by an evaluation report, and supplemental documentation, prepared by the Louisiana State University.

The proposed Rule will read as follows:

Effective April 20, 1983, and in accordance with Section 6.6 of the "Regulations Controlling Sewage Disposal for Individual Rural Homes" promulgated by the Office of Health Services and Environmental Quality, the list of mechanical sewage treatment plants which are acceptable for use for individual home is as follows:

Manufacturer	Plant Designation	Rated Capacity
Delta Process Equipment, Incorporated P.O. Box 1011 Denham Springs, LA 70726	Model HU-0.5	500 GPD
Jet, Incorporated 750 Alpha Drive Cleveland, OH 44143	Model J-150 (Including filter)	500 GPD
Multi-Flo Incorporated 1450 Dixie Highway Covington, KY 41011	Model FTB-0.5 Model FTB-1.0 Model FTB-1.5	500 GPD 1000 GPD 1500 GPD
Norwalk Wastewater Equipment Company P.O. Box 410 Norwalk, OH 44857	SINGULAIR Model 820 (Including filter, back wash chamber, back wash pump, and appurtenant piping)	500 GPD
Oldham, Incorporated P.O. Box 197 Sidney, OH 45365	Model WOM-50 (Including filter) Model WOM-100 (Including filter)	500 GPD
Owens Manufacturing & Specialty Company P.O. Box 2443 Lafayette, LA 70502	Kleen Tank Model 650 (Including filter)	500 GPD

Interested persons may submit written comments on the proposed amended list of acceptable mechanical plants for individual homes within 15 days of this date of publication, at the following address: Dr. S. M. Braud, Office of Health Services and

Environmental Quality, Department of Health and Human Resources, Box 60630, New Orleans, LA 70160, phone (504) 568-5052, (Linc 621-5052).

So ordered this date.

Roger P. Guissinger
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Individual Home Sewage Mechanical
Plants Acceptable List**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
There is no financial impact to this agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There is no effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
There are currently five manufacturers whose plants are on this agency's list of acceptable mechanical sewage treatment plants for individual homes. The addition of another manufacturer has the potential for increased competition and therefore for cost benefits to the final purchaser, the home owner.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
The quantitative affects of increased competition cannot be estimated.

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

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Department of Health and Human Resources intends to adopt the following guidelines for the Programs for Victims of Family Violence Fund.

A. DEFINITION OF PROGRAMS FOR VICTIMS OF FAMILY VIOLENCE FUND

The Programs for Victims of Family Violence Fund was established by Acts 60 and 61 of the First Extraordinary Session, 1983 Louisiana Legislature, for the purpose of providing funding for Family Violence Programs. Act 60 defines "family violence" as any assault, battery, or other physical abuse which occurs between family or household members, who reside together or who formerly resided together. A "family or household member" is defined as a spouse or former spouse and his or her minor, unmarried children. Family Violence Programs provide services which include lodging, food, transportation, counseling, advocacy, educational programs, and information and referral to victims. The Women's Advocacy Bureau is authorized to allocate monies out of the Programs for Victims of Family Violence Fund to local family violence programs.

B. ELIGIBLE ORGANIZATIONS

In order to be eligible to apply for funds under the Programs

for Victims of Family Violence Fund, the applicant organization must, at a minimum, meet the following criteria:

1. Must have the primary purpose of providing assistance to victims of family violence;
2. Must be locally administered by a public or private nonprofit organization;
3. Must provide services that include, but are not limited to, the following:
 - a. Counseling for victims or their spouses
 - b. Around-the-clock shelter which provides safe refuge and temporary lodging for victims of family violence and their minor, unmarried children, or referral to such a shelter
 - c. Support programs that assist victims of family violence in obtaining needed medical, legal or other services and information
 - d. Educational programs relating to family violence in order to increase community awareness.

C. ALLOWABLE COSTS

The costs incurred for the provision of services to victims of family violence would include the following categories:

1. The payment of salaries and fringe for personnel working in the programs;
2. The payment of travel expenses for personnel to conduct program business;
3. The payment of rent, utilities, food, supplies, and other general operating expenses of the program;
4. The purchase of equipment and essential furniture for the program;
5. The payment of indirect costs for administration of the family violence grant and for professional consultation services.

Line item changes may be made only with prior approval from the Women's Advocacy Bureau. The Women's Advocacy Bureau will retain five percent of the amount appropriated from the fund for administrative costs.

D. APPLICATION PROCESS

1. Notification of the availability of funds for Family Violence Programs will be given through the Women's Advocacy Bureau.
2. Application packets will be sent to all existing Family Violence Program providers and all persons/organizations who have made past inquiries regarding funding. Interested/potential applicants may request application packets from the: Department of Health and Human Resources, Women's Advocacy Bureau, Box 1943, Baton Rouge, LA 70821.
3. The application packet will be mailed or delivered within five working days of receipt of request.
4. The applications must be received by the Women's Advocacy Bureau by May 20, 1983.
5. All applications will be evaluated and prioritized according to the stated criteria for evaluation. During the evaluation process, applicants may be contacted by the Women's Advocacy Bureau to review and negotiate the application and proposed budget.
6. Proposed allocations will be submitted to the Office of the Secretary of the Department of Health and Human Resources for final approval.
7. Applicants will be notified by the Women's Advocacy Bureau as to the final decision within sixty days of receipt of the application.
8. The contracts will be signed and distribution of funds will begin within 45 days of final approval of the contract.

E. CRITERIA FOR EVALUATING APPLICATIONS

The Women's Advocacy Bureau will be responsible for the evaluation and prioritization of applications/proposals. The follow-

ing criteria will be utilized in evaluating applications:

1. The experience of the applicant with similar programs and populations;
2. The need for the program for the clientele/geographical area;
3. The adequacy of programmatic components and services to be offered;
4. The degree of coordination between the proposed program and the necessary support services;
5. The soundness, justifiability, and practicability of the applicant's budget request;
6. Review of proposed program site by the Women's Advocacy Bureau.
7. Review of proposed shelter program site by the Office of Licensing and Regulation to assure that it is or can be brought into compliance with licensing and certification standards.

F. THE ANNUAL STATEMENT

The Women's Advocacy Bureau will report annually to the House Committee on Health and Welfare and Senate Committee on Health and Welfare on the administration of the fund.

Interested persons may submit written comments on the proposed Rule through April 4, 1983, to Pat Evans, Director, Women's Advocacy Bureau, Box 1943, Baton Rouge, LA 70821. The Director of the Women's Advocacy Bureau is responsible for responding to inquiries about the proposed Rule.

Roger P. Guissinger
Secretary

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Programs for Victims of Family Violence Fund

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

The cost for 1982-83 and subsequent years is \$183,160.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

Act 61 appropriated \$183,160 in General Fund to carry out this program.

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

Programs for Victims of Family Violence will benefit by continued and expanded services.

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

Job availability at the local community level will increase because of this special funding to the victims of Family Violence Programs.

Pat Evans
Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Office of the Secretary

The Department of Health and Human Resources, Office of the Secretary proposes to implement a departmentwide uniform rate setting system for the rates of payment for the following

types of residential (24) hour care:

1. Office of Human Development (OHD), Office of Mental Retardation (OMR), and Office of Mental Health and Substance Abuse (OMHSA) operated foster homes, both regular and specialized.

2. OHD, OMR and OMHSA funded group homes.

3. OHD, OMR and OMHSA funded apartment living.

4. Intermediate Care Facilities for the Handicapped, public and private, funded by Office of Family Security (OFS) and OMR.

5. OHD funded private child caring facilities and emergency shelter facilities.

6. OMHSA funded halfway houses and residential facilities.

7. Other facilities as determined by the Rate Setting Policy Committee.

Specifically excluded from the scope of this proposed rate setting policy are Intermediate Care Facilities I & II and Skilled Nursing Care Facilities, hospitals and quasi-hospital facilities.

This Notice of Intent replaces the Notice of Intent published in the January 20, 1983 issue of the *Louisiana Register* (Volume 1, Number 1) page 33. The changes are a result of public comment received and are substantial in nature.

The proposed rate setting structure for providers of residential care is three-tiered, with parallel components for Foster Homes and Other Residential Facilities. It is described in a system manual "Rate Setting for Residential Care" and is outlined as follows:

Basic Rate Setting Structure

Foster Homes		Other Residential Facilities
Reimbursement For Special Client Needs As Authorized	Tier 3	Reimbursement For Special Client Needs As Authorized
Special Home Board Subsidies	Tier 2	Programmatic Component
Basic Room and Board	Tier 1	Basic Support Component

Tier 1 and Tier 2 rates are established annually and usually take effect on July 1 of each year. The rate is an established rate per client care day. Home subsidies are a separate monthly amount.

The sum of the rates determined for the Tier 1 and Tier 2 components is paid to the provider on a regular monthly basis.

The Tier 3 component is a reimbursement of allowable expenses based upon receipt of acceptable evidence of expenditures. Expenditures approved for Tier 3 reimbursement are generally non-routine or non-recurring in nature.

In order to have fiscal year 1983-84 rates set according to this policy, providers will have to comply with its requirements effective April 20, 1983.

This departmentwide rate setting system will amend the rate setting procedures previously published by Office of Human Development on page 277 of the June 20, 1981 issue of the *Louisiana Register* and on page 633 of the December 20, 1982 issue of the *Louisiana Register* and by Office of Family Security as contained in the Title XIX State Plan, Attachment 4.19 D, pages 155 through 156. It will replace any rate setting procedures currently used by Office of Mental Health and Substance Abuse and by Office of Mental Retardation.

These proposed changes are in accordance with La. R.S. 15:1081-1086, 42CFR: 447.252 through 42CFR:447.274.

The revised proposed rate setting methodology manual is too bulky for publication but is available for review in each parish Office of Family Security. Copies of the revised manual may be

obtained upon written request to Maxine Hanks, Rate Setting Project Director, Box 3776, Baton Rouge, LA 70821 or by contacting the Governor's TIE LINE at Box 44004, Capitol Station, Baton Rouge, LA, 70804, phone: 1-800-272-9868.

A public hearing on this proposed Rule has been scheduled for April 8, 1983 at 1:30 P.M. in the Louisiana State Library Auditorium, 760 N. Riverside, Baton Rouge, LA.

Interested persons may submit written comments on the proposed changes through April 4, 1983 to the attention of Maxine Hanks, Rate Setting Project Director, Box 3776, Baton Rouge, LA 70821.

Roger P. Guissing
Secretary

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

**Rule Title: Rate Setting Manual for
Residential Care and Title XIX State Plan**

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

The estimated savings to the agency beginning in 1983-84 is \$409,240, which includes \$537,842 in state funds and an increase of \$128,602 in federal funds. This estimate was achieved by comparing two rates for each private provider affected by this Rule change: the actual 1982-83 rate and the 1983-84 rate calculated according to the new rate setting methodology. The resulting difference would equal a maximum potential savings of \$545,652. However, because of the many variables involved in the assumptions used in the new methodology, DHHR has reduced this estimate by 25 percent, for a more conservative savings estimate of \$409,240. This estimate includes savings achieved only by private providers and does not include public facilities.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

This Rule change would increase federal Title XIX revenues by \$128,602 as a result of the new system.

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

Residential facilities will be required to submit additional cost information to participate in the new uniform rate setting system. As the Department is anticipating a cost savings with this new system, it is anticipated that some residential facilities will receive less reimbursement.

Thirty-seven of the 130 affected facilities will experience a 1983-84 budget reduction with an average decrease of about 20 percent. The remaining facilities will receive budgetary increases with an average of 7 percent.

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

No effect is estimated on competition and employment.

Roger P. Guissing
Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT
Department of Labor
Office of Employment Security

The Department of Labor, Office of Employment Security, intends to adopt proposed Rules concerning types of employment and proof of unemployment by a principal officer or controlling stockholder, or relative thereof, of a corporation, partnership or proprietorship effective April 4, 1983.

Proposed Regulation

Regulation 37. Types of Employment

For the purposes of R.S. 23:1601(1):

“Regular Employment” is employment of an individual on a regular basis with a reasonable expectation of continuance in that employment.

“Full-Time Employment” is employment which requires the individual’s presence for the major portion of the normal work-day, week, or month. Full-time employment is that employment which normally provides an individual with the major portion of his earnings.

“Interim Employment” is employment performed by individuals who are on temporary lay-off or are otherwise separated from their full-time regular employment and expect to return to their full-time regular employment within a reasonable time, not to exceed 90 days.

“Part-Time Employment” is employment which requires an individual’s presence less than the normal work-day, week, or month and is normally used to supplement income from full-time work.

Interested persons may submit written comments on these proposed regulations through April 3, 1983, to Cecil J. Blache, Assistant Secretary of Labor, Office of Employment Security, Department of Labor, Box 44094, Baton Rouge, LA 70804.

Ulysses Williams
Secretary

Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Regulation 37

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

None. These definitions have been basically followed over a period of years. The regulation will only standardize the meaning of the terms.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

This regulation implements the provision of Act 2, First Extraordinary Session of 1983 which amends R.S. 23:1601(1) to provide an incentive for individuals to seek employment rather than unemployment compensation in certain situations. The method used in the act is no longer penalizing employees who take part-time or interim employment by denying them unemployment compensation. The effect could be to decrease the use of unemployment compensation and thus enhance the unemployment compensation fund. It would at the same time reflect increased revenue collection on the wages earned.

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

This change will not have an anticipated cost to the

employer community in that the cost of contribution paid on part-time or interim wages should offset in cost in benefits paid to individuals who will no longer be penalized for seeking work.

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

This change should increase the employment of individuals who would in the past have been penalized for seeking part-time or interim employment. No effect on competition is anticipated.

Ulysses Williams
Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT
Department of Labor
Office of Employment Security

The Department of Labor, Office of Employment Security, intends to adopt proposed Rules concerning types of employment and proof of unemployment by a principal officer or controlling stockholder, or relative thereof, of a corporation, partnership or proprietorship effective April 4, 1983.

Proposed Regulation

Regulation 38. Proof of unemployment by a principal officer or controlling stockholder, or relative thereof, of a corporation, partnership or proprietorship.

For the purposes of R.S. 23:1472(19) an individual who was the principal officer or controlling stockholder of a corporation, partnership or proprietorship or related to him in any degree as set forth in paragraph (a) thereof, shall be deemed to be “unemployed” if: (1) the corporation, partnership or proprietorship does not appear as an employer in the individual’s base period and, (2) he otherwise meets the definition of “unemployed”.

If the corporation, partnership or proprietorship does appear in the individual’s base period as an employer, he shall be deemed to be unemployed if (1) the employing unit is no longer in business or acts beyond the control of the controlling stockholder or principal officer occurred to such an extent to fully justify the individual’s inability to perform services judged on the same basis as any employer under similar conditions and, (2) the individual otherwise meets the definition of “unemployed”.

Principal officer means the President, Vice President, Secretary or Treasurer so designated by the corporation.

Interested persons may submit written comments on these proposed regulations through April 3, 1983, to Cecil J. Blache, Assistant Secretary of Labor, Office of Employment Security, Department of Labor, Box 44094, Baton Rouge, LA 70804.

Ulysses Williams
Secretary

Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Regulation 38

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

None. The provisions of this regulation have been in

force by way of Unemployment Insurance Instructions and Regulation 13 for several years. The regulation will replace the U.I. Instruction which is a temporary document.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

None. This section of the law - R.S. 23:1472(19) has been interpreted by this agency in this fashion for several years; however, the statute requires formal adoption of a regulation. No revenues will be enhanced or diminished.

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

None. The employer community will not be affected by this regulation as there is no anticipated increase in benefits to be paid from the unemployment compensation trust fund. No benefit payments to claimants will be affected.

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

None. This regulation, which formalizes agency interpretation, is designed to ensure that benefits are paid only to individuals who are unemployed due to conditions beyond their control and are not self-employed.

Ulysses Williams
Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

In accordance with the Louisiana Revised Statutes 49:951, et. seq., notice is hereby given that the Louisiana State Board of Registration for Professional Engineers and Land Surveyors intends to revise Louisiana Administrative Code 19-3:9.3 *Approval to Take the Examination in the Principles and Practice of Engineering*.

This Rule now reads, "An applicant who meets the other requirements or registration as a Professional Engineer may be permitted to take the examination in the principles and practice of engineering in the branch in which he/she seeks registration. The Board may permit an applicant to take this examination one year before the applicant is eligible for registration."

The Board intends to revise the Rule as follows: "An applicant who meets the other requirements for registration as a Professional Engineer may be permitted to take the examination in the principles and practice of engineering in the branch in which he/she seeks registration."

Interested persons may submit written comments or offer amendments to the proposed Rules to the Board office at its office, 1055 St. Charles Avenue, Suite 415, New Orleans, LA 70130 at any time prior to May 12, 1983. The Board proposes to consider and take action on the adoption of this Rule at a meeting in its office at 10 a.m. on May 31, 1983.

By order of the Louisiana State Board of Registration of Professional Engineers and Land Surveyors.

Paul L. Landry, P.E.
Executive Secretary

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: LAC 19-3:9.3 Examination

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

There are no estimated implementation costs or savings to the Board.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There is no effect on the fees collected.

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

There would be no cost benefits to the affected group, however, the services the Board office would provide the group should be improved.

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

This Rule change will have no potential effect on competition and employment.

Paul L. Landry, P.E.
Executive Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

In accordance with the Louisiana Revised Statutes 49:951, et. seq., notice is hereby given that the Louisiana State Board of Registration for Professional Engineers and Land Surveyors intends to revise Louisiana Administrative Code 19-3:11 *Expiration and Renewals* (37:697).

This Rule now reads, "Certificates of Registration and Certification for individuals shall expire on December 31 of each year and shall become invalid after that date unless renewed. Certificates of registration and qualification for corporation and other firms shall expire on June 30 of each year and shall become invalid after that date unless renewed."

The Board intends to revise the Rule as follows: "Certificates of Registration and Certification for individuals or Corporations shall expire on the date specified on the Renewal Certificate and shall become invalid after that date unless renewed."

This Rule change is necessary to improve the efficiency of the Board office. Renewal of all Certificates of Registration and Certification at one period of time each year has become unmanageable and inefficient.

Interested persons may submit written comments or offer amendments to the proposed Rules to the Board office at its office, 1055 St. Charles Avenue, Suite 415, New Orleans, LA 70130 at any time prior to May 12, 1983. The Board proposes to consider and take action on the adoption of this Rule at a meeting in its office at 10 a.m. on May 31, 1983.

By order of the Louisiana State Board of Registration for Professional Engineers and Land Surveyors.

Paul L. Landry, P.E.
Executive Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: LAC 19-3:11
Expiration and Renewals (37:697)**

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

It is minimal because it is difficult to measure, however, the efficiency of the office operation year around will increase because of eliminating this peak workload for a two month period each December and January.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

The fees collected would not change, however, the cash flow throughout the year would be normalized.

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

There would be no cost benefits to the affected group, however, the services the Board office would provide the group should be improved.

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

This Rule change will have no potential effect on competition and employment.

Paul L. Landry, P.E.
Executive Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Transportation and Development
Materials and Testing Laboratory**

Notice is hereby given that the Louisiana Department of Transportation and Development intends to adopt specifications on fuel oils, to provide, as follows:

Fuel Oils shall meet the requirements of ASTM Designation D 396-80.

all as authorized by and in accordance with La. R.S. 51:784.

The Secretary will accept written comments regarding the revision of these specifications until 4:15 p.m., April 5, 1983, at the following address: Jim Pitts, Louisiana Department of Transportation and Development, Materials and Testing Lab, Box 44245, Capitol Station, Baton Rouge, LA 70804.

The complete text of the proposed Rule may be examined at the above address during regular business hours.

Paul J. Hardy
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Standard Specification for Fuel Oils**

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

There are no implementation costs anticipated by the Louisiana Department of Transportation and Development.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There will be no effect on revenue collections for the

state or for the department.

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

Benefits should accrue to the consumer through protection against the purchase of inferior grades of fuel oil. Costs incurred by this Rule change may be experienced by small, independent refineries (approximately 1 percent of refineries producing fuels) for they will be required to improve upon and maintain a quality product. These costs cannot be estimated as they will vary by individual refiner. It should be noted that refineries are now abiding by some type of specifications and additional costs should be minimal to be in compliance with National Standard Specifications.

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

This Rule change will have no significant effect on competition and employment.

Paul J. Hardy
Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Transportation and Development
Materials and Testing Laboratory**

Notice is hereby given that the Louisiana Department of Transportation and Development intends to adopt specifications on kerosine, to provide, as follows:

Kerosine shall meet the requirements of ASTM Designation D 3699-78.

all as authorized by and in accordance with La. R.S. 51:784.

The Secretary will accept written comments regarding the revision of these specifications until 4:15 p.m., April 5, 1983, at the following address: Jim Pitts, Louisiana Department of Transportation and Development, Materials and Testing Lab, Box 44245, Capitol Station, Baton Rouge, LA 70804.

The complete text of the proposed Rule may be examined at the above address during regular business hours.

Paul J. Hardy
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Specifications for Kerosine**

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

There are no implementation costs anticipated by the Louisiana Department of Transportation and Development.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There will be no effect on revenue collections for the state or for the department.

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

Benefits should accrue to the consumer through protection against the purchase of inferior grades of kerosine. No cost will be incurred by this revision of specifications.

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

This Rule change will have no significant effect on competition and employment.

Paul J. Hardy
Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Transportation and Development Office of Public Works

The Department of Transportation and Development, Office of Public Works intends to adopt Rules governing the licensing of all Water-Well Drillers (Contractors) in accordance with State Act 715 of the 1980 Legislature. Each person, firm, or corporation engaged or desiring to engage in the business of drilling wells or test holes for ground water or reworking water wells in Louisiana is now required to be licensed as a Water-Well Contractor. Licenses will be issued through the Office of Public Works.

Copies of the proposed Rules may be obtained by writing to Z. Bolourchi, Chief of Water Resources Section, Office of Public Works, Box 44155, Baton Rouge, LA 70804, or calling (504) 342-7541. Any person desiring to make comments on the proposed Rules is requested to submit his comments in writing to the above address before 4:15 on April 3, 1983.

Darrell Williamson
Assistant Secretary

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Licensing of Water-Well Contractors

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

An increase in workload will result from processing water-well contractor's license applications and water-well information supplied by the drillers as required by Act 715. Approximately 300 applications and license fees will be processed at the end of each fiscal year. The estimated total annual cost of hiring one staff person to handle this paperwork together with miscellaneous operating expenses is approximately \$25,000 which will be absorbed by the agency self-generated funds (licensing fees).

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

Licensing fees will provide approximately \$25,000 annually in self-generated funds near the end of each fiscal year. Approximately 250 applications have already been received. Act 715 of 1980 stipulates that generated revenues may be used to defer the cost of implementing this Act as well as reimbursing the actual expenses incurred by the non-public employees of the Advisory Committee in their official activities as approved by the Department.

Examination fees will provide approximately \$1,030 in 1983-84 based on 103 applicants and a \$10 examination fee (\$100 in 1984-85 and 1985-86).

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

The Department of Transportation and Development, Office of Public Works will be processing approximately 300 application forms and license fees each year. The fees will be deposited in the Office of the State Treasurer to be used for the implementation of the licensing Rules and Regulations. The group affected is water-well contractors; the annual cost to each will be either \$50 or \$100 depending on the number of

water wells each contractor would drill annually.

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

There will be no effect on competition or employment.

Darrell Williamson
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Transportation and Development Office of Weights and Standards

Notice is hereby given that the Louisiana Department of Transportation and Development intends to amend Secretary's Policy and Procedure Memorandum No. 47, Escort Requirements for Oversize and/or Overweight Vehicles or Loads, to provide, as follows:

PROPOSED RULE As Amended

1. General Provisions

b. The escorting vehicle shall be registered in accordance with Louisiana Revised Statutes or Reciprocal Agreement. Closed vans, busses, campers, motor homes, and motor driven cycles are not acceptable. Louisiana based automobiles used as escort vehicles are no longer considered private passenger vehicles and, therefore, must carry commercial plates. If the escort vehicle is domiciled outside the State of Louisiana, a 48-hour trip permit is required for intrastate movements, otherwise escorting is limited to interstate movement only.

d. All applicants for escort vehicles shall provide proof to the Department of Transportation and Development Weights and Standards Officer of insurance for not less than \$50,000 for bodily injury to or death of one person in any one accident, \$100,000 for bodily injury to or death of two or more persons in any one accident, and \$50,000 for injury to or destruction of property to others in any one accident. Applicant shall sign an affidavit that said coverage of insurance will remain effective for the duration of the permit.

2. Equipment Required

b. There shall be two solid red flags, 18 inches square, mounted other than vertical or horizontal atop the escort vehicle (40 degrees - 70 degrees angle preferred). These flags are not to extend more than 6 inches on either side of the vehicle and shall in no event exceed 8 feet 0 inch in width. Flags shall be mounted in line with the warning lamp(s).

c. The escort vehicle must have the name and address or telephone number and city of the Company/owner of the escort vehicle on each front door of the vehicle, plainly legible and visible to the motoring public. Well known Company logos are acceptable.

g. The escorting vehicle shall be equipped and have readily accessible a 10 pound, or equivalent, BC dry chemical type fire extinguisher, four 15-minute burning flares and two red hand held flags.

In addition, the vehicle must have available four red flags that are 18 inches square and two signs with the wording "OVER-SIZE LOAD." These signs must be 18 inches high and seven feet in length. The lettering must be black on a yellow background and is to be 10 inches high with 1-5/8 inch brush stroke.

all as authorized by and in accordance with La. R.S. 32:327(C) and 32:387(B) (3). The Secretary will accept written comments

regarding the revision of these amendments until 4:15 p.m., April 5, 1983, at the following address: Marshall A. Linton, Louisiana Department of Transportation and Development, Weights and Standards, Box 44245, Capitol Station, Baton Rouge, LA 70804.

Paul J. Hardy
Secretary

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

Rule Title: PPM 47, Escort Requirements

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
There are no estimated implementation costs or savings to the agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There is no effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
The motoring public will continue to benefit from the increased use and uniformity of escort vehicles resulting in safer Louisiana highways.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
This change will have no significant effect on competition or employment.

Tom Colten
Undersecretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

Notice is hereby given that the Louisiana Department of the Treasury, Board of Trustees of the State Employees Group Benefits Program, intends to amend the Rules and Regulations of its accident and health benefit plan to exclude coverage for private duty nursing services performed in a skilled nursing facility. Comments or objections will be accepted, in writing, by the Executive Director of the State Employees Group Benefits Program through April 3, 1983, at the following address: Dr. James D. McElveen, Executive Director, State Employees Group Benefits Program, Box 44036, Capitol Station, Baton Rouge, LA 70804.

James D. McElveen
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Exclude Private Nursing Services**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
Implementation of this Rule will have no impact on the

costs of this agency.

- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
Implementation of this Rule will have no effect on the revenues of this agency.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
There will be no costs or benefits to the affected groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There will be no effect on competition or employment.

James D. McElveen
Executive Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

Notice is hereby given that the Louisiana Department of the Treasury, Board of Trustees of the State Employees Group Benefits Program, intends to amend its Rules to increase the Major Medical deductible in the health and accident program from \$100 to \$200 per person, with a maximum of three deductibles per family, to be effective January 1, 1984. Comments or objections will be accepted, in writing, by the Executive Director of the State Employees Group Benefits Program through April 3, 1983, at the following address: Dr. James D. McElveen, Executive Director, State Employees Group Benefits Program, Box 44036, Capitol Station, Baton Rouge, LA 70804.

James D. McElveen
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Major Medical Deductible**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
A savings in the approximate annual amount of \$11,825,000, will accrue to this Program as a result of the increase in the annual deductible.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
The revenues of this program will not be impacted upon implementation of this change.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
Plan members will be required to satisfy an additional \$100 deductible per year per covered who file a claim, up to three family members.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
Implementation of these changes will not effect competition or employment.

James D. McElveen
Executive Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

Notice is hereby given that the Louisiana Department of the Treasury, Board of Trustees of the State Employees Group Benefits Program, intends to amend its Rules governing the reimbursement for hospital room and board charges in the health and accident plan. The Board intends to increase the room and board allowance effective July 1, 1983, from the present \$60 per day in basic benefits and an additional \$20 per day under the Major Medical provision to \$60 per day in basic benefits and up to an additional \$60 per day under the Major Medical provisions. Comments or objections will be accepted, in writing, by the Executive Director of the State Employees Group Benefits Program through April 3, 1983, at the following address: Dr. James D. McElveen, Executive Director, State Employees Group Benefits Program, Box 44036, Capitol Station, Baton Rouge, LA 70804.

James D. McElveen
Executive Director

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

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
The State Employees Group Benefits Program will experience an annual increase in costs of approximately \$5,474,000 as a result of this change in benefits.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
Revenue collections of this agency will not be affected.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
An increase in the benefits allowed for room and board will reduce the out-of-pocket payments of plan members submitting claims for hospital confinement. Currently the plan pays \$60 per day for hospital room and board under the basic benefits; this will not change. However, the plan now pays 80 percent of an amount up to an additional \$20 per day for room and board under major medical benefits. Under the proposed change, the plan will pay 80 percent of an amount up to \$80 per day under the major medical portion of the program.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
Competition and employment will not be affected.

James D. McElveen
Executive Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

Notice is hereby given that the Louisiana Department of the

Treasury, Board of Trustees of the State Employees Group Benefits Program, intends to amend its Rules and Regulations to adopt a separate premium rate for plan members with sponsored dependent parents. The proposed rates are an additional \$66.96 per month per sponsored dependent without Medicare and \$37.36 per month for each sponsored dependent with Medicare. Comments or objections, in writing, will be accepted by the Executive Director of the State Employees Group Benefits Program through April 3, 1983, at the following address: Dr. James D. McElveen, Executive Director, State Employees Group Benefits Program, Box 44036, Capitol Station, Baton Rouge, LA 70804.

James D. McElveen
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Sponsored Dependent Parents**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
There will be no impact on the costs of this agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
Implementation of this Rule will generate approximately \$566,601 in revenues during FY 83/84.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
Plan members with sponsored dependent parents will be affected to the extent of the monthly increase in their group health premiums. For a plan member that has sponsored dependent parents enrolled in the plan, the additional premium will be:
Without Medicare \$66.96 monthly
With Medicare \$37.36 monthly
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There will be no effect on competition or employment.

James D. McElveen
Executive Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

Treasury, Board of Trustees of the State Employees Group Benefits Program, intends to amend the Plan Document of benefits to provide for a right of conventional or contractual subrogation in favor of the Program to allow the collection of funds which have been paid by the Program necessitated by the actions of some third party. Comments or objections, in writing, will be accepted by the Executive Director of the State Employees Group Benefits Program through April 3, 1983, at the following address: Dr. James D. McElveen, Executive Director, State Employees Group Benefits Program, Box 44036, Capitol Station, Baton Rouge, LA 70804.

The proposed Rule will add a new section designated as XII

of Article 4, page 50 of the Plan Document, as follows:
XII. SUBROGATION

Upon payment of any eligible benefits covered under this plan, the State Employees Group Benefits Program shall succeed and be subrogated to all the rights of recovery of the covered employee, his dependents or other covered persons, or their heirs or assigns, for whose benefit payment is made, and they shall execute and deliver instruments and papers and do whatever else is necessary to secure such rights, and shall do nothing after loss to prejudice such rights.

The Board of Trustees of the State Employees Group Benefits Program shall be entitled, to the extent of any payment made to a covered employee, his dependents or other covered persons, to the proceeds of any settlement or judgment that may result from the exercise of any rights of recovery of a covered employee, his dependents or other covered persons, against any person or entity legally responsible for the injury, sickness or condition for which said payment was made. To this end, covered employees, their dependents, or other covered persons agree to immediately notify the State Employees Group Benefits Program of any action taken to attempt to collect any sums against any person or entity responsible for the injury or sickness.

James D. McElveen
Executive Director

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

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
The costs of this agency will not be affected.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
Self-generated revenues will increase approximately \$125,000 during FY 83/84.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
The costs and benefits to affected groups will not be impacted.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
Competition and employment will not be affected.

James D. McElveen
Executive Director

Mark C. Drennen
Legislative Fiscal Officer

**NOTICE OF INTENT
Department of the Treasury
Bond Commission**

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:951 et seq., notice is hereby given that the Louisiana State Bond Commission intends to amend the Commission's Rules as originally adopted on November 20, 1976, and amended as of October 20, 1978, November 20, 1979, January 20, 1981, February 20, 1981, October 20, 1982 and November 20, 1982.

The Commission proposes to amend its Rules and Regulations regarding non-traditional tax-exempt bond issues as adopted

on November 12, 1979 by the State Bond Commission and published in the State Register on November 20, 1979 by adding the following proposed Rule:

(12) "Any applicant seeking the Commission's approval of a non-traditional application previously rejected by the Commission at a regular or special meeting shall only be docketed for reconsideration after meeting all applicable laws of the State of Louisiana and Rules, regulations, policies and procedures of the Commission."

The proposed Rule amendment will be made available for public inspection between the hours of 8 a.m. and 4:30 p.m. on any working day after March 20, 1983 at the Office of the State Bond Commission, Third Floor, State Capitol Building, Baton Rouge, Louisiana.

Interested persons may submit their views and opinions through April 4, 1983 to Thomas D. Burbank, Jr., Secretary and Director of the State Bond Commission, Third Floor, State Capitol Building, Box 44154, Baton Rouge, LA 70804. The State Bond Commission will hold a public hearing on April 5, 1983 at a time and place established in a notice posted twenty-four hours in advance.

The State Bond Commission shall prior to the adoption, amendment, or repeal of any Rule, afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing. In case of substantive Rules, opportunity for oral presentation or argument shall be granted if requested by twenty-five persons, by a governmental subdivision or agency, by an association having not less than twenty-five members, or by a committee of either house of the Legislature to which the proposed Rule change has been referred, as required under the provisions of Section 968 of Title 40.

At least eight working days prior to the meeting of the State Bond Commission at which a Rule or Rules are proposed to be adopted, amended or repealed, notice of an intention to make an oral or written presentation shall be given to the Director or Assistant Director of the State Bond Commission. If the presentation is to be oral, such notice shall contain the name or names, telephone numbers, and mailing addresses of the person or persons who will make such oral presentation, who they are representing, the estimated time needed for the presentation, and a brief summary of the presentation. Notice of such oral presentation may be sent to all State Bond Commission members prior to the meeting. If the presentation is to be written, such notice shall contain the name or names of the person or persons submitting such written statement, who they are representing, and a copy of the statement itself. Such written statement will be sent to all State Bond Commission members prior to the meeting.

The Commission shall consider all written and oral submissions concerning the proposed Rules. Upon adoption of a Rule, the Commission, if requested to do so by an interested person either prior to the adoption or within thirty days thereafter, shall issue a concise statement of the principal reasons for or against its adoption.

Thomas D. Burbank, Jr.
Director and Secretary

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

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
There will be no estimated implementation cost.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There will be no estimated effect on revenue collections.

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

Some additional costs would be required of the applications, however, this amount is undetermined.

Other interested parties and the public in general could benefit from additional public hearings involving the proposed projects.

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

The proposed Rule could afford potential competitors and the public in general an additional opportunity to be aware of proposed projects that might effect their business or community activities.

Thomas D. Burbank, Jr.
Director and Secretary

Mark C. Drennen
Legislative Fiscal Officer

Committee Reports

COMMITTEE REPORT

**House of Representatives
Committee on Commerce**

Honorable David C. Treen
Governor, State of Louisiana
State Capitol Building
Baton Rouge, Louisiana 70804

Dear Governor Treen:

This letter certifies the action disapproving the Proposed Rules LAC 11-9:5 Paragraphs B. and C. of the State Board of Certified Public Accountants of Louisiana by the Subcommittee on Executive Agency Oversight and Review of the House Committee on Commerce on February 7, 1983, at a public hearing. The Rule was first published in the January 20, 1983 issue of the *Louisiana Register*, page 16.

The members of the Subcommittee, acting on behalf of the full House Committee on Commerce (R.S. 49:968(D)) and the House of Representatives (R.S. 49:968(E)), disapproved the proposed Rule in question by a unanimous vote. With respect to the disapproved Rule LAC 11-9:5, Paragraphs B. and C., the subcommittee determined the following:

1. The proposed Rule is a new Rule to define the manner in which written advertisements, solicitations, and other public communications are permissible by certified public accountants in Louisiana.

2. The proposal in Paragraph B of Rule 5.5.5 requires a CPA to retain for three years all originals (or copies) of all mailed or delivered advertisements, solicitations and public communications and a list of all persons addressed for each such mailing or delivery.

3. Further, the proposal in Paragraph C of Rule 5.5.5 requires the same C.P.A. to transmit the same to the Board.

4. The Subcommittee doubted the means of enforcement of these two paragraphs as an effective tool to restrict uninvited mailings and deliveries.

5. The Subcommittee queried the representatives of the State Board of Certified Public Accountants of Louisiana about the cost of such proposed enforcement to the Board and to the public which it governs, C.P.A.s, and found their reply unsatisfactory.

6. The Louisiana Society of Certified Public Accountants through its president, Jake Netterville of Baton Rouge, appeared before the Subcommittee to object to the 3-year requirement as an unnecessary administrative burden.

7. Further, the requirement of sending in mailing lists was objectionable to the Society for the reason that a former client's name may remain on a mailing list and inadvertently be mailed an "uninvited" communique of some sort, causing a technical default of the Rule.

8. Finally, the Subcommittee remained convinced that the Board had existing Rules in order to police this Rule from violations of uninvited advertising and soliciting.

Rep. Eddie Doucet
Chairman, Subcommittee on
Executive Agency Oversight and
Review, House Committee on Commerce

COMMITTEE REPORT

**Department of Commerce
Office of Financial Institutions
Licensing of Small Business
Financing Companies**

Please be advised that Rep. Eddie Doucet, Chairman of the Subcommittee on Executive Agency Oversight of the House Committee on Commerce, has announced the approval of the Rules of the Office of Financial Institutions presented to the Subcommittee on Executive Agency Oversight on February 28, 1983. The subcommittee has received enough ballots to indicate majority approval.

Rep. Eddie Doucet
Chairman

COMMITTEE REPORT

**Department of Commerce
Racing Commission
LAC 11-6:25.27 Number of Entries**

Please be advised that Rep. Eddie Doucet, Chairman of the Subcommittee on Executive Agency Oversight of the House Committee on Commerce, has announced the approval of the Rules for the State Racing Commission presented to the Subcommittee on Executive Agency Oversight on February 28, 1983. The subcommittee has received enough ballots to indicate majority approval.

Rep. Eddie Doucet
Chairman

COMMITTEE REPORT

**House of Representatives
Committee on Commerce
Racing Commission**

Honorable David C. Treen
Governor, State of Louisiana
State Capitol Building
Baton Rouge, Louisiana 70804

Dear Governor Treen:

This letter certifies the action disapproving the Proposed

Rule change LAC 11-6:45.1 of the Louisiana State Racing Commission by the Subcommittee on Executive Agency Oversight and Review of the House Committee on Commerce on February 7, 1983 at a public hearing. The Rule was first published in the January 20, 1983, issue of the *Louisiana Register*, page 19.

The members of the Subcommittee, acting on behalf of the full House Committee on Commerce (R.S. 49:968(D)) and the House of Representatives (R.S. 49:968(E)), disapproved the proposed Rule in question by a favorable 5-to-0 vote. With respect to the disapproved Rule change LAC 11-6:45.1 the Subcommittee determined the following:

1. The Rule would amend a present Rule, designated as LAC 11-6:45.1, relative to the claiming of horses in a claiming race.

2. In this hearing on this proposed Rule change, the Subcommittee members felt that the proposed change would be too restrictive on who could claim a horse. Under current Commission Rules, anyone who claims a horse must already be registered with the Commission. The Subcommittee members felt that this was sufficient.

3. The proposed Rule change would have restricted the claiming of horses in claim races to those individuals who had registered for racing at that meeting and also started a horse at that meeting. The amendment *adds* the provision that the person making a claim must have also started a horse at the race meeting *at which the claim is made*.

4. Since there were no specific problems with the current Rule cited by the Commission, the Subcommittee judged that it would be detrimental to those persons attempting to enter the breeding and/or racing industry to approve this Rule change.

5. Because the Commission was represented by staff and that person was not authorized to withdraw the Rule, the Subcommittee had no recourse but to disapprove it.

Under the provisions of R.S. 49:968, you have until February 12, in which to consider the action of the Subcommittee and act on it. Attached as Attachment II is a statement of your action; please return it to the House Committee on Commerce.

Rep. Eddie Doucet
Chairman, Subcommittee on
Executive Agency Oversight and
Review, House Committee on Commerce

ACTION BY GOVERNOR

RE: Disapproval of Proposed Rule LAC 11-6:45.1 Adopted by the Louisiana State Racing Commission

I disapprove the action of the House Committee on Commerce, Subcommittee on Executive Agency Oversight and Review, with respect to the Proposed Rule LAC 11-6:45.1 as adopted by the Louisiana State Racing Commission

David C. Treen
Governor

February 11, 1983

COMMITTEE REPORT

House of Representatives Committee on Commerce

Please be advised that Rep. Eddie Doucet, Chairman of the Subcommittee on Executive Agency Oversight of the House Committee on Commerce, has announced the approval of your Rules

(Louisiana Small Business Equity Corporation) presented to the Subcommittee on Executive Agency Oversight on February 28, 1983. The subcommittee has received enough ballots to indicate majority approval.

Rep. Eddie Doucet
Chairman

Potpourri

POTPOURRI

Notice of Intent Department of Agriculture

The State Entomologist, State Department of Agriculture, in accordance with the authority contained in Section III of the Sweet Potato Weevil Quarantine and Regulation, gives notice that the following areas are declared to be under quarantine by the State Entomologist due to the presence or suspected presence of the sweet potato weevil:

Morehouse Parish

Robert Fleming, Section 18, T21N, R6E; Mrs. T. D. Braswell, Section 5, T21N, R6E; Elda Goudeaux, Section 6, T21N, R5E; Vernon Stevens, Section 32, T21N, R6E; Charles Dumas, Section 6, T21N, R6E; Mrs. C. B. Cunningham, Section 4, T21N, R6E; David Afford, Section 31, T20N, R5E; Nathan Harden, Section 31, T20N, R5E.

Bob Odom
Commissioner

POTPOURRI

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, hereby gives notice that copies of Notices of Intent and Fiscal and Economic Impact Statements will be available for public inspection during normal working hours at the following locations:

Orleans Regional Office 731 St. Charles St. New Orleans, LA 70130	Baton Rouge Regional Office 2843 Victoria Drive Baton Rouge, LA 70805
Thibodaux Regional Office 1000-A Plantation Road Thibodaux, LA 70302	Lafayette Regional Office 302 Jefferson St. Lafayette, LA 70501
Lake Charles Regional Office 710 Ryan St. Lake Charles, LA 70601	Alexandria Regional Office 900 Murray St. Alexandria, LA 71301
Shreveport Regional Office 1525 Fairfield Ave., Rm. 801 Shreveport, LA 71130	Monroe Regional Office 122 St. John St., Rm. 450 Monroe, LA 71201
Acadia Parish OFS 614 North Avenue G Crowley, LA 70526-1060	Allen Parish OFS 609 8th Street Oberlin, LA 70655-0280

Ascension Parish OFS
204 Mississippi Street
Donaldsonville,
LA 70346-0590
Avoyelles Parish OFS
106 Tucker Street
Marksville, LA 71351-0133
Bienville Parish OFS
Highway 80 East
Arcadia, LA 71001-0598
Caddo Parish OFS
1525 Fairfield Avenue
Shreveport, LA 71130-9004
Caldwell Parish OFS
Comer Hill & Hwy. 165
Columbia, LA 71418-0898

Claiborne Parish OFS
500 N. Third Street
Homer, LA 71040-0210
DeSoto Parish OFS
405 Polk Street
Mansfield, LA 71052-0800
East Carroll Parish OFS
301 First Street
Lake Providence,
LA 71254-2697
Evangeline Parish OFS
410 W. LaSalle Street
Ville Platte, LA 70586

Grant Parish OFS
513 8th Street
Colfax, LA 71417-1499
Iberville Parish OFS
1110 Court St.
Plaquemine, LA 70764-0778
Jefferson-West Bank
Parish OFS
1111 Newton Street
Gretna, LA 70054-0070
Jefferson Davis Parish OFS
742 East Plaquemine Street
Jennings, LA 70546-0879
Lafourche Parish OFS
1000 B. Plantation Road
Thibodaux, LA 70302-0688

Lincoln Parish OFS
1305 Commerce St.
Ruston, LA 71270-1366
Madison Parish OFS
201 South Walnut St.
Tallulah, LA 71282-1560
Natchitoches Parish OFS
Sam Sibley St.
Natchitoches, LA 71457-0839
Ouachita Parish OFS
1306 North 19th Street
Monroe, LA 71210-1432
Pointe Coupee Parish OFS
120 Alamo Street
New Roads, LA 70760-0130

Assumption Parish OFS
Robin Street, Hwy. 308
Napoleonville,
LA 70390-0039
Beauregard Parish OFS
239 East First Street
DeRidder, LA 70634
Bossier Parish OFS
739 D Benton Road
Benton, LA 71006-0429
Calcasieu/Cameron
710 Ryan Street
Lake Charles, LA 70602
Catahoula Parish OFS
304 Mound St.
Jonesville, LA 71343-0306

Concordia Parish OFS
1001 S. Eleventh St.
Ferdiday, LA 71334-1631
East Baton Rouge
Parish OFS
1928 N. Riverside
Baton Rouge, LA 70821
East Feliciana Parish OFS
Highway 67
Clinton, LA 70722-0926
Franklin Parish OFS
2401 Loop Road
Winnsboro, LA 71295-0551

Iberia Parish OFS
209 Main Street
New Iberia, LA 70560-0015
Jackson Parish OFS
Bond Street
Jonesboro, LA 71251-0610
Jefferson-East Bank
Parish OFS
3229 36th Street
Metairie, LA 70004-0097
Lafayette Parish OFS
302 Jefferson St.
Lafayette, LA 70501-7096
LaSalle Parish OFS
Highway 127 South
Jena, LA 71342-1329

Livingston Parish OFS
351 South Magnolia St.
Livingston, LA 70754-0188
Morehouse Parish OFS
643 East Hickory
Bastrop, LA 71220-1098
Orleans Parish OFS
2601 Tulane Avenue
New Orleans, LA 70119
Plaquemines Parish OFS
2314 Belle Chasse Highway
Belle Chasse, LA 70037
Rapides Parish OFS
900 Murray Street
Alexandria, LA 71301-0137

Red River Parish OFS
1211 East Carroll
Coushatta, LA 71019-2009
Sabine Parish OFS
Highway 171 South
Many, LA 71449-0152
St. Charles Parish OFS
Highway 18
Hahnville, LA 70057-0453
St. James Parish OFS
800 Highway 3193
Lutcher, LA 70071
St. Landry Parish OFS
1283 Service Road, Hwy. 167
Opelousas, LA 70570-1060
St. Mary Parish OFS
604 Second Street
Franklin, LA 70538-5499
Tangipahoa Parish OFS
211 East Oak Street
Amite, LA 70422-0188
Terrebonne Parish OFS
101 West Main Street
Houma, LA 70361-2118
Vermilion Parish OFS
124 North State Street
Abbeville, LA 70510-0160
Washington Parish OFS
348 Jackson Street
Bogalusa, LA 70427-0760
West Baton Rouge Parish OFS
724 N. Jefferson Avenue
Port Allen, LA 70767-0560
West Feliciana Parish OFS
121 Parker Street
St. Francisville,
LA 70775-0280

Roger Guissinger
Secretary

Richland Parish OFS
105 S. Eugene
Rayville, LA 71269-0837
St. Bernard Parish OFS
96 Norton Avenue
Arabi, LA 70032-1897
St. Helena Parish OFS
Highway 10
Greensburg, LA 70441-0400
St. John Parish OFS
102 W. 4th Street
Reserve, LA 70084-0522
St. Martin Parish OFS
1109 South Main Street
St. Martinville,
LA 70582-0789
St. Tammany Parish OFS
Bogue Falaya Plaza
Covington, LA 70433-0788
Tensas Parish OFS
201 Newton Street
St. Joseph, LA 71366-6186
Union Parish OFS
108 Hill Street
Farmerville, LA 71241-0156
Vernon Parish OFS
104 Highway 1212
Leesville, LA 71446-0370
Webster Parish OFS
701 Main Street
Minden, LA 71055-1017
West Carroll Parish OFS
310 Skinner Lane
Oak Grove, LA 71263-0728
Winn Parish OFS
1408 E. Lafayette St.
Winnfield, LA 71483-0231

POTPOURRI

Department of Natural Resources Fishermen's Gear Compensation Fund Claims

In accordance with the provisions of the Fishermen's Gear Compensation Fund, Louisiana Revised Statutes 56:700.1 through 56:700.5, and in particular, Section 700.4 thereof; regulations adopted for the fund as published in the *Louisiana Register* on August 20, 1980; and also the Rules of the Secretary of this Department, notice is hereby given that 24 completed claims amounting to \$24,791.50 were received during the month of February, 1983. Seven claims, amounting to \$3,987.19 were paid during the month of February, 1983.

Public hearings to consider completed claims have been scheduled as follows:

Tuesday, April 5, 1983, at 10:30 a.m. in the L.S.U. Cooperative Extension Service Office, Greater Lafourche Port Commis-

sion Building, Highway 308, Galliano, LA, to consider payment of the following claims:

Claim No. 82-707 (Rescheduled)

Victor G. Boudreaux, of Golden Meadow, LA, while trawling on the vessel, "La Ladae a' Papa", in Belle Pass southwest of Bayou Fourchon, Lafourche Parish, encountered an unidentified submerged obstruction on October 7, 1982, at approximately 10 a.m., causing loss of his 40 foot trawl. Amount of Claim: \$625.87.
Claim No. 82-723

Herbert Charpentier, of Sea Durbin, Inc., Cut Off, LA, while trawling on the vessel, "Sea Durbin", in Lake Borgne at approximate LORAN-C coordinates of 28,824.0 and 47,012.3, St. Bernard Parish, encountered an unidentified submerged obstruction on September 8, 1982, at approximately 10:30 a.m., causing damage to his trawl. Amount of Claim: \$297.19.
Claim No. 82-727

Harry Cheramie, of Grand Isle, LA, while trawling on the vessel, "Lady Vessel", in the Gulf of Mexico west of Bayou Thunder von Tranc at approximate LORAN-C coordinates of 28,442.0 and 46,842.0, Jefferson Parish, encountered an unidentified submerged obstruction on October 24, 1982, at approximately 10 a.m., causing loss of his trawl and boards. Amount of Claim: \$1,055.45.
Claim No. 82-760

Chris A. Griffen, of Golden Meadow, LA, while trawling on the vessel, "Captain Chris", in Bayou Lafourche, Lafourche Parish, encountered an unidentified submerged obstruction on November 4, 1982, at approximately 10 a.m., causing loss of his 50 foot trawl and tickler chain. Amount of Claim: \$780.36.
Claim No. 82-768

Kearn Chouest, Sr., of L & K, Inc., Galliano, LA, while trawling on the vessel, "L & K", in Lake Borgne southeast of Grassy Island, St. Bernard Parish, encountered an unidentified submerged obstruction on November 16, 1982, at approximately 6 p.m., causing damage to his vessel. Amount of Claim: \$2,777.87.
Claim No. 82-777

Allen J. Gaudet, III, of Grand Isle, LA, while trawling on the vessel, "Captain Allen", in Caminada Pass, 200 feet from the Grand Isle Bridge, Jefferson Parish, encountered a submerged piling on November 4, 1982, at approximately 5 p.m., causing loss of his 60 foot trawl and cable. Amount of Claim: \$1,069.28.
Claim No. 82-798

Leo Paul Pitre, of Golden Meadow, LA, while trawling on the vessel, "Captain Leo", in Terrebonne Bay, near Caillou Island, Terrebonne Parish, encountered an unidentified submerged obstruction on December 1, 1982, at approximately 10 a.m., causing damage to two 50 foot trawls. Amount of Claim: \$543.36.
Claim No. 82-828

Woodrow Williams, of Golden Meadow, LA, while trawling on the vessel, "Kathy Ann", in the Gulf of Mexico west of Belle Pass, Lafourche Parish, encountered an unidentified submerged obstruction on February 12, 1983, at approximately 11:30 a.m., causing loss of his two 35 foot trawls and one 16 foot trawl. Amount of Claim: \$1,167.41.

Thursday, April 7, 1983 at 10:30 a.m. in the L.S.U. Cooperative Extension Office, 511 Roussel Street, Houma, LA, to consider payment of the following claims:

Claim No. 82-650

Willie Thibodeaux, Jr., of Houma, LA, while trawling on the vessel, "Lady Cristen", in the Gulf of Mexico at approximate LORAN-C coordinates of 27,733.0 and 46,887.0, Terrebonne Parish, encountered an unidentified submerged obstruction on September 2, 1982, at approximately 9 a.m., causing damage to

his trawl. Amount of Claim: \$328.95.

Claim No. 82-658

Auford J. Pierce, of Morgan City, LA, while trawling on the vessel, "Lady Lois", in West Cote Blanche Bay, St. Mary Parish, encountered an unidentified submerged obstruction on September 9, 1982, at approximately 4 p.m., causing loss to his 50 foot trawl. Amount of Claim: \$735.
Claim No. 82-721

Howard DeRouen of Howard Boat Co., Inc., New Iberia, LA, while trawling on the vessel, "Sea Breeze", in the Gulf of Mexico west of Southwest Pass at LORAN-C coordinates of 27,327.1 and 46,942.9, Vermilion Parish, encountered a submerged vessel on October 11, 1982, at approximately 10 p.m., causing damage to his vessel. Amount of Claim: \$3,934.54.
Claim No. 82-779

John William Armbruster, III, of Houma, LA, while trawling on the vessel, "Wendy Lynn", in the Gulf of Mexico at LORAN-C coordinates of 27,892.8 and 46,834.7, Terrebonne Parish, encountered an unidentified submerged obstruction on December 1, 1982, at approximately 4:30 p.m., causing damage to his trawl. Amount of Claim: \$370.
Claim No. 82-793

John A. Bergeron, of Lake Charles, LA, while trawling on the vessel, "Sylvia", in the Gulf of Mexico near Johnson Bayou, Cameron Parish, encountered an unidentified submerged obstruction on December 16, 1982, at approximately 12 noon, causing damage to his vessel, and loss of two trawls and related gear. Amount of Claim: \$3,830.
Claim No. 83-803

Ronald Gaspard, of Cameron, LA, while trawling on the vessel, "Captain Ronnie", in the Gulf of Mexico west of the Calcasiey Jetties, at approximate LORAN-C coordinates of 26,670.0 and 46,978.9, Cameron Parish, encountered an unidentified submerged obstruction on December 17, 1982, at approximately 10 a.m., causing damage to his vessel and loss of a 60 foot trawl. Amount of Claim: \$1,514.

Tuesday, April 12, 1983, at 10:30 a.m. in the Lafitte City Hall, Lafitte, LA, to consider payment of the following claims:

Claim No. 82-551

Darryl Joseph Frickey, of Westwego, LA, while trawling on the vessel, "Sinai", in the Gulf of Mexico east of Quatre Bayou Pass, Plaquemines Parish, encountered an unidentified submerged obstruction on June 12, 1982, at approximately 11 a.m., causing damage to his 59 foot trawl. Amount of Claim: \$469.79.
Claim No. 82-593

Lester Charles Arcement, of Lafitte, LA, while trawling on the vessel, "Charlie's Angels", in the Gulf of Mexico south of Beach Prong at LORAN-C coordinates of 26,899.6 and 46,966.9, Cameron Parish, encountered an unidentified submerged obstruction on July 26, 1982, causing loss of his trawl. Amount of Claim: \$650.95
Claim No. 82-598

Mark A. Delatte, of Marrero, LA, while trawling on the vessel, "Miss Kathy Ann", in Breton Sound at LORAN-C coordinates of 29,029.0 and 46,922.0, St. Bernard Parish, encountered a submerged drilling location on August 15, 1982, at approximately 9 p.m., causing damage to his 40 foot trawl. Amount of Claim: \$250.
Claim No. 82-599

Earnest J. Cantrell, Sr., of Lafitte, LA, while trawling on the vessel, "Hustler", in Breton Sound at LORAN-C coordinates of 28,950.0 and 46,922.0, Plaquemines Parish, encountered submerged pilings on July 24, 1982, at approximately 1:30 a.m., causing damage to his 57 foot trawl. Amount of Claim: \$1,167.20.

Claim No. 82-697

Floyd Robin, of Lafitte, LA, while trawling on the vessel "Lady Bea", in Vermilion Bay south of the Avery Canal, Iberia Parish, encountered a submerged piece of steel on October 4, 1982 at approximately 4 p.m., causing damage to his 50 foot trawl. Amount of Claim: \$435.

Claim No. 82-703

Dwayne Fails, of Harvey, LA, while trawling on the vessel, "Nancy Lynn", in the western end of Christmas Camp Lake, St. Bernard Parish, encountered a submerged piece of pipe on October 11, 1982, at approximately 9 a.m., causing loss of his 49 foot trawl. Amount of Claim: \$810.

Claim No. 82-704

Dwayne Fails, of Harvey, LA, while trawling on the vessel, "Nancy Lynn", in Breton Sound south of Point Chicot, at LORAN-C coordinates of 29,090.8 and 46,958.2, St. Bernard Parish, encountered an unidentified submerged obstruction on October 5, 1982, at approximately 2 p.m., causing loss of his 50 foot trawl. Amount of Claim: \$939.06.

Claim No. 82-713

Timothy Maise, of Lafitte, LA, while trawling on the vessel, "Moonlight Lady", in Barataria Bay east of St. Marys Point, Plaquemines Parish, encountered an unidentified submerged obstruction on October 22, 1982, causing loss of his two 50 foot trawls. Amount of Claim: \$648.84.

Claim No. 82-756

Darryl Frickey, of Westwego, LA, while trawling on the vessel, "Sinai", in the Gulf of Mexico near Pass la Grasse, at approximate LORAN-C coordinates of 28,813.0 and 46,802.5, Plaquemines Parish, encountered an unidentified submerged obstruction on November 9, 1982, at approximately 11:20 p.m., causing damage to his 60 foot trawl. Amount of Claim: \$467.22.

Claim No. 82-767

Clarence R. Guidry, of Lafitte, LA, while trawling on the vessel, "Captain Roscoe", in the Gulf of Mexico between South Pass and Southeast Pass at LORAN-C coordinates of 28,992.2 and 46,779.3, Plaquemines Parish, encountered an unidentified submerged obstruction on November 18, 1982, at approximately 3:30 p.m., causing damage to his trawl. Amount of Claim: \$464.70.

Claim No. 82-794

Bennie A. Trosclair, of Marrero, LA, while trawling on the vessel, "Lady Nellie", in the Gulf of Mexico at LORAN-C coordinates of 28,640.0 and 46,870.3, Plaquemines Parish, encountered an unidentified submerged obstruction on December 17, 1982, at approximately 1 p.m., causing damage to his trawl. Amount of Claim: \$306.10.

Claim No. 82-796

Lary L. Mooty, of Lafitte, LA, while trawling on the vessel, "Fisherman", in the Gulf of Mexico south of Shell Keys at LORAN-C coordinates of 27,435.5 and 46,909.8, Iberia Parish, encountered a submerged piece of pipe on December 16, 1982, at approximately 12 p.m., causing loss of one 65 foot trawl, try net and try net doors. Amount of Claim: \$1,763.31.

Claim No. 83-804

Arthur E. Plaisance, of Westwego, LA, while trawling on the vessel, "Lil Arthur", in the Gulf of Mexico west of Chalant Pass at LORAN-C coordinates of 28,676.9 and 46,867.5, Plaquemines Parish, encountered an unidentified submerged obstruction on December 2, 1982, at approximately 10 a.m., causing damage to his trawl. Amount of Claim: \$483.84

Claim No. 83-805

Arthur E. Plaisance, of Westwego, LA, while trawling on the vessel, "Lil Arthur", in the Gulf of Mexico south of Bay la Mer, at LORAN-C coordinates 28,667.1 and 46,869.0, Plaquemines

Parish, encountered an unidentified submerged obstruction on December 16, 1982, at approximately 4 p.m., causing damage to his trawl. Amount of claim: \$495.25.

Thursday, April 14, 1983, at 10:30 a.m. in the Police Jury Office, 8201 West Judge Perez Drive in Chalmette, LA, to consider payment of the following claims:

Claim No. 82-693

Wilson Assavado, of St. Bernard, LA, while trawling on the vessel, "Mitzi Lynn", in Lake Borgne east of Proctor Point, at approximate LORAN-C coordinates of 28,901.0 and 47,013.7, St. Bernard Parish, encountered an unidentified submerged obstruction on September 11, 1982, at approximately 2:30 p.m., causing loss of his 50 foot trawl. Amount of Claim: \$620.

Claim No. 82-724

Wilson Melerine, Jr., of Chalmette, LA, while trawling on the vessel, "LA-1403-AP", in Lake Fortuna, St. Bernard Parish, encountered a submerged platform on October 18, 1982, at approximately 9:30 a.m., causing loss of his 48 foot trawl. Amount of Claim: \$580.

Claim No. 82-725

C. J. Choina, of New Orleans, LA, while returning from trawling on the vessel, "Honky Cat", in Bayou La Loutre, St. Bernard Parish, encountered an unidentified submerged obstruction on October 28, 1982, at approximately 12:30 p.m., causing damage to his vessel. Amount of Claim: \$1,621.

Claim No. 82-733

Peter Gerica, of New Orleans, LA, while trawling on the vessel, "Miss Lucy", in Lake Pontchartrain at approximate LORAN-C coordinates of 28,669.5 and 47,046.8, Jefferson Parish, encountered an unidentified submerged obstruction on October 28, 1982, at approximately 9 a.m., causing damage to his trawl. Amount of Claim: \$175.

Claim No. 82-734

Peter Gerica, of New Orleans, LA, while trawling on the vessel, "Miss Lucy", in Lake Pontchartrain at approximate LORAN-C coordinates of 28,787.0 and 47,045.8, Orleans Parish, encountered an unidentified submerged obstruction on October 30, 1982, at approximately 2 p.m., causing damage to his trawl. Amount of Claim: \$300.

Claim No. 82-736

Rodney Weiskopf, of Braithwaite, LA, while trawling on the vessel, "Kurt and Gene", in Eloi Bay north of Deadman Island, St. Bernard Parish, encountered an unidentified submerged obstruction on November 1, 1982, at approximately 2 p.m., causing loss of his trawl. Amount of Claim: \$734.15.

Claim No. 82-746

Stanley Weiskopf, of Braithwaite, LA, while trawling on the vessel, "Karen Susan", in Eloi Bay northeast of Deadman Island, St. Bernard Parish, encountered an unidentified submerged obstruction on October 16, 1982, at approximately 2:30 a.m., causing loss of this trawl. Amount of Claim: \$816.

Claim No. 82-747

Domingo Rano, of Ycloskey, LA, while trawling on the vessel, "Captain Mingo", in Eloi Bay southwest of Deadman Island at approximate LORAN-C coordinates of 29,022.0 and 46,961.8, St. Bernard Parish, encountered a submerged section of pipe on October 15, 1982, at approximately 9:45 a.m., causing loss of his 45 foot trawl. Amount of Claim: \$665.

Claim No. 82-748

Domingo Rano, of Ycloskey, LA, while trawling on the vessel, "Captain Mingo", in Eloi Bay approximately 1500 feet east of Deadman Island, St. Bernard Parish, encountered a submerged section of steel pipe on October 18, 1982, at approximately 3:20 p.m., causing loss of his 45 foot trawl. Amount of Claim: \$665.

Claim No. 82-750

Malcolm Assevado, of Ycloskey, LA, while trawling on the vessel, "Lady Cynthia", in Eloi Bay east of Deadman Island, St. Bernard Parish, encountered a submerged piling on November 8, 1982, at approximately 12 noon, causing loss of his 45 foot trawl. Amount of Claim: \$675.

Claim No. 82-751

Malcolm Assevado, of Ycloskey, LA, while trawling on the vessel, "Lady Cynthia," in Breton Sound south of the Ship Channel, St. Bernard Parish, encountered an unidentified submerged obstruction on November 11, 1982, at approximately 2 p.m., causing loss of his 45 foot trawl and tickler chain. Amount of Claim: \$704.15.

Claim No. 82-673

Randy Slavich, of Chalmette, LA, will dredging for oysters on the vessel, "Lady Susan", in Lake Machias, St. Bernard Parish, encountered an unidentified submerged obstruction on November 17, 1982, at approximately 10:30 a.m., causing damage to his vessel. Amount of Claim: \$3,933.17.

Claim No. 82-765

Louis F. Molero, Jr., of St. Bernard, LA, while trawling on the vessel, "Captain Jim", in Eloi Bay east of Deadman Island, St. Bernard Parish, encountered a submerged section of pipe on November 3, 1982, at approximately 10:30 a.m., causing loss of his trawl. Amount of Claim: \$693.45.

Claim No. 82-780

Frank J. Campo, Jr., of Shell Beach, LA, while returning from trawling on the vessel, "Brandy Michelle", in Bayou Grand Caillou south of Dulac, LA, Terrebonne Parish, encountered a submerged log on November 22, 1982, at approximately 10:30 a.m., causing damage to his vessel. Amount of Claim: \$1,518.

Any written objections to these claims must be received by the close of business the day prior to the hearings at the following address: Frank P. Simoneaux, Secretary, Department of Natural Resources, Box 44396, Capitol Station, Baton Rouge, LA 70804.

At the hearings, any person may submit evidence on any phase of the claims being considered.

Frank P. Simoneaux
Secretary

POTPOURRI

Department of Natural Resources Office of Conservation Underground Injection Control Division

Docket Number UIC 83-6

In accordance with the laws of the State of Louisiana, and with particular reference to the provisions of LRS 30:4, notice is hereby given that the Commissioner of Conservation will conduct a public hearing at 11 a.m., Thursday, April 21, 1983, in the Police Jury Meeting Room of the LaSalle Parish Courthouse in Jena, LA.

At such hearing the Commissioner of Conservation or his designated representative will hear testimony relative to the application of T & G Salvage, Inc., Box 99, Gretna, LA 70053. The applicant intends to operate a commercial salt water disposal well and facility in Section 5, Township 7 North, Range 3 East, LaSalle Parish, LA, and inject into the subsurface salt water generated from oil and gas production.

Prior to authorizing the use of this well for disposal of salt water, the Commissioner of Conservation must find that the applicant has met all the requirements of Statewide Order No. 29-B (August 1,

1943, as amended).

The application is available for inspection by notifying Carroll D. Wascom, Office of Conservation, Underground Injection Control (UIC) Division, Room 228, of the Natural Resources Building, 625 North 4th St., Baton Rouge, LA, or by contacting the LaSalle Parish Police Jury Office.

All interested persons will be afforded an opportunity to present data, views or arguments, orally or in writing, at said public hearing. Written comments which will not be presented at the hearing must be received no later than 5 p.m., Tuesday, April 26, 1983, at the Baton Rouge Office. Comments should be directed to: Commissioner of Conservation, Box 44275, Baton Rouge, LA 70804. Re: Docket No. UIC 83-6, Commercial Salt Water Disposal Well, LaSalle Parish.

Patrick H. Martin
Commissioner

POTPOURRI

Department of Natural Resources Office of Conservation Underground Injection Control Division

Docket Number UIC 83-5

In accordance with the laws of the State of Louisiana, and with particular reference to the provisions of LRS 30:4, notice is hereby given that the Commissioner of Conservation will conduct a public hearing at 11 a.m., Wednesday, April 20, 1983, in the Sugar Patch Room of the Ramada Inn West, located at the corner of I-10 and La. Hwy. 415, Port Allen, LA.

At such hearing the Commissioner of Conservation or his designated representative will hear testimony relative to the application of Tuscaloosa Disposal Corporation, Box 51675, OCS, Lafayette, LA 70505, formerly advertised as Harold Morris, 6200 Rougon Rd., Port Allen, LA 70767. The applicant intends to operate a commercial salt water disposal well and facility in Section 82, Township 6 South, Range 11 East, West Baton Rouge Parish, LA, and inject into the subsurface salt water generated from oil and gas production.

Prior to authorizing the use of this well for disposal of salt water, the Commissioner of Conservation must find that the applicant has met all the requirements of Statewide Order No. 29-B (August 1, 1943, as amended).

The application is available for inspection by notifying Carroll D. Wascom, Jr., Office of Conservation, Underground Injection Control (UIC) Division, Room 228, of the Natural Resources Building, 625 North 4th St., Baton Rouge, LA, or by contacting the West Baton Rouge Parish Police Jury Office in Port Allen.

All interested persons will be afforded an opportunity to present data, views or arguments, orally or in writing, at said public hearing. Written comments which will not be presented at the hearing must be received no later than 5 p.m., April 25, 1983, at the Baton Rouge Office. Comments should be directed to: Commissioner of Conservation, Box 44275, Baton Rouge, LA 70804. Re: Docket No. UIC 83-5, Commercial Salt Water Disposal Well, West Baton Rouge Parish.

Patrick H. Martin
Commissioner

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 assessment and the degree of uniformity of assessment for Commercial Improvements in each parish throughout the state for the tax year 1982 (Orleans 1983). 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	13.5	14.1	18.9
Allen	14.3	15.0	7.9
Ascension	14.0	14.8	10.2
Assumption	14.8	15.0	1.4
Avoyelles	14.4	14.5	8.1
Beauregard	13.8	13.8	8.9
Bienville	15.0	15.0	3.5
Bossier	14.8	14.6	9.8
Caddo	15.0	15.0	2.0
Calcasieu	13.8	13.9	19.2
Caldwell	14.2	14.0	5.1
Cameron	13.5	13.5	11.8
Catahoula	14.1	15.0	9.5
Claiborne	14.8	14.8	5.0
Concordia	14.6	14.8	3.2
DeSoto	14.1	14.0	3.8
East Baton Rouge	14.9	14.9	5.3
East Carroll	14.1	14.9	9.8
East Feliciana	14.3	14.6	5.8
Evangeline	13.9	13.6	14.1
Franklin	14.7	14.7	4.3
Grant	13.9	14.2	6.0
Iberia	13.8	14.1	14.0
Iberville	14.0	14.3	12.9
Jackson	14.6	14.6	5.3
Jefferson	15.5	15.5	11.9
Jefferson Davis	15.0	15.0	3.0
Lafayette	14.1	14.6	16.0
Lafourche	13.3	13.9	14.3
LaSalle	14.5	14.8	6.8
Lincoln	14.6	14.5	6.2
Livingston	13.4	13.9	16.0
Madison	14.5	15.0	7.1
Morehouse	14.8	14.8	5.2
Natchitoches	14.7	14.4	5.8
Orleans			
1st M.D.	7.3	7.3	40.7
2nd M.D.	12.6	13.8	18.6
3rd M.D.	13.0	13.7	9.0
4th M.D.	14.9	14.9	2.5
5th M.D.	14.7	14.3	13.8
6th M.D.	15.1	15.0	9.3
7th M.D.	13.0	14.1	16.4
Ouachita	14.5	14.6	6.8
Plaquemines	15.6	15.1	6.9
Pointe Coupee	14.7	14.7	6.2
Rapides	15.0	15.1	6.8
Red River	14.7	14.9	4.3
Richland	14.9	14.9	5.3
Sabine	15.1	15.0	8.5
St. Bernard	14.3	14.9	14.8

St. Charles	13.4	13.5	16.3
St. Helena	9.8	9.1	38.8
St. James	13.9	14.5	12.6
St. John			
the Baptist	14.0	14.5	7.8
St. Landry	14.2	13.6	18.8
St. Martin	14.4	14.6	17.9
St. Mary	14.0	15.0	19.5
St. Tammany	14.8	15.0	2.4
Tangipahoa	14.9	15.2	5.0
Tensas	15.0	15.1	6.7
Terrebonne	13.4	13.8	12.8
Union	15.0	14.9	5.0
Vermilion	14.4	14.8	9.3
Vernon	14.7	14.6	9.2
Washington	11.4	11.0	16.4
Webster	14.1	14.8	7.5
West Baton Rouge	15.0	15.0	5.4
West Carroll	14.8	14.8	5.5
West Feliciana	14.3	14.6	8.6
Winn	14.4	14.4	4.7

J. Reginald Coco, Jr.
Chairman

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